

HB3249



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3249

by Rep. Gregory Harris

SYNOPSIS AS INTRODUCED:

See Index

Creates the First 2019 General Revisory Act. Combines multiple versions of Sections amended by more than one Public Act. Renumbers Sections of various Acts to eliminate duplication. Corrects obsolete cross-references and technical errors. Makes stylistic changes. Effective immediately.

LRB101 07760 AMC 52809 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

A BILL FOR

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

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

5 Section 1. Nature of this Act.

6 (a) This Act may be cited as the First 2019 General
7 Revisory Act.

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

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 In certain cases in which a repealed Act or Section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16 incorporate amendments to the repealed Act or Section into the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

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

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

4 (d) Public Acts 100-534 through 100-1177 were considered in
5 the preparation of the combining revisories included in this
6 Act. Many of those combining revisories contain no striking or
7 underscoring because no additional changes are being made in
8 the material that is being combined.

9 Section 5. The Regulatory Sunset Act is amended by changing
10 Sections 4.29 and 4.39 as follows:

11 (5 ILCS 80/4.29)

12 Sec. 4.29. Act ~~Acts~~ repealed on December 31, 2019. The
13 following Act is repealed on December 31, 2019:

14 The Medical Practice Act of 1987.

15 (Source: P.A. 100-429, eff. 8-25-17; 100-716, eff. 8-3-18;
16 100-796, eff. 8-10-18; revised 9-6-18.)

17 (5 ILCS 80/4.39)

18 Sec. 4.39. Acts ~~Act~~ repealed on January 1, 2029 and
19 December 31, 2029.

20 (a) The following Act is repealed on January 1, 2029:

21 The Environmental Health Practitioner Licensing Act.

22 (b) The following Act is repealed on December 31, 2029:

23 The Structural Pest Control Act.

1 (Source: P.A. 100-716, eff. 8-3-18; 100-796, eff. 8-10-18;
2 revised 9-6-18.)

3 Section 10. The Illinois Administrative Procedure Act is
4 amended by changing Sections 5-30, 10-25, 10-50, and 10-75 as
5 follows:

6 (5 ILCS 100/5-30) (from Ch. 127, par. 1005-30)

7 Sec. 5-30. Regulatory flexibility. When an agency proposes
8 a new rule or an amendment to an existing rule that may have an
9 impact on small businesses, not for profit corporations, or
10 small municipalities, the agency shall do each of the
11 following:

12 (a) The agency shall consider each of the following
13 methods for reducing the impact of the rulemaking on small
14 businesses, not for profit corporations, or small
15 municipalities. The agency shall reduce the impact by
16 utilizing one or more of the following methods if it finds
17 that the methods are legal and feasible in meeting the
18 statutory objectives that are the basis of the proposed
19 rulemaking.

20 (1) Establish less stringent compliance or
21 reporting requirements in the rule for small
22 businesses, not for profit corporations, or small
23 municipalities.

24 (2) Establish less stringent schedules or

1 deadlines in the rule for compliance or reporting
2 requirements for small businesses, not for profit
3 corporations, or small municipalities.

4 (3) Consolidate or simplify the rule's compliance
5 or reporting requirements for small businesses, not
6 for profit corporations, or small municipalities.

7 (4) Establish performance standards to replace
8 design or operational standards in the rule for small
9 businesses, not for profit corporations, or small
10 municipalities.

11 (5) Exempt small businesses, not for profit
12 corporations, or small municipalities from any or all
13 requirements of the rule.

14 (b) Before or during the notice period required under
15 subsection (b) of Section 5-40, the agency shall provide an
16 opportunity for small businesses, not for profit
17 corporations, or small municipalities to participate in
18 the rulemaking process. The agency shall utilize one or
19 more of the following techniques. These techniques are in
20 addition to other rulemaking requirements imposed by this
21 Act or by any other Act.

22 (1) The inclusion in any advance notice of possible
23 rulemaking of a statement that the rule may have an
24 impact on small businesses, not for profit
25 corporations, or small municipalities.

26 (2) The publication of a notice of rulemaking in

1 publications likely to be obtained by small
2 businesses, not for profit corporations, or small
3 municipalities.

4 (3) The direct notification of interested small
5 businesses, not for profit corporations, or small
6 municipalities.

7 (4) The conduct of public hearings concerning the
8 impact of the rule on small businesses, not for profit
9 corporations, or small municipalities.

10 (5) The use of special hearing or comment
11 procedures to reduce the cost or complexity of
12 participation in the rulemaking by small businesses,
13 not for profit corporations, or small municipalities.

14 (c) Prior to the filing for publication in the Illinois
15 Register of any proposed rule or amendment that may have an
16 adverse impact on small businesses, each agency must
17 prepare an economic impact analysis which shall be filed
18 with the proposed rule and publicized in the Illinois
19 Register together with the proposed rule. The economic
20 impact analysis shall include the following:

21 (1) An identification of the types and estimate of
22 the number of the small businesses subject to the
23 proposed rule or amendment. The agency shall identify
24 the types of businesses subject to the proposed rule
25 using the following 2-digit codes from the North
26 American Industry Classification System (NAICS):

- 1 11 Agriculture, Forestry, Fishing and Hunting.
2 21 Mining.
3 22 Utilities.
4 23 Construction.
5 31-33 Manufacturing.
6 42 Wholesale Trade.
7 44-45 Retail Trade.
8 48-49 Transportation and Warehousing.
9 51 Information.
10 52 Finance and Insurance.
11 53 Real Estate Rental and Leasing.
12 54 Professional, Scientific, and Technical
13 Services.
14 55 Management of Companies and Enterprises.
15 56 Administrative and Support and Waste
16 Management and Remediation Services.
17 61 Educational Services.
18 62 Health Care and Social Assistance.
19 71 Arts, Entertainment, and Recreation.
20 72 Accommodation and Food Services.
21 81 Other Services (except Public
22 Administration).
23 92 Public Administration.

24 The agency shall also identify the impact of the
25 proposed rule by identifying as many of the following
26 categories that the agency reasonably believes the

1 proposed rule will impact:

2 A. Hiring and additional staffing.

3 B. Regulatory requirements.

4 C. Purchasing.

5 D. Insurance changes.

6 E. Licensing fees.

7 F. Equipment and material needs.

8 G. Training requirements.

9 H. Recordkeeping ~~Record-keeping~~.

10 I. Compensation and benefits.

11 J. Other potential impacted categories.

12 (2) The projected reporting, recordkeeping, and
13 other administrative costs required for compliance
14 with the proposed rule or amendment, including the type
15 of professional skills necessary for preparation of
16 the report or record.

17 (3) A statement of the probable positive or
18 negative economic effect on impacted small businesses.

19 (4) A description of any less intrusive or less
20 costly alternative methods of achieving the purpose of
21 the proposed rule or amendment. The alternatives must
22 be consistent with the stated objectives of the
23 applicable statutes and the proposed rulemaking.

24 The Department of Commerce and Economic Opportunity
25 shall place notification of all proposed rules affecting
26 small business on its website. The notification shall

1 include the information provided by the agency under this
2 subsection (c) together with the summary of the proposed
3 rule published by the Joint Committee on Administrative
4 Rules in the Flinn Report.

5 The Business Assistance Office shall prepare an impact
6 analysis of the rule or amendment describing its effect on
7 small businesses whenever the Office believes, in its
8 discretion, that an analysis is warranted or whenever
9 requested to do so by 25 interested persons, an association
10 representing at least 100 interested persons, the
11 Governor, a unit of local government, or the Joint
12 Committee on Administrative Rules. The impact analysis
13 shall be completed before or within the notice period as
14 described in subsection (b) of Section 5-40. Upon
15 completion of any analysis in accordance with this
16 subsection (c), the preparing agency or the Business
17 Assistance Office shall submit the analysis to the Joint
18 Committee on Administrative Rules, to any interested
19 person who requested the analysis, and, if the agency
20 prepared the analysis, to the Business Assistance Office.

21 For purposes of this subsection (c), "small business"
22 means a business with fewer than 50 full-time employees or
23 less than \$4,000,000 in gross annual sales.

24 This subsection does not apply to rules and standards
25 described in paragraphs (1) through (5) of subsection (c)
26 of Section 1-5.

1 (Source: P.A. 100-688, eff. 1-1-19; revised 10-10-18.)

2 (5 ILCS 100/10-25) (from Ch. 127, par. 1010-25)

3 Sec. 10-25. Contested cases; notice; hearing.

4 (a) In a contested case, all parties shall be afforded an
5 opportunity for a hearing after reasonable notice. The notice
6 shall be served personally, by certified or registered mail, by
7 email as provided by Section 10-75, or as otherwise provided by
8 law upon the parties or their agents appointed to receive
9 service of process and shall include the following:

10 (1) A statement of the time, place, and nature of the
11 hearing.

12 (2) A statement of the legal authority and jurisdiction
13 under which the hearing is to be held.

14 (3) A reference to the particular Sections of the
15 substantive and procedural statutes and rules involved.

16 (4) Except where a more detailed statement is otherwise
17 provided for by law, a short and plain statement of the
18 matters asserted, the consequences of a failure to respond,
19 and the official file or other reference number.

20 (5) To the extent such information is available, the
21 names, phone numbers, email addresses, and mailing
22 addresses of the administrative law judge, or designated
23 agency contact, the parties, and all other persons to whom
24 the agency gives notice of the hearing unless otherwise
25 confidential by law.

1 (b) An opportunity shall be afforded all parties to be
2 represented by legal counsel and to respond and present
3 evidence and argument.

4 (c) Unless precluded by law, disposition may be made of any
5 contested case by stipulation, agreed settlement, consent
6 order, or default.

7 (Source: P.A. 100-880, eff. 1-1-19; revised 10-10-18.)

8 (5 ILCS 100/10-50) (from Ch. 127, par. 1010-50)

9 Sec. 10-50. Decisions and orders.

10 (a) A final decision or order adverse to a party (other
11 than the agency) in a contested case shall be in writing or
12 stated in the record. A final decision shall include findings
13 of fact and conclusions of law, separately stated. Findings of
14 fact, if set forth in statutory language, shall be accompanied
15 by a concise and explicit statement of the underlying facts
16 supporting the findings. If, in accordance with agency rules, a
17 party submitted proposed findings of fact, the decision shall
18 include a ruling upon each proposed finding. Parties or their
19 agents appointed to receive service of process shall be
20 notified either personally, by registered or certified mail, ~~or~~
21 by email as provided by Section 10-75, or as otherwise provided
22 by law. Upon request a copy of the decision or order shall be
23 delivered or mailed forthwith to each party and to his attorney
24 of record.

25 (b) All agency orders shall specify whether they are final

1 and subject to the Administrative Review Law. Every final order
2 shall contain a list of all parties of record to the case
3 including the name and address of the agency or officer
4 entering the order and the addresses of each party as known to
5 the agency where the parties may be served with pleadings,
6 notices, or service of process for any review or further
7 proceedings. Every final order shall also state whether the
8 rules of the agency require any motion or request for
9 reconsideration and cite the rule for the requirement. The
10 changes made by this amendatory Act of the 100th General
11 Assembly apply to all actions filed under the Administrative
12 Review Law on or after the effective date of this amendatory
13 Act of the 100th General Assembly.

14 (c) A decision by any agency in a contested case under this
15 Act shall be void unless the proceedings are conducted in
16 compliance with the provisions of this Act relating to
17 contested cases, except to the extent those provisions are
18 waived under Section 10-70 and except to the extent the agency
19 has adopted its own rules for contested cases as authorized in
20 Section 1-5.

21 (Source: P.A. 100-212, eff. 8-18-17; 100-880, eff. 1-1-19;
22 revised 10-10-18.)

23 (5 ILCS 100/10-75)

24 Sec. 10-75. Service by email.

25 (a) The following requirements shall apply for consenting

1 to accept service by email:

2 (1) At any time either before or after its issuance of
3 a hearing notice as described in Section 10-25, an agency
4 may require any attorney representing a party to the
5 hearing to provide one or more email addresses at which he
6 or she ~~they~~ shall accept service of documents described in
7 Sections 10-25 and 10-50 in connection with the hearing. A
8 party represented by an attorney may provide the email
9 address of the attorney.

10 (2) To the extent a person or entity is subject to
11 licensure, permitting, or regulation by the agency, or
12 submits an application for licensure or permitting to the
13 agency, that agency may require, as a condition of such
14 application, licensure, permitting, or regulation, that
15 such persons or entities consent to service by email of the
16 documents described in Sections 10-25 and 10-50 for any
17 hearings that may arise in connection with such
18 application, licensure or regulation, provided that the
19 agency: (i) requires that any person or entity providing
20 such an email address update that email address if it is
21 changed; and (ii) annually verifies that email address.

22 (3) At any time either before or after its issuance of
23 a hearing notice as described in Section 10-25, an agency
24 may request, but not require, an unrepresented party that
25 is not subject to paragraph (2) of this subsection (a) to
26 consent to accept service by email of the documents

1 described in Sections 10-25 and 10-50 by designating an
2 email address at which they will accept service.

3 (4) Any person or entity who submits an email address
4 under this Section shall also be given the option to
5 designate no more than two secondary email addresses at
6 which the person or entity consents to accept service,
7 provided that, if any secondary email address is
8 designated, an agency must serve the documents to both the
9 designated primary and secondary email addresses.

10 (b) Notwithstanding any party's consent to accept service
11 by email, no document described in Section ~~Sections~~ 10-25 or
12 10-50 may be served by email to the extent the document
13 contains:

14 (1) a Social Security or individual taxpayer
15 identification number;

16 (2) a driver's license number;

17 (3) a financial account number;

18 (4) a debit or credit card number;

19 (5) any other information that could reasonably be
20 deemed personal, proprietary, confidential, or trade
21 secret information; or

22 (6) any information about or concerning a minor.

23 (c) Service by email is deemed complete on the day of
24 transmission. Agencies that use email to serve documents under
25 Sections 10-25 and 10-50 shall adopt rules that specify the
26 standard for confirming delivery, and in failure to confirm

1 delivery, what steps the agency will take to ensure that
2 service by email or other means is accomplished.

3 (d) This Section shall not apply with respect to any
4 service of notice other than under this Act.

5 (Source: P.A. 100-880, eff. 1-1-19; revised 10-10-18.)

6 Section 15. The Freedom of Information Act is amended by
7 changing Sections 3 and 7.5 as follows:

8 (5 ILCS 140/3) (from Ch. 116, par. 203)

9 Sec. 3. (a) Each public body shall make available to any
10 person for inspection or copying all public records, except as
11 otherwise provided in Sections 7 and 8.5 of this Act.
12 Notwithstanding any other law, a public body may not grant to
13 any person or entity, whether by contract, license, or
14 otherwise, the exclusive right to access and disseminate any
15 public record as defined in this Act.

16 (b) Subject to the fee provisions of Section 6 of this Act,
17 each public body shall promptly provide, to any person who
18 submits a request, a copy of any public record required to be
19 disclosed by subsection (a) of this Section and shall certify
20 such copy if so requested.

21 (c) Requests for inspection or copies shall be made in
22 writing and directed to the public body. Written requests may
23 be submitted to a public body via personal delivery, mail,
24 telefax, or other means available to the public body. A public

1 body may honor oral requests for inspection or copying. A
2 public body may not require that a request be submitted on a
3 standard form or require the requester to specify the purpose
4 for a request, except to determine whether the records are
5 requested for a commercial purpose or whether to grant a
6 request for a fee waiver. All requests for inspection and
7 copying received by a public body shall immediately be
8 forwarded to its Freedom of Information officer or designee.

9 (d) Each public body shall, promptly, either comply with or
10 deny a request for public records within 5 business days after
11 its receipt of the request, unless the time for response is
12 properly extended under subsection (e) of this Section. Denial
13 shall be in writing as provided in Section 9 of this Act.
14 Failure to comply with a written request, extend the time for
15 response, or deny a request within 5 business days after its
16 receipt shall be considered a denial of the request. A public
17 body that fails to respond to a request within the requisite
18 periods in this Section but thereafter provides the requester
19 with copies of the requested public records may not impose a
20 fee for such copies. A public body that fails to respond to a
21 request received may not treat the request as unduly burdensome
22 under subsection (g).

23 (e) The time for response under this Section may be
24 extended by the public body for not more than 5 business days
25 from the original due date for any of the following reasons:

26 (i) the requested records are stored in whole or in

1 part at other locations than the office having charge of
2 the requested records;

3 (ii) the request requires the collection of a
4 substantial number of specified records;

5 (iii) the request is couched in categorical terms and
6 requires an extensive search for the records responsive to
7 it;

8 (iv) the requested records have not been located in the
9 course of routine search and additional efforts are being
10 made to locate them;

11 (v) the requested records require examination and
12 evaluation by personnel having the necessary competence
13 and discretion to determine if they are exempt from
14 disclosure under Section 7 of this Act or should be
15 revealed only with appropriate deletions;

16 (vi) the request for records cannot be complied with by
17 the public body within the time limits prescribed by
18 subsection (d) ~~paragraph (c)~~ of this Section without unduly
19 burdening or interfering with the operations of the public
20 body;

21 (vii) there is a need for consultation, which shall be
22 conducted with all practicable speed, with another public
23 body or among 2 ~~two~~ or more components of a public body
24 having a substantial interest in the determination or in
25 the subject matter of the request.

26 The person making a request and the public body may agree

1 in writing to extend the time for compliance for a period to be
2 determined by the parties. If the requester and the public body
3 agree to extend the period for compliance, a failure by the
4 public body to comply with any previous deadlines shall not be
5 treated as a denial of the request for the records.

6 (f) When additional time is required for any of the above
7 reasons, the public body shall, within 5 business days after
8 receipt of the request, notify the person making the request of
9 the reasons for the extension and the date by which the
10 response will be forthcoming. Failure to respond within the
11 time permitted for extension shall be considered a denial of
12 the request. A public body that fails to respond to a request
13 within the time permitted for extension but thereafter provides
14 the requester with copies of the requested public records may
15 not impose a fee for those copies. A public body that requests
16 an extension and subsequently fails to respond to the request
17 may not treat the request as unduly burdensome under subsection
18 (g).

19 (g) Requests calling for all records falling within a
20 category shall be complied with unless compliance with the
21 request would be unduly burdensome for the complying public
22 body and there is no way to narrow the request and the burden
23 on the public body outweighs the public interest in the
24 information. Before invoking this exemption, the public body
25 shall extend to the person making the request an opportunity to
26 confer with it in an attempt to reduce the request to

1 manageable proportions. If any public body responds to a
2 categorical request by stating that compliance would unduly
3 burden its operation and the conditions described above are
4 met, it shall do so in writing, specifying the reasons why it
5 would be unduly burdensome and the extent to which compliance
6 will so burden the operations of the public body. Such a
7 response shall be treated as a denial of the request for
8 information.

9 Repeated requests from the same person for the same records
10 that are unchanged or identical to records previously provided
11 or properly denied under this Act shall be deemed unduly
12 burdensome under this provision.

13 (h) Each public body may promulgate rules and regulations
14 in conformity with the provisions of this Section pertaining to
15 the availability of records and procedures to be followed,
16 including:

17 (i) the times and places where such records will be
18 made available, and

19 (ii) the persons from whom such records may be
20 obtained.

21 (i) The time periods for compliance or denial of a request
22 to inspect or copy records set out in this Section shall not
23 apply to requests for records made for a commercial purpose,
24 requests by a recurrent requester, or voluminous requests. Such
25 requests shall be subject to the provisions of Sections 3.1,
26 3.2, and 3.6 of this Act, as applicable.

1 (Source: P.A. 98-1129, eff. 12-3-14; revised 9-17-18.)

2 (5 ILCS 140/7.5)

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

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

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

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

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

24 (e) Information the disclosure of which is exempted
25 under Section 30 of the Radon Industry Licensing Act.

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

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

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

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

17 (j) Information and data concerning the distribution
18 of surcharge moneys collected and remitted by carriers
19 under the Emergency Telephone System Act.

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

24 (l) Records and information provided to a residential
25 health care facility resident sexual assault and death
26 review team or the Executive Council under the Abuse

1 Prevention Review Team Act.

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

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

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

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

23 (q) Information prohibited from being disclosed by the
24 Personnel Record ~~Records~~ Review Act.

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

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

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

17 (u) Records and information provided to an independent
18 team of experts under the Developmental Disability and
19 Mental Health Safety Act (also known as Brian's Law).

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

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

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

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

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

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

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

24 (bb) Information which is or was prohibited from
25 disclosure by the Juvenile Court Act of 1987.

26 (cc) Recordings made under the Law Enforcement

1 Officer-Worn Body Camera Act, except to the extent
2 authorized under that Act.

3 (dd) Information that is prohibited from being
4 disclosed under Section 45 of the Condominium and Common
5 Interest Community Ombudsperson Act.

6 (ee) Information that is exempted from disclosure
7 under Section 30.1 of the Pharmacy Practice Act.

8 (ff) Information that is exempted from disclosure
9 under the Revised Uniform Unclaimed Property Act.

10 (gg) Information that is prohibited from being
11 disclosed under Section 7-603.5 of the Illinois Vehicle
12 Code.

13 (hh) Records that are exempt from disclosure under
14 Section 1A-16.7 of the Election Code.

15 (ii) Information which is exempted from disclosure
16 under Section 2505-800 of the Department of Revenue Law of
17 the Civil Administrative Code of Illinois.

18 (jj) Information and reports that are required to be
19 submitted to the Department of Labor by registering day and
20 temporary labor service agencies but are exempt from
21 disclosure under subsection (a-1) of Section 45 of the Day
22 and Temporary Labor Services Act.

23 (kk) Information prohibited from disclosure under the
24 Seizure and Forfeiture Reporting Act.

25 (ll) Information the disclosure of which is restricted
26 and exempted under Section 5-30.8 of the Illinois Public

1 Aid Code.

2 (mm) ~~(ll)~~ Records that are exempt from disclosure under
3 Section 4.2 of the Crime Victims Compensation Act.

4 (nn) ~~(ll)~~ Information that is exempt from disclosure
5 under Section 70 of the Higher Education Student Assistance
6 Act.

7 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
8 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;
9 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
10 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
11 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
12 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
13 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; revised
14 10-12-18.)

15 Section 20. The Illinois Notary Public Act is amended by
16 changing Section 7-108 as follows:

17 (5 ILCS 312/7-108) (from Ch. 102, par. 207-108)

18 Sec. 7-108. Reprimand, suspension, and revocation of
19 commission.

20 (a) The Secretary of State may revoke the commission of any
21 notary public who, during the current term of appointment:

22 (1) submits an application for commission and
23 appointment as a notary public which contains substantial
24 and material misstatement or omission of fact; or

1 (2) is convicted of any felony, misdemeanors,
2 including those defined in Part C, Articles 16, 17, 18, 19,
3 and 21, and Part E, Articles 31, 32, and 33 of the Criminal
4 Code of 2012, or official misconduct under this Act.

5 (b) Whenever the Secretary of State believes that a
6 violation of this Article has occurred, he or she may
7 investigate any such violation. The Secretary may also
8 investigate possible violations of this Article upon a signed
9 written complaint on a form designated by the Secretary.

10 (c) A notary's failure to cooperate or respond to an
11 investigation by the Secretary of State is a failure by the
12 notary to fully and faithfully discharge the responsibilities
13 and duties of a notary and shall result in suspension or
14 revocation of the notary's commission.

15 (d) All written complaints which on their face appear to
16 establish facts which, if proven true, would constitute an act
17 of misrepresentation or fraud in notarization or on the part of
18 the notary shall be investigated by the Secretary of State to
19 determine whether cause exists to reprimand, suspend, or revoke
20 the commission of the notary.

21 (e) The Secretary of State may deliver a written official
22 warning and reprimand to a notary, or may revoke or suspend a
23 notary's commission, for any of the following:

24 (1) a notary's official misconduct, as defined under
25 Section 7-104;

26 (2) any ground for which an application for appointment

1 as a notary may be denied for failure to complete
2 application requirements as provided under Section 2-102;

3 (3) any prohibited act provided under Section 6-104; or

4 (4) a violation of any provision of the general
5 statutes.

6 (f) After investigation and upon a determination by the
7 Secretary of State that one or more prohibited acts have ~~has~~
8 been performed in the notarization of a document, the Secretary
9 shall, after considering the extent of the prohibited act and
10 the degree of culpability of the notary, order one or more of
11 the following courses of action:

12 (1) issue a letter of warning to the notary, including
13 the Secretary's findings;

14 (2) order suspension of the commission of the notary
15 for a period of time designated by the Secretary;

16 (3) order revocation of the commission of the notary;

17 (4) refer the allegations to the appropriate State's
18 Attorney's Office or the Attorney General for criminal
19 investigation; or

20 (5) refer the allegations to the Illinois Attorney
21 Registration and Disciplinary Commission for disciplinary
22 proceedings.

23 (g) After a notary receives notice from the Secretary of
24 State that his or her commission has been revoked, that notary
25 shall immediately deliver his or her official seal to the
26 Secretary.

1 (h) A notary whose appointment has been revoked due to a
2 violation of this Act shall not be eligible for a new
3 commission as a notary public in this State for a period of at
4 least 5 years from the date of the final revocation.

5 (i) A notary may voluntarily resign from appointment by
6 notifying the Secretary of State in writing of his or her
7 intention to do so, and by physically returning his or her
8 stamp to the Secretary. A voluntary resignation shall not stop
9 or preclude any investigation into a notary's conduct, or
10 prevent further suspension or revocation by the Secretary, who
11 may pursue any such investigation to a conclusion and issue any
12 finding.

13 (j) Upon a determination by a sworn law enforcement officer
14 that the allegations raised by the complaint are founded, and
15 the notary has received notice of suspension or revocation from
16 the Secretary of State, the notary is entitled to an
17 administrative hearing.

18 (k) The Secretary of State shall adopt administrative
19 hearing rules applicable to this Section that are consistent
20 with the Illinois Administrative Procedure Act.

21 (Source: P.A. 100-809, eff. 1-1-19; revised 10-10-18.)

22 Section 25. The State Employee Indemnification Act is
23 amended by changing Section 1 as follows:

24 (5 ILCS 350/1) (from Ch. 127, par. 1301)

1 Sec. 1. Definitions. For the purpose of this Act:

2 (a) The term "State" means the State of Illinois, the
3 General Assembly, the court, or any State office, department,
4 division, bureau, board, commission, or committee, the
5 governing boards of the public institutions of higher education
6 created by the State, the Illinois National Guard, the Illinois
7 State Guard, the Comprehensive Health Insurance Board, any
8 poison control center designated under the Poison Control
9 System Act that receives State funding, or any other agency or
10 instrumentality of the State. It does not mean any local public
11 entity as that term is defined in Section 1-206 of the Local
12 Governmental and Governmental Employees Tort Immunity Act or a
13 pension fund.

14 (b) The term "employee" means: any present or former
15 elected or appointed officer, trustee or employee of the State,
16 or of a pension fund; any present or former commissioner or
17 employee of the Executive Ethics Commission or of the
18 Legislative Ethics Commission; any present or former
19 Executive, Legislative, or Auditor General's Inspector
20 General; any present or former employee of an Office of an
21 Executive, Legislative, or Auditor General's Inspector
22 General; any present or former member of the Illinois National
23 Guard while on active duty; any present or former member of the
24 Illinois State Guard while on State active duty; individuals or
25 organizations who contract with the Department of Corrections,
26 the Department of Juvenile Justice, the Comprehensive Health

1 Insurance Board, or the Department of Veterans' Affairs to
2 provide services; individuals or organizations who contract
3 with the Department of Human Services (as successor to the
4 Department of Mental Health and Developmental Disabilities) to
5 provide services including but not limited to treatment and
6 other services for sexually violent persons; individuals or
7 organizations who contract with the Department of Military
8 Affairs for youth programs; individuals or organizations who
9 contract to perform carnival and amusement ride safety
10 inspections for the Department of Labor; individuals who
11 contract with the Office of the State's Attorneys Appellate
12 Prosecutor to provide legal services, but only when performing
13 duties within the scope of the Office's prosecutorial
14 activities; individual representatives of or designated
15 organizations authorized to represent the Office of State
16 Long-Term Ombudsman for the Department on Aging; individual
17 representatives of or organizations designated by the
18 Department on Aging in the performance of their duties as adult
19 protective services agencies or regional administrative
20 agencies under the Adult Protective Services Act; individuals
21 or organizations appointed as members of a review team or the
22 Advisory Council under the Adult Protective Services Act;
23 individuals or organizations who perform volunteer services
24 for the State where such volunteer relationship is reduced to
25 writing; individuals who serve on any public entity (whether
26 created by law or administrative action) described in paragraph

1 (a) of this Section; individuals or not for profit
2 organizations who, either as volunteers, where such volunteer
3 relationship is reduced to writing, or pursuant to contract,
4 furnish professional advice or consultation to any agency or
5 instrumentality of the State; individuals who serve as foster
6 parents for the Department of Children and Family Services when
7 caring for youth in care as defined in Section 4d of the
8 Children and Family Services Act; individuals who serve as
9 members of an independent team of experts under the
10 Developmental Disability and Mental Health Safety Act (also
11 known as Brian's Law); and individuals who serve as arbitrators
12 pursuant to Part 10A of Article II of the Code of Civil
13 Procedure and the rules of the Supreme Court implementing Part
14 10A, each as now or hereafter amended; the term "employee" does
15 not mean an independent contractor except as provided in this
16 Section. The term includes an individual appointed as an
17 inspector by the Director of State Police when performing
18 duties within the scope of the activities of a Metropolitan
19 Enforcement Group or a law enforcement organization
20 established under the Intergovernmental Cooperation Act. An
21 individual who renders professional advice and consultation to
22 the State through an organization which qualifies as an
23 "employee" under the Act is also an employee. The term includes
24 the estate or personal representative of an employee.

25 (c) The term "pension fund" means a retirement system or
26 pension fund created under the Illinois Pension Code.

1 (Source: P.A. 100-159, eff. 8-18-17; 100-1030, eff. 8-22-18;
2 revised 10-18-18.)

3 Section 30. The State Employment Records Act is amended by
4 changing Section 20 as follows:

5 (5 ILCS 410/20)

6 Sec. 20. Reports. State agencies shall collect, classify,
7 maintain, and report all information required by this Act on a
8 fiscal year basis. Agencies shall file, as public information
9 and by January 1, 1993 and each year thereafter, a copy of all
10 reports required by this Act with the Office of the Secretary
11 of State, and shall submit an annual report to the Governor.

12 Each agency's annual report shall include a description of
13 the agency's activities in implementing the State Hispanic
14 Employment Plan, the State Asian-American Employment Plan, and
15 the bilingual employment plan in accordance with the reporting
16 requirements developed by the Department of Central Management
17 Services pursuant to Section 405-125 of the Department of
18 Central Management Services Law of the Civil Administrative
19 Code of Illinois.

20 In addition to submitting the agency work force report,
21 each executive branch constitutional officer, each institution
22 of higher education under the jurisdiction of the Illinois
23 Board of Higher Education, each community college under the
24 jurisdiction of the Illinois Community College Board, and the

1 Illinois Toll Highway Authority shall report to the General
2 Assembly by February 1 of each year its activities implementing
3 strategies and programs, and its progress, in the hiring and
4 promotion of Hispanics, Asian-Americans, and bilingual persons
5 at supervisory, technical, professional, and managerial
6 levels, including assessments of bilingual service needs and
7 information received from the Auditor General pursuant to its
8 periodic review responsibilities.

9 (Source: P.A. 96-1286, eff. 1-1-11; 96-1341, eff. 7-27-10;
10 97-856, eff. 7-27-12; revised 10-10-18.)

11 Section 35. The State Employee Housing Act is amended by
12 changing Section 5-35 as follows:

13 (5 ILCS 412/5-35)

14 Sec. 5-35. Housing justification. The Department of
15 Natural Resources~~7~~ and the University of Illinois shall each
16 develop written criteria for determining which employment
17 positions necessitate provision of State housing. The criteria
18 shall include the specific employee responsibilities that can
19 only be performed effectively by occupying State housing.

20 (Source: P.A. 100-695, eff. 8-3-18; revised 10-3-18.)

21 Section 40. The Illinois Governmental Ethics Act is amended
22 by changing Section 4A-101 as follows:

1 (5 ILCS 420/4A-101) (from Ch. 127, par. 604A-101)

2 Sec. 4A-101. Persons required to file. The following
3 persons shall file verified written statements of economic
4 interests, as provided in this Article:

5 (a) Members of the General Assembly and candidates for
6 nomination or election to the General Assembly.

7 (b) Persons holding an elected office in the Executive
8 Branch of this State, and candidates for nomination or
9 election to these offices.

10 (c) Members of a Commission or Board created by the
11 Illinois Constitution, and candidates for nomination or
12 election to such Commission or Board.

13 (d) Persons whose appointment to office is subject to
14 confirmation by the Senate and persons appointed by the
15 Governor to any other position on a board or commission
16 described in subsection (a) of Section 15 of the
17 Gubernatorial Boards and Commissions Act.

18 (e) Holders of, and candidates for nomination or
19 election to, the office of judge or associate judge of the
20 Circuit Court and the office of judge of the Appellate or
21 Supreme Court.

22 (f) Persons who are employed by any branch, agency,
23 authority or board of the government of this State,
24 including but not limited to, the Illinois State Toll
25 Highway Authority, the Illinois Housing Development
26 Authority, the Illinois Community College Board, and

1 institutions under the jurisdiction of the Board of
2 Trustees of the University of Illinois, Board of Trustees
3 of Southern Illinois University, Board of Trustees of
4 Chicago State University, Board of Trustees of Eastern
5 Illinois University, Board of Trustees of Governors
6 ~~Governor's~~ State University, Board of Trustees of Illinois
7 State University, Board of Trustees of Northeastern
8 Illinois University, Board of Trustees of Northern
9 Illinois University, Board of Trustees of Western Illinois
10 University, or Board of Trustees of the Illinois
11 Mathematics and Science Academy, and are compensated for
12 services as employees and not as independent contractors
13 and who:

14 (1) are, or function as, the head of a department,
15 commission, board, division, bureau, authority or
16 other administrative unit within the government of
17 this State, or who exercise similar authority within
18 the government of this State;

19 (2) have direct supervisory authority over, or
20 direct responsibility for the formulation,
21 negotiation, issuance or execution of contracts
22 entered into by the State in the amount of \$5,000 or
23 more;

24 (3) have authority for the issuance or
25 promulgation of rules and regulations within areas
26 under the authority of the State;

1 (4) have authority for the approval of
2 professional licenses;

3 (5) have responsibility with respect to the
4 financial inspection of regulated nongovernmental
5 entities;

6 (6) adjudicate, arbitrate, or decide any judicial
7 or administrative proceeding, or review the
8 adjudication, arbitration or decision of any judicial
9 or administrative proceeding within the authority of
10 the State;

11 (7) have supervisory responsibility for 20 or more
12 employees of the State;

13 (8) negotiate, assign, authorize, or grant naming
14 rights or sponsorship rights regarding any property or
15 asset of the State, whether real, personal, tangible,
16 or intangible; or

17 (9) have responsibility with respect to the
18 procurement of goods or services.

19 (g) Persons who are elected to office in a unit of
20 local government, and candidates for nomination or
21 election to that office, including regional
22 superintendents of school districts.

23 (h) Persons appointed to the governing board of a unit
24 of local government, or of a special district, and persons
25 appointed to a zoning board, or zoning board of appeals, or
26 to a regional, county, or municipal plan commission, or to

1 a board of review of any county, and persons appointed to
2 the Board of the Metropolitan Pier and Exposition Authority
3 and any Trustee appointed under Section 22 of the
4 Metropolitan Pier and Exposition Authority Act, and
5 persons appointed to a board or commission of a unit of
6 local government who have authority to authorize the
7 expenditure of public funds. This subsection does not apply
8 to members of boards or commissions who function in an
9 advisory capacity.

10 (i) Persons who are employed by a unit of local
11 government and are compensated for services as employees
12 and not as independent contractors and who:

13 (1) are, or function as, the head of a department,
14 division, bureau, authority or other administrative
15 unit within the unit of local government, or who
16 exercise similar authority within the unit of local
17 government;

18 (2) have direct supervisory authority over, or
19 direct responsibility for the formulation,
20 negotiation, issuance or execution of contracts
21 entered into by the unit of local government in the
22 amount of \$1,000 or greater;

23 (3) have authority to approve licenses and permits
24 by the unit of local government; this item does not
25 include employees who function in a ministerial
26 capacity;

1 (4) adjudicate, arbitrate, or decide any judicial
2 or administrative proceeding, or review the
3 adjudication, arbitration or decision of any judicial
4 or administrative proceeding within the authority of
5 the unit of local government;

6 (5) have authority to issue or promulgate rules and
7 regulations within areas under the authority of the
8 unit of local government; or

9 (6) have supervisory responsibility for 20 or more
10 employees of the unit of local government.

11 (j) Persons on the Board of Trustees of the Illinois
12 Mathematics and Science Academy.

13 (k) Persons employed by a school district in positions
14 that require that person to hold an administrative or a
15 chief school business official endorsement.

16 (l) Special government agents. A "special government
17 agent" is a person who is directed, retained, designated,
18 appointed, or employed, with or without compensation, by or
19 on behalf of a statewide executive branch constitutional
20 officer to make an ex parte communication under Section
21 5-50 of the State Officials and Employees Ethics Act or
22 Section 5-165 of the Illinois Administrative Procedure
23 Act.

24 (m) Members of the board of commissioners of any flood
25 prevention district created under the Flood Prevention
26 District Act or the Beardstown Regional Flood Prevention

1 District Act.

2 (n) Members of the board of any retirement system or
3 investment board established under the Illinois Pension
4 Code, if not required to file under any other provision of
5 this Section.

6 (o) Members of the board of any pension fund
7 established under the Illinois Pension Code, if not
8 required to file under any other provision of this Section.

9 (p) Members of the investment advisory panel created
10 under Section 20 of the Illinois Prepaid Tuition Act.

11 This Section shall not be construed to prevent any unit of
12 local government from enacting financial disclosure
13 requirements that mandate more information than required by
14 this Act.

15 (Source: P.A. 96-6, eff. 4-3-09; 96-543, eff. 8-17-09; 96-555,
16 eff. 8-18-09; 96-1000, eff. 7-2-10; 97-309, eff. 8-11-11;
17 97-754, eff. 7-6-12; revised 10-10-18.)

18 Section 45. The State Officials and Employees Ethics Act is
19 amended by changing Section 25-5 as follows:

20 (5 ILCS 430/25-5)

21 Sec. 25-5. Legislative Ethics Commission.

22 (a) The Legislative Ethics Commission is created.

23 (b) The Legislative Ethics Commission shall consist of 8
24 commissioners appointed 2 each by the President and Minority

1 Leader of the Senate and the Speaker and Minority Leader of the
2 House of Representatives.

3 The terms of the initial commissioners shall commence upon
4 qualification. Each appointing authority shall designate one
5 appointee who shall serve for a 2-year term running through
6 June 30, 2005. Each appointing authority shall designate one
7 appointee who shall serve for a 4-year term running through
8 June 30, 2007. The initial appointments shall be made within 60
9 days after the effective date of this Act.

10 After the initial terms, commissioners shall serve for
11 4-year terms commencing on July 1 of the year of appointment
12 and running through June 30 of the fourth following year.
13 Commissioners may be reappointed to one or more subsequent
14 terms.

15 Vacancies occurring other than at the end of a term shall
16 be filled by the appointing authority only for the balance of
17 the term of the commissioner whose office is vacant.

18 Terms shall run regardless of whether the position is
19 filled.

20 (c) The appointing authorities shall appoint commissioners
21 who have experience holding governmental office or employment
22 and may appoint commissioners who are members of the General
23 Assembly as well as commissioners from the general public. A
24 commissioner who is a member of the General Assembly must
25 recuse himself or herself from participating in any matter
26 relating to any investigation or proceeding in which he or she

1 is the subject or is a complainant. A person is not eligible to
2 serve as a commissioner if that person (i) has been convicted
3 of a felony or a crime of dishonesty or moral turpitude, (ii)
4 is, or was within the preceding 12 months, engaged in
5 activities that require registration under the Lobbyist
6 Registration Act, (iii) is a relative of the appointing
7 authority, (iv) is a State officer or employee other than a
8 member of the General Assembly, or (v) is a candidate for
9 statewide office, federal office, or judicial office.

10 (c-5) If a commissioner is required to recuse himself or
11 herself from participating in a matter as provided in
12 subsection (c), the recusal shall create a temporary vacancy
13 for the limited purpose of consideration of the matter for
14 which the commissioner recused himself or herself, and the
15 appointing authority for the recusing commissioner shall make a
16 temporary appointment to fill the vacancy for consideration of
17 the matter for which the commissioner recused himself or
18 herself.

19 (d) The Legislative Ethics Commission shall have
20 jurisdiction over current and former members of the General
21 Assembly regarding events occurring during a member's term of
22 office and current and former State employees regarding events
23 occurring during any period of employment where the State
24 employee's ultimate jurisdictional authority is (i) a
25 legislative leader, (ii) the Senate Operations Commission, or
26 (iii) the Joint Committee on Legislative Support Services. The

1 jurisdiction of the Commission is limited to matters arising
2 under this Act.

3 An officer or executive branch State employee serving on a
4 legislative branch board or commission remains subject to the
5 jurisdiction of the Executive Ethics Commission and is not
6 subject to the jurisdiction of the Legislative Ethics
7 Commission.

8 (e) The Legislative Ethics Commission must meet, either in
9 person or by other technological means, monthly or as often as
10 necessary. At the first meeting of the Legislative Ethics
11 Commission, the commissioners shall choose from their number a
12 chairperson and other officers that they deem appropriate. The
13 terms of officers shall be for 2 years commencing July 1 and
14 running through June 30 of the second following year. Meetings
15 shall be held at the call of the chairperson or any 3
16 commissioners. Official action by the Commission shall require
17 the affirmative vote of 5 commissioners, and a quorum shall
18 consist of 5 commissioners. Commissioners shall receive no
19 compensation but may be reimbursed for their reasonable
20 expenses actually incurred in the performance of their duties.

21 (f) No commissioner, other than a commissioner who is a
22 member of the General Assembly, or employee of the Legislative
23 Ethics Commission may during his or her term of appointment or
24 employment:

25 (1) become a candidate for any elective office;

26 (2) hold any other elected or appointed public office

1 except for appointments on governmental advisory boards or
2 study commissions or as otherwise expressly authorized by
3 law;

4 (3) be actively involved in the affairs of any
5 political party or political organization; or

6 (4) advocate for the appointment of another person to
7 an appointed or elected office or position or actively
8 participate in any campaign for any elective office.

9 (f-5) No commissioner who is a member of the General
10 Assembly may be a candidate for statewide office, federal
11 office, or judicial office. If a commissioner who is a member
12 of the General Assembly files petitions to be a candidate for a
13 statewide office, federal office, or judicial office, he or she
14 shall be deemed to have resigned from his or her position as a
15 commissioner on the date his or her name is certified for the
16 ballot by the State Board of Elections or local election
17 authority and his or her position as a commissioner shall be
18 deemed vacant. Such person may not be reappointed to the
19 Commission during any time he or she is a candidate for
20 statewide office, federal office, or judicial office.

21 (g) An appointing authority may remove a commissioner only
22 for cause.

23 (h) The Legislative Ethics Commission shall appoint an
24 Executive Director subject to the approval of at least 3 of the
25 4 legislative leaders. The compensation of the Executive
26 Director shall be as determined by the Commission. The

1 Executive Director of the Legislative Ethics Commission may
2 employ, subject to the approval of at least 3 of the 4
3 legislative leaders, and determine the compensation of staff,
4 as appropriations permit.

5 (i) In consultation with the Legislative Inspector
6 General, the Legislative Ethics Commission may develop
7 comprehensive training for members and employees under its
8 jurisdiction that includes, but is not limited to, sexual
9 harassment, employment discrimination, and workplace civility.
10 The training may be recommended to the ultimate jurisdictional
11 authorities and may be approved by the Commission to satisfy
12 the sexual harassment training required under Section 5-10.5 or
13 be provided in addition to the annual sexual harassment
14 training required under Section 5-10.5. The Commission may seek
15 input from governmental agencies or private entities for
16 guidance in developing such training.

17 (Source: P.A. 100-588, eff. 6-8-18; revised 10-11-18.)

18 Section 50. The State Commemorative Dates Act is amended by
19 setting forth and renumbering multiple versions of Section 195
20 as follows:

21 (5 ILCS 490/195)

22 Sec. 195. Illinois Statehood Day. December 3rd of each year
23 is designated as Illinois Statehood Day, to be observed
24 throughout the State as a day to commemorate December 3, 1818

1 as the day Illinois became the 21st State to join the Union.
2 Each year, within 10 days before Illinois Statehood Day, the
3 Governor shall issue a proclamation announcing the recognition
4 of Statehood Day, and designate the official events that shall
5 be held in honor of Illinois obtaining statehood on December 3,
6 1818.

7 (Source: P.A. 100-898, eff. 1-1-19.)

8 (5 ILCS 490/196)

9 Sec. 196 ~~195~~. Day of the Horse. The fifth day of March of
10 each year shall be designated as the Day of the Horse, to be
11 observed throughout the State as a day to encourage citizens to
12 honor and celebrate the role of equines in the history and
13 character of Illinois, and to recognize the benefits of the
14 equine industry to the economy, agriculture, tourism, and
15 quality of life in Illinois.

16 (Source: P.A. 100-1033, eff. 8-22-18; revised 10-3-18.)

17 Section 55. The Community-Law Enforcement Partnership for
18 Deflection and Substance Use Disorder Treatment Act is amended
19 by changing Sections 15 and 35 as follows:

20 (5 ILCS 820/15)

21 Sec. 15. Authorization.

22 (a) Any law enforcement agency may establish a deflection
23 program subject to the provisions of this Act in partnership

1 with one or more licensed providers of substance use disorder
2 treatment services and one or more community members or
3 organizations.

4 (b) The deflection program may involve a post-overdose
5 deflection response, a self-referral deflection response, an
6 active outreach deflection response, an officer prevention
7 deflection response, or an officer intervention deflection
8 response, or any combination of those.

9 (c) Nothing shall preclude the General Assembly from adding
10 other responses to a deflection program, or preclude a law
11 enforcement agency from developing a deflection program
12 response based on a model unique and responsive to local
13 issues, substance use or mental health needs, and partnerships,
14 using sound and promising or evidence-based practices.

15 (c-5) Whenever appropriate and available, case management
16 should be provided by a licensed treatment provider or other
17 appropriate provider and may include peer recovery support
18 approaches.

19 (d) To receive funding for activities as described in
20 Section 35 of this Act, planning for the deflection program
21 shall include:

22 (1) the involvement of one or more licensed treatment
23 programs and one or more community members ~~member~~ or
24 organizations ~~organization~~; and

25 (2) an agreement with the Illinois Criminal Justice
26 Information Authority to collect and evaluate relevant

1 statistical data related to the program, as established by
2 the Illinois Criminal Justice Information Authority in
3 paragraph (2) of subsection (a) of Section 25 of this Act.
4 (Source: P.A. 100-1025, eff. 1-1-19; revised 10-3-18.)

5 (5 ILCS 820/35)

6 Sec. 35. Funding.

7 (a) The General Assembly may appropriate funds to the
8 Illinois Criminal Justice Information Authority for the
9 purpose of funding law enforcement agencies for services
10 provided by deflection program partners as part of deflection
11 programs subject to subsection (d) of Section 15 of this Act.

12 (b) The Illinois Criminal Justice Information Authority
13 may adopt guidelines and requirements to direct the
14 distribution of funds for expenses related to deflection
15 programs. Funding shall be made available to support both new
16 and existing deflection programs in a broad spectrum of
17 geographic regions in this State, including urban, suburban,
18 and rural communities. Activities eligible for funding under
19 this Act may include, but are not limited to, the following:

20 (1) activities related to program administration,
21 coordination, or management, including, but not limited
22 to, the development of collaborative partnerships with
23 licensed treatment providers and community members or
24 organizations; collection of program data; or monitoring
25 of compliance with a local deflection program plan;

1 (2) case management including case management provided
2 prior to assessment, diagnosis, and engagement in
3 treatment, as well as assistance navigating and gaining
4 access to various treatment modalities and support
5 services;

6 (3) peer recovery or recovery support services that
7 include the perspectives of persons with the experience of
8 recovering from a substance use disorder, either
9 themselves or as family members;

10 (4) transportation to a licensed treatment provider or
11 other program partner location;

12 (5) program evaluation activities.

13 (c) Specific linkage agreements with recovery support
14 services or self-help entities may be a requirement of the
15 program services protocols. All deflection programs shall
16 encourage the involvement of key family members and significant
17 others as a part of a family-based approach to treatment. All
18 deflection programs are encouraged to use evidence-based
19 practices and outcome measures in the provision of substance
20 use disorder treatment and medication-assisted ~~medication~~
21 ~~assisted~~ treatment for persons with opioid use disorders.

22 (Source: P.A. 100-1025, eff. 1-1-19; revised 10-3-18.)

23 Section 60. The Election Code is amended by changing
24 Sections 3-4, 4-12, 5-15, 6-44, 6A-7, 7-2, 7-58, 17-22, and
25 24A-10 as follows:

1 (10 ILCS 5/3-4) (from Ch. 46, par. 3-4)

2 Sec. 3-4. No patient who has resided for less than 180 days
3 in any hospital or mental institution in this State, shall by
4 virtue of his abode at such hospital or mental institution be
5 deemed a resident or legal voter in the town, city, village or
6 election district or precinct in which such hospital or mental
7 institution may be situated; but every such person shall be
8 deemed a resident of the town, city, village or election
9 district or precinct in which he resided next prior to becoming
10 a patient of such hospital or mental institution. However, the
11 term "hospital" does not include skilled nursing facilities.

12 (Source: P.A. 100-1110, eff. 8-28-18; revised 9-26-18.)

13 (10 ILCS 5/4-12) (from Ch. 46, par. 4-12)

14 Sec. 4-12. Any voter or voters in the township, city,
15 village or incorporated town containing such precinct, and any
16 precinct committeeperson in the county, may, between the hours
17 of 9:00 a.m. and 5:00 p.m. of Monday and Tuesday of the second
18 week prior to the week in which the 1970 primary election for
19 the nomination of candidates for State and county offices or
20 any election thereafter is to be held, make application in
21 writing, to the county clerk, to have any name upon the
22 register of any precinct erased. Such application shall be, in
23 substance, in the words and figures following:

24 "I, being a qualified voter, registered from No.

1 Street in the precinct of the ward of the city
 2 (village or town of) (or of the town of) do
 3 hereby solemnly swear (or affirm) that registered from No.
 4 Street is not a qualified voter in the precinct of
 5 ward of the city (village or town) of (or of the
 6 town of) and hence I ask that his name be erased from the
 7 register of such precinct for the following reason

8 Affiant further says that he has personal knowledge of the
 9 facts set forth in the above affidavit.

10 (Signed)

11 Subscribed and sworn to before me on (insert date).

12

13

14"

15 Such application shall be signed and sworn to by the
 16 applicant before the county clerk or any deputy authorized by
 17 the county clerk for that purpose, and filed with said clerk.
 18 Thereupon notice of such application, and of the time and place
 19 of hearing thereon, with a demand to appear before the county
 20 clerk and show cause why his name shall not be erased from said
 21 register, shall be mailed, in an envelope duly stamped and
 22 directed to such person at the address upon said register, at
 23 least four days before the day fixed in said notice to show
 24 cause. If such person has provided the election authority with
 25 an e-mail address, then the election authority shall also send

1 the same notice by electronic mail at least 4 days before the
2 day fixed in said notice to show cause.

3 A like notice shall be mailed to the person or persons
4 making the application to have the name upon such register
5 erased to appear and show cause why said name should be erased,
6 the notice to set out the day and hour of such hearing. If the
7 voter making such application fails to appear before said clerk
8 at the time set for the hearing as fixed in the said notice or
9 fails to show cause why the name upon such register shall be
10 erased, the application to erase may be dismissed by the county
11 clerk.

12 Any voter making the application is privileged from arrest
13 while presenting it to the county clerk, and while going to and
14 from the office of the county clerk.

15 (Source: P.A. 100-1027, eff. 1-1-19; revised 10-10-18.)

16 (10 ILCS 5/5-15) (from Ch. 46, par. 5-15)

17 Sec. 5-15. Any voter or voters in the township, city,
18 village, or incorporated town containing such precinct, and any
19 precinct committeeperson in the county, may, between the hours
20 of nine o'clock a.m. and six o'clock p.m. of the Monday and
21 Tuesday of the third week immediately preceding the week in
22 which such April 10, 1962 Primary Election is to be held, make
23 application in writing, before such County Clerk, to have any
24 name upon such register of any precinct erased. Thereafter such
25 application shall be made between the hours of nine o'clock

1 a.m. and six o'clock p.m. of Monday and Tuesday of the second
2 week prior to the week in which any county, city, village,
3 township, or incorporated town election is to be held. Such
4 application shall be in substance, in the words and figures
5 following:

6 "I, being a qualified voter, registered from No.
7 Street in the precinct of the Ward of the city
8 (village or town of) of the District town of
9 do hereby solemnly swear (or affirm) that registered
10 from No. Street is not a qualified voter in the
11 precinct of the ward of the city (village or town) of
12 or of the district town of hence I ask that his name
13 be erased from the register of such precinct for the following
14 reason Affiant further says that he has personal
15 knowledge of the facts set forth in the above affidavit.

16 (Signed)

17 Subscribed and sworn to before me on (insert date).

18

19

20"

21 Such application shall be signed and sworn to by the
22 applicant before the County Clerk or any Deputy authorized by
23 the County Clerk for that purpose, and filed with the Clerk.
24 Thereupon notice of such application, with a demand to appear
25 before the County Clerk and show cause why his name shall not
26 be erased from the register, shall be mailed by special

1 delivery, duly stamped and directed, to such person, to the
2 address upon said register at least 4 days before the day fixed
3 in said notice to show cause. If such person has provided the
4 election authority with an e-mail address, then the election
5 authority shall also send the same notice by electronic mail at
6 least 4 days before the day fixed in said notice to show cause.

7 A like notice shall be mailed to the person or persons
8 making the application to have the name upon such register
9 erased to appear and show cause why the name should be erased,
10 the notice to set out the day and hour of such hearing. If the
11 voter making such application fails to appear before the Clerk
12 at the time set for the hearing as fixed in the said notice or
13 fails to show cause why the name upon such register shall be
14 erased, the application may be dismissed by the County Clerk.

15 Any voter making such application or applications shall be
16 privileged from arrest while presenting the same to the County
17 Clerk, and while ~~whilst~~ going to and returning from the office
18 of the County Clerk.

19 (Source: P.A. 100-1027, eff. 1-1-19; revised 9-18-18.)

20 (10 ILCS 5/6-44) (from Ch. 46, par. 6-44)

21 Sec. 6-44. Any voter or voters in the ward, village or
22 incorporated town containing such precinct, and any precinct
23 committeeperson in the county, may, between the hours of nine
24 o'clock a.m. and six p.m. of Monday and Tuesday of the second
25 week prior to the week in which such election is to be held

1 make application in writing, before such board of election
2 commissioners, to have any name upon such register of any
3 precinct erased. However, in municipalities having a
4 population of more than 500,000 and having a board of election
5 commissioners (except as otherwise provided for such
6 municipalities in Section 6-60 of this Article) and in all
7 cities, villages and incorporated towns within the
8 jurisdiction of such board, such application shall be made
9 between the hours of nine o'clock a.m. and six o'clock p.m. of
10 Monday and Tuesday of the second week prior to the week in
11 which such election is to be held. Such application shall be,
12 in substance, in the words and figures following:

13 "I, being a qualified voter, registered from No.
14 street in the precinct of the ward of the city
15 (village or town) of do hereby solemnly swear (or affirm)
16 that I have personal knowledge that registered from No.
17 street is not a qualified voter in the precinct of
18 the ward of the city (village or town) of and hence I
19 ask that his name be erased from the register of such precinct
20 for the following reason

21 Affiant further says that he has personal knowledge of the
22 facts set forth in the above affidavit.

23 (Signed)....

24 Subscribed and sworn to before me on (insert date).

25

26"

1 Such application shall be signed and sworn to by the
2 applicant before any member of the board or the clerk thereof
3 and filed with said board. Thereupon notice of such
4 application, with a demand to appear before the board of
5 election commissioners and show cause why his name shall not be
6 erased from said register, shall be personally served upon such
7 person or left at his place of residence indicated in such
8 register, or in the case of a homeless individual, at his or
9 her mailing address, by a messenger of said board of election
10 commissioners, and, as to the manner and time of serving such
11 notice such messenger shall make affidavit; the messenger shall
12 also make affidavit of the fact in case he cannot find such
13 person or his place of residence, and that he went to the place
14 named on such register as his or her place of residence. Such
15 notice shall be served at least one day before the time fixed
16 for such party to show cause.

17 The commissioners shall also cause a like notice or demand
18 to be sent by mail duly stamped and directed, to such person,
19 to the address upon the register at least 2 days before the day
20 fixed in the notice to show cause.

21 A like notice shall be served on the person or persons
22 making the application to have the name upon such register
23 erased to appear and show cause why said name shall be erased,
24 the notice to set out the day and hour of such hearing. If the
25 voter making such application fails to appear before said board
26 at the time set for the hearing as fixed in the notice or fails

1 to show cause why the name upon such register shall be erased,
2 the application may be dismissed by the board.

3 Any voter making such application or applications shall be
4 privileged from arrest while presenting the same to the board
5 of election commissioners, and while going to and returning
6 from the board of election commissioners.

7 (Source: P.A. 100-1027, eff. 1-1-19; revised 10-10-18.)

8 (10 ILCS 5/6A-7) (from Ch. 46, par. 6A-7)

9 Sec. 6A-7. Dissolution.

10 (a) Except as provided in subsection (b), any county which
11 has established a board of election commissioners may
12 subsequently vote to dissolve such board in the same manner as
13 provided in Article 6 for cities, villages, and incorporated
14 towns, except that the petition to the circuit court to submit
15 to the vote of the electors of the county the proposition to
16 dissolve the board of election commissioners shall be signed by
17 at least 10% of the registered voters of the county.

18 (b) A county board in a county that has established a
19 county board of election commissioners in accordance with
20 subsection (a) of Section 6A-1 of this ~~the Election~~ Code may,
21 by ordinance or resolution, dissolve the county board of
22 election commissioners and transfer its functions to the county
23 clerk.

24 (Source: P.A. 100-628, eff. 1-1-19; revised 9-19-18.)

1 (10 ILCS 5/7-2) (from Ch. 46, par. 7-2)

2 Sec. 7-2. A political party, which at the general election
3 for State and county officers then next preceding a primary,
4 polled more than 5 per cent of the entire vote cast in the
5 State, is hereby declared to be a political party within the
6 State, and shall nominate all candidates provided for in this
7 Article 7 under the provisions hereof, and shall elect
8 precinct, township, ward, and State central committeepersons
9 as herein provided.

10 A political party, which at the general election for State
11 and county officers then next preceding a primary, cast more
12 than 5 per cent of the entire vote cast within any
13 congressional district, is hereby declared to be a political
14 party within the meaning of this Article, within such
15 congressional district, and shall nominate its candidate for
16 Representative in Congress, under the provisions hereof. A
17 political party, which at the general election for State and
18 county officers then next preceding a primary, cast more than 5
19 per cent of the entire vote cast in any county, is hereby
20 declared to be a political party within the meaning of this
21 Article, within said county, and shall nominate all county
22 officers in said county under the provisions hereof, and shall
23 elect precinct, township, and ward committeepersons, as herein
24 provided.

25 A political party, which at the municipal election for
26 city, village, or incorporated town officers then next

1 preceding a primary, cast more than 5 per cent of the entire
2 vote cast in any city, ~~or~~ village, or incorporated town is
3 hereby declared to be a political party within the meaning of
4 this Article, within said city, village, or incorporated town,
5 and shall nominate all city, village, or incorporated town
6 officers in said city, ~~or~~ village, or incorporated town under
7 the provisions hereof to the extent and in the cases provided
8 in Section 7-1.

9 A political party, which at the municipal election for town
10 officers then next preceding a primary, cast more than 5 per
11 cent of the entire vote cast in said town, is hereby declared
12 to be a political party within the meaning of this Article,
13 within said town, and shall nominate all town officers in said
14 town under the provisions hereof to the extent and in the cases
15 provided in Section 7-1.

16 A political party, which at the municipal election in any
17 other municipality or political subdivision, (except townships
18 and school districts), for municipal or other officers therein
19 then next preceding a primary, cast more than 5 per cent of the
20 entire vote cast in such municipality or political subdivision,
21 is hereby declared to be a political party within the meaning
22 of this Article, within said municipality or political
23 subdivision, and shall nominate all municipal or other officers
24 therein under the provisions hereof to the extent and in the
25 cases provided in Section 7-1.

26 Provided, that no political organization or group shall be

1 qualified as a political party hereunder, or given a place on a
2 ballot, which organization or group is associated, directly or
3 indirectly, with Communist, Fascist, Nazi, or other
4 un-American principles and engages in activities or propaganda
5 designed to teach subservience to the political principles and
6 ideals of foreign nations or the overthrow by violence of the
7 established constitutional form of government of the United
8 States and the State of Illinois.

9 (Source: P.A. 100-1027, eff. 1-1-19; revised 9-18-18.)

10 (10 ILCS 5/7-58) (from Ch. 46, par. 7-58)

11 Sec. 7-58. Each county clerk or board of election
12 commissioners shall, upon completion of the canvassing of the
13 returns, make and transmit to the State Board of Elections and
14 to each election authority whose duty it is to print the
15 official ballot for the election for which the nomination is
16 made a proclamation of the results of the primary. The
17 proclamation shall state the name of each candidate of each
18 political party so nominated or elected, as shown by the
19 returns, together with the name of the office for which he or
20 she was nominated or elected, including precinct, township and
21 ward committeepersons, and including in the case of the State
22 Board of Elections, candidates for State central
23 committeepersons, and delegates and alternate delegates to
24 National nominating conventions. If a notice of contest is
25 filed, the election authority shall, within one business day

1 after receiving a certified copy of the court's judgment or
2 order, amend its proclamation accordingly and proceed to file
3 an amended proclamation with the appropriate election
4 authorities and with the State Board of Elections.

5 The State Board of Elections shall issue a certificate of
6 election to each of the persons shown by the returns and the
7 proclamation thereof to be elected State central
8 committeepersons, and delegates and alternate delegates to
9 National nominating ~~nomination~~ conventions; and the county
10 clerk shall issue a certificate of election to each person
11 shown by the returns to be elected precinct, township or ward
12 committeeperson. The certificate issued to such precinct
13 committeeperson shall state the number of ballots voted in his
14 or her precinct by the primary electors of his or her party at
15 the primary at which he or she was elected. The certificate
16 issued to such township committeeperson shall state the number
17 of ballots voted in his or her township or part of a township,
18 as the case may be, by the primary electors of his or her party
19 at the primary at which he or she was elected. The certificate
20 issued to such ward committeeperson shall state the number of
21 ballots voted in his or her ward by the primary electors of his
22 or her party at the primary at which he or she was elected.

23 (Source: P.A. 100-1027, eff. 1-1-19; revised 10-10-18.)

24 (10 ILCS 5/17-22) (from Ch. 46, par. 17-22)

25 Sec. 17-22. The judges of election shall make the tally

1 sheet and certificate of results in triplicate. If, however,
2 the number of established political parties, as defined in
3 Section 10-2, exceeds 2, one additional copy shall be made for
4 each established political party in excess of 2. One list of
5 voters, or other proper return with such certificate written
6 thereon, and accompanying tally sheet footed up so as to show
7 the correct number of votes cast for each person voted for,
8 shall be carefully enveloped and sealed up by the judges of
9 election, 2 of whom (one from each of the 2 major political
10 parties) shall immediately deliver same to the county clerk, or
11 his deputy, at the office of the county clerk, or to an
12 officially designated receiving station established by the
13 county clerk where a duly authorized representative of the
14 county clerk shall receive said envelopes for immediate
15 transmission to the office of county clerk, who shall safely
16 keep them. The other certificates of results and accompanying
17 tally sheet shall be carefully enveloped and sealed up and duly
18 directed, respectively, to the chair ~~chairp~~ of the county
19 central committee of each then existing established political
20 party, and by another of the judges of election deposited
21 immediately in the nearest United States letter deposit.
22 However, if any county chair notifies the county clerk not
23 later than 10 days before the election of his desire to receive
24 the envelope addressed to him at the point and at the time same
25 are delivered to the county clerk, his deputy or receiving
26 station designee the envelopes shall be delivered to such

1 county chair or his designee immediately upon receipt thereof
2 by the county clerk, his deputy or his receiving station
3 designee. The person or persons so designated by a county chair
4 shall sign an official receipt acknowledging receipt of said
5 envelopes. The poll book and tally list filed with the county
6 clerk shall be kept one year, and certified copies thereof
7 shall be evidence in all courts, proceedings and election
8 contests. Before the returns are sealed up, as aforesaid, the
9 judges shall compare the tally papers, footings and
10 certificates and see that they are correct and duplicates of
11 each other, and certify to the correctness of the same.

12 At the consolidated election, the judges of election shall
13 make a tally sheet and certificate of results for each
14 political subdivision for which candidates or public questions
15 are on the ballot at such election, and shall sign, seal in a
16 marked envelope and deliver them to the county clerk with the
17 other certificates of results herein required. Such tally
18 sheets and certificates of results may be duplicates of the
19 tally sheet and certificate of results otherwise required by
20 this Section, showing all votes for all candidates and public
21 questions voted for or upon in the precinct, or may be on
22 separate forms prepared by the election authority and showing
23 only those votes cast for candidates and public questions of
24 each such political subdivision.

25 Within 2 days of delivery of complete returns of the
26 consolidated election, the county clerk shall transmit an

1 original, sealed tally sheet and certificate of results from
2 each precinct in his jurisdiction in which candidates or public
3 questions of a political subdivision were on the ballot to the
4 local election official of such political subdivision. Each
5 local election official, within 24 hours of receipt of all of
6 the tally sheets and certificates of results for all precincts
7 in which candidates or public questions of his political
8 subdivision were on the ballot, shall transmit such sealed
9 tally sheets and certificates of results to the canvassing
10 board for that political subdivision.

11 In the case of referenda for the formation of a political
12 subdivision, the tally sheets and certificates of results shall
13 be transmitted by the county clerk to the circuit court that
14 ordered the proposition submitted or to the officials
15 designated by the court to conduct the canvass of votes. In the
16 case of school referenda for which a regional superintendent of
17 schools is responsible for the canvass of votes, the county
18 clerk shall transmit the tally sheets and certificates of
19 results to the regional superintendent of schools.

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

24 Only judges appointed under the provisions of subsection
25 (a) of Section 13-4 or subsection (b) of Section 14-1 may make
26 any delivery required by this Section from judges of election

1 to a county clerk, or his or her deputy, at the office of the
2 county clerk or to a county clerk's duly authorized
3 representative at the county clerk's officially designated
4 receiving station.

5 (Source: P.A. 100-1027, eff. 1-1-19; revised 10-10-18.)

6 (10 ILCS 5/24A-10) (from Ch. 46, par. 24A-10)

7 Sec. 24A-10. (1) In an election jurisdiction which has
8 adopted an electronic voting system, the election official in
9 charge of the election shall select one of the 3 following
10 procedures for receiving, counting, tallying, and return of the
11 ballots:

12 (a) Two ballot boxes shall be provided for each polling
13 place. The first ballot box is for the depositing of votes cast
14 on the electronic voting system; and the second ballot box is
15 for all votes cast on paper ballots, including any paper
16 ballots required to be voted other than on the electronic
17 voting system. Ballots deposited in the second ballot box shall
18 be counted, tallied, and returned as is elsewhere provided in
19 this Code ~~"The Election Code," as amended,~~ for the counting and
20 handling of paper ballots. Immediately after the closing of the
21 polls, the judges of election shall make out a slip indicating
22 the number of persons who voted in the precinct at the
23 election. Such slip shall be signed by all the judges of
24 election and shall be inserted by them in the first ballot box.
25 The judges of election shall thereupon immediately lock each

1 ballot box; provided, that if such box is not of a type which
2 may be securely locked, such box shall be sealed with filament
3 tape provided for such purpose which shall be wrapped around
4 the box lengthwise and crosswise, at least twice each way, and
5 in such manner that the seal completely covers the slot in the
6 ballot box, and each of the judges shall sign such seal.
7 Thereupon two of the judges of election, of different political
8 parties, shall forthwith and by the most direct route transport
9 both ballot boxes to the counting location designated by the
10 county clerk or board of election commissioners.

11 Before the ballots of a precinct are fed to the electronic
12 tabulating equipment, the first ballot box shall be opened at
13 the central counting station by the two precinct transport
14 judges. Upon opening a ballot box, such team shall first count
15 the number of ballots in the box. If 2 or more are folded
16 together so as to appear to have been cast by the same person,
17 all of the ballots so folded together shall be marked and
18 returned with the other ballots in the same condition, as near
19 as may be, in which they were found when first opened, but
20 shall not be counted. If the remaining ballots are found to
21 exceed the number of persons voting in the precinct as shown by
22 the slip signed by the judges of election, the ballots shall be
23 replaced in the box, and the box closed and well shaken and
24 again opened and one of the precinct transport judges shall
25 publicly draw out so many ballots unopened as are equal to such
26 excess.

1 Such excess ballots shall be marked "Excess-Not Counted"
2 and signed by the two precinct transport judges and shall be
3 placed in the "After 7:00 p.m. Defective Ballots Envelope". The
4 number of excess ballots shall be noted in the remarks section
5 of the Certificate of Results. "Excess" ballots shall not be
6 counted in the total of "defective" ballots.

7 The precinct transport judges shall then examine the
8 remaining ballots for write-in votes and shall count and
9 tabulate the write-in vote; or

10 (b) A single ballot box, for the deposit of all votes cast,
11 shall be used. All ballots which are not to be tabulated on the
12 electronic voting system shall be counted, tallied, and
13 returned as elsewhere provided in this Code ~~"The Election~~
14 ~~Code," as amended,~~ for the counting and handling of paper
15 ballots.

16 All ballots to be processed and tabulated with the
17 electronic voting system shall be processed as follows:

18 Immediately after the closing of the polls, the precinct
19 judges of election then shall open the ballot box and canvass
20 the votes polled to determine that the number of ballots
21 therein agree with the number of voters voting as shown by the
22 applications for ballot or if the same do not agree the judges
23 of election shall make such ballots agree with the applications
24 for ballot in the manner provided by Section 17-18 of this
25 Code. ~~"The Election Code."~~ The judges of election shall then
26 examine all ballot cards and ballot card envelopes which are in

1 the ballot box to determine whether the ballot cards and ballot
2 card envelopes bear the initials of a precinct judge of
3 election. If any ballot card or ballot card envelope is not
4 initialed, it shall be marked on the back "Defective,"
5 initialed as to such label by all judges immediately under such
6 word "Defective," and not counted, but placed in the envelope
7 provided for that purpose labeled "Defective Ballots
8 Envelope."

9 When an electronic voting system is used which utilizes a
10 ballot card, before separating the ballot cards from their
11 respective covering envelopes, the judges of election shall
12 examine the ballot card envelopes for write-in votes. When the
13 voter has voted a write-in vote, the judges of election shall
14 compare the write-in vote with the votes on the ballot card to
15 determine whether such write-in results in an overvote for any
16 office. In case of an overvote for any office, the judges of
17 election, consisting in each case of at least one judge of
18 election of each of the two major political parties, shall make
19 a true duplicate ballot of all votes on such ballot card except
20 for the office which is overvoted, by using the ballot label
21 booklet of the precinct and one of the marking devices of the
22 precinct so as to transfer all votes of the voter except for
23 the office overvoted, to an official ballot card of that kind
24 used in the precinct at that election. The original ballot card
25 and envelope upon which there is an overvote shall be clearly
26 labeled "Overvoted Ballot", and each shall bear the same serial

1 number which shall be placed thereon by the judges of election,
2 commencing with number 1 and continuing consecutively for the
3 ballots of that kind in that precinct. The judges of election
4 shall initial the "Duplicate Overvoted Ballot" ballot cards and
5 shall place them in the box for return of the ballots. The
6 "Overvoted Ballot" ballots and their envelopes shall be placed
7 in the "Duplicate Ballots" envelope. Envelopes bearing
8 write-in votes marked in the place designated therefor and
9 bearing the initials of a precinct judge of election and not
10 resulting in an overvote and otherwise complying with the
11 election laws as to marking shall be counted, tallied, and
12 their votes recorded on a tally sheet provided by the election
13 official in charge of the election. The ballot cards and ballot
14 card envelopes shall be separated and all except any defective
15 or overvoted shall be placed separately in the box for return
16 of the ballots. The judges of election shall examine the
17 ballots and ballot cards to determine if any is damaged or
18 defective so that it cannot be counted by the automatic
19 tabulating equipment. If any ballot or ballot card is damaged
20 or defective so that it cannot properly be counted by the
21 automatic tabulating equipment, the judges of election,
22 consisting in each case of at least one judge of election of
23 each of the two major political parties, shall make a true
24 duplicate ballot of all votes on such ballot card by using the
25 ballot label booklet of the precinct and one of the marking
26 devices of the precinct. The original ballot or ballot card and

1 envelope shall be clearly labeled "Damaged Ballot" and the
2 ballot or ballot card so produced "Duplicate Damaged Ballot,"
3 and each shall bear the same number which shall be placed
4 thereon by the judges of election, commencing with number 1 and
5 continuing consecutively for the ballots of that kind in the
6 precinct. The judges of election shall initial the "Duplicate
7 Damaged Ballot" ballot or ballot cards, and shall place them in
8 the box for return of the ballots. The "Damaged Ballot" ballots
9 or ballot cards and their envelopes shall be placed in the
10 "Duplicated Ballots" envelope. A slip indicating the number of
11 voters voting in person shall be made out, signed by all judges
12 of election, and inserted in the box for return of the ballots.
13 The tally sheets recording the write-in votes shall be placed
14 in this box. The judges of election thereupon immediately shall
15 securely lock the ballot box or other suitable box furnished
16 for return of the ballots by the election official in charge of
17 the election; provided that if such box is not of a type which
18 may be securely locked, such box shall be sealed with filament
19 tape provided for such purpose which shall be wrapped around
20 the box lengthwise and crosswise, at least twice each way. A
21 separate adhesive seal label signed by each of the judges of
22 election of the precinct shall be affixed to the box so as to
23 cover any slot therein and to identify the box of the precinct;
24 and if such box is sealed with filament tape as provided herein
25 rather than locked, such tape shall be wrapped around the box
26 as provided herein, but in such manner that the separate

1 adhesive seal label affixed to the box and signed by the judges
2 may not be removed without breaking the filament tape and
3 disturbing the signature of the judges. Thereupon, 2 of the
4 judges of election, of different major political parties,
5 forthwith shall by the most direct route transport the box for
6 return of the ballots and enclosed ballots and returns to the
7 central counting location designated by the election official
8 in charge of the election. If, however, because of the lack of
9 adequate parking facilities at the central counting location or
10 for any other reason, it is impossible or impracticable for the
11 boxes from all the polling places to be delivered directly to
12 the central counting location, the election official in charge
13 of the election may designate some other location to which the
14 boxes shall be delivered by the 2 precinct judges. While at
15 such other location the boxes shall be in the care and custody
16 of one or more teams, each consisting of 4 persons, 2 from each
17 of the two major political parties, designated for such purpose
18 by the election official in charge of elections from
19 recommendations by the appropriate political party
20 organizations. As soon as possible, the boxes shall be
21 transported from such other location to the central counting
22 location by one or more teams, each consisting of 4 persons, 2
23 from each of the 2 major political parties, designated for such
24 purpose by the election official in charge of elections from
25 recommendations by the appropriate political party
26 organizations.

1 The "Defective Ballots" envelope, and "Duplicated Ballots"
2 envelope each shall be securely sealed and the flap or end
3 thereof of each signed by the precinct judges of election and
4 returned to the central counting location with the box for
5 return of the ballots, enclosed ballots and returns.

6 At the central counting location, a team of tally judges
7 designated by the election official in charge of the election
8 shall check the box returned containing the ballots to
9 determine that all seals are intact, and thereupon shall open
10 the box, check the voters' slip and compare the number of
11 ballots so delivered against the total number of voters of the
12 precinct who voted, remove the ballots or ballot cards and
13 deliver them to the technicians operating the automatic
14 tabulating equipment. Any discrepancies between the number of
15 ballots and total number of voters shall be noted on a sheet
16 furnished for that purpose and signed by the tally judges; or

17 (c) A single ballot box, for the deposit of all votes cast,
18 shall be used. Immediately after the closing of the polls, the
19 precinct judges of election shall securely lock the ballot box;
20 provided that if such box is not of a type which may be
21 securely locked, such box shall be sealed with filament tape
22 provided for such purpose which shall be wrapped around the box
23 lengthwise and crosswise, at least twice each way. A separate
24 adhesive seal label signed by each of the judges of election of
25 the precinct shall be affixed to the box so as to cover any
26 slot therein and to identify the box of the precinct; and if

1 such box is sealed with filament tape as provided herein rather
2 than locked, such tape shall be wrapped around the box as
3 provided herein, but in such manner that the separate adhesive
4 seal label affixed to the box and signed by the judges may not
5 be removed without breaking the filament tape and disturbing
6 the signature of the judges. Thereupon, 2 of the judges of
7 election, of different major political parties, shall
8 forthwith by the most direct route transport the box for return
9 of the ballots and enclosed vote by mail and early ballots and
10 returns to the central counting location designated by the
11 election official in charge of the election. If however,
12 because of the lack of adequate parking facilities at the
13 central counting location or for some other reason, it is
14 impossible or impracticable for the boxes from all the polling
15 places to be delivered directly to the central counting
16 location, the election official in charge of the election may
17 designate some other location to which the boxes shall be
18 delivered by the 2 precinct judges. While at such other
19 location the boxes shall be in the care and custody of one or
20 more teams, each consisting of 4 persons, 2 from each of the
21 two major political parties, designated for such purpose by the
22 election official in charge of elections from recommendations
23 by the appropriate political party organizations. As soon as
24 possible, the boxes shall be transported from such other
25 location to the central counting location by one or more teams,
26 each consisting of 4 persons, 2 from each of the 2 major

1 political parties, designated for such purpose by the election
2 official in charge of the election from recommendations by the
3 appropriate political party organizations.

4 At the central counting location there shall be one or more
5 teams of tally judges who possess the same qualifications as
6 tally judges in election jurisdictions using paper ballots. The
7 number of such teams shall be determined by the election
8 authority. Each team shall consist of 5 tally judges, 3
9 selected and approved by the county board from a certified list
10 furnished by the chair of the county central committee of the
11 party with the majority of members on the county board and 2
12 selected and approved by the county board from a certified list
13 furnished by the chair of the county central committee of the
14 party with the second largest number of members on the county
15 board. At the central counting location a team of tally judges
16 shall open the ballot box and canvass the votes polled to
17 determine that the number of ballot sheets therein agree with
18 the number of voters voting as shown by the applications for
19 ballot; and, if the same do not agree, the tally judges shall
20 make such ballots agree with the number of applications for
21 ballot in the manner provided by Section 17-18 of this ~~the~~
22 ~~Election~~ Code. The tally judges shall then examine all ballot
23 sheets which are in the ballot box to determine whether they
24 bear the initials of the precinct judge of election. If any
25 ballot is not initialed, it shall be marked on the back
26 "Defective", initialed as to such label by all tally judges

1 immediately under such word "Defective", and not counted, but
2 placed in the envelope provided for that purpose labeled
3 "Defective Ballots Envelope". An overvote for one office shall
4 invalidate only the vote or count of that particular office.

5 At the central counting location, a team of tally judges
6 designated by the election official in charge of the election
7 shall deliver the ballot sheets to the technicians operating
8 the automatic tabulating equipment. Any discrepancies between
9 the number of ballots and total number of voters shall be noted
10 on a sheet furnished for that purpose and signed by the tally
11 judges.

12 (2) Regardless of which procedure described in subsection
13 (1) of this Section is used, the judges of election designated
14 to transport the ballots, properly signed and sealed as
15 provided herein, shall ensure that the ballots are delivered to
16 the central counting station no later than 12 hours after the
17 polls close. At the central counting station a team of tally
18 judges designated by the election official in charge of the
19 election shall examine the ballots so transported and shall not
20 accept ballots for tabulating which are not signed and sealed
21 as provided in subsection (1) of this Section until the judges
22 transporting the same make and sign the necessary corrections.
23 Upon acceptance of the ballots by a team of tally judges at the
24 central counting station, the election judges transporting the
25 same shall take a receipt signed by the election official in
26 charge of the election and stamped with the date and time of

1 acceptance. The election judges whose duty it is to transport
2 any ballots shall, in the event such ballots cannot be found
3 when needed, on proper request, produce the receipt which they
4 are to take as above provided.

5 (Source: P.A. 100-1027, eff. 1-1-19; revised 10-10-18.)

6 Section 65. The Executive Reorganization Implementation
7 Act is amended by changing Section 3.1 as follows:

8 (15 ILCS 15/3.1)

9 (Text of Section before amendment by P.A. 100-1050)

10 Sec. 3.1. "Agency directly responsible to the Governor" or
11 "agency" means any office, officer, division, or part thereof,
12 and any other office, nonelective officer, department,
13 division, bureau, board, or commission in the executive branch
14 of State government, except that it does not apply to any
15 agency whose primary function is service to the General
16 Assembly or the Judicial Branch of State government, or to any
17 agency administered by the Attorney General, Secretary of
18 State, State Comptroller or State Treasurer. In addition the
19 term does not apply to the following agencies created by law
20 with the primary responsibility of exercising regulatory or
21 adjudicatory functions independently of the Governor:

22 (1) the State Board of Elections;

23 (2) the State Board of Education;

24 (3) the Illinois Commerce Commission;

1 (4) the Illinois Workers' Compensation Commission;
2 (5) the Civil Service Commission;
3 (6) the Fair Employment Practices Commission;
4 (7) the Pollution Control Board;
5 (8) the Department of State Police Merit Board;
6 (9) the Illinois Racing Board;
7 (10) the Illinois Power Agency; and
8 (11) the Illinois Law Enforcement Training Standards
9 Board.

10 (Source: P.A. 100-995, eff. 8-20-18.)

11 (Text of Section after amendment by P.A. 100-1050)

12 Sec. 3.1. "Agency directly responsible to the Governor" or
13 "agency" means any office, officer, division, or part thereof,
14 and any other office, nonelective officer, department,
15 division, bureau, board, or commission in the executive branch
16 of State government, except that it does not apply to any
17 agency whose primary function is service to the General
18 Assembly or the Judicial Branch of State government, or to any
19 agency administered by the Attorney General, Secretary of
20 State, State Comptroller or State Treasurer. In addition the
21 term does not apply to the following agencies created by law
22 with the primary responsibility of exercising regulatory or
23 adjudicatory functions independently of the Governor:

24 (1) the State Board of Elections;

25 (2) the State Board of Education;

- 1 (3) the Illinois Commerce Commission;
- 2 (4) the Illinois Workers' Compensation Commission;
- 3 (5) the Civil Service Commission;
- 4 (6) the Fair Employment Practices Commission;
- 5 (7) the Pollution Control Board;
- 6 (8) the Department of State Police Merit Board;
- 7 (9) the Illinois Racing Board;
- 8 (10) the Illinois Power Agency; ~~and~~
- 9 (11) the Illinois Law Enforcement Training Standards
- 10 Board; ~~and~~.

11 (12) ~~(11)~~ the Illinois Liquor Control Commission.

12 (Source: P.A. 100-995, eff. 8-20-18; 100-1050, eff. 7-1-19;

13 revised 10-18-18.)

14 Section 70. The Illinois Identification Card Act is amended

15 by changing Section 12 as follows:

16 (15 ILCS 335/12) (from Ch. 124, par. 32)

17 (Text of Section before amendment by P.A. 100-717)

18 Sec. 12. Fees concerning standard Illinois Identification

19 Cards. The fees required under this Act for standard Illinois

20 Identification Cards must accompany any application provided

21 for in this Act, and the Secretary shall collect such fees as

22 follows:

- 23 a. Original card \$20
- 24 b. Renewal card 20

1	c. Corrected card	10
2	d. Duplicate card	20
3	e. Certified copy with seal	5
4	f. (Blank)	
5	g. Applicant 65 years of age or over	No Fee
6	h. (Blank)	
7	i. Individual living in Veterans	
8	Home or Hospital	No Fee
9	j. Original card under 18 years of age	\$10
10	k. Renewal card under 18 years of age	\$10
11	l. Corrected card under 18 years of age	\$5
12	m. Duplicate card under 18 years of age	\$10
13	n. Homeless person	No Fee
14	o. Duplicate card issued to an active-duty	
15	member of the United States Armed Forces, the	
16	member's spouse, or dependent children	
17	living with the member	No Fee
18	p. Duplicate temporary card	\$5
19	q. First card issued to a youth	
20	for whom the Department of Children	
21	and Family Services is legally responsible	
22	or a foster child upon turning the age of	
23	16 years old until he or she reaches	
24	the age of 21 years old	No Fee
25	r. Original card issued to a committed	
26	person upon release on parole,	

1 mandatory supervised release,
 2 aftercare release, final
 3 discharge, or pardon from the
 4 Department of Corrections or
 5 Department of Juvenile Justice No Fee

6 s. Limited-term Illinois Identification
 7 Card issued to a committed person
 8 upon release on parole, mandatory
 9 supervised release, aftercare
 10 release, final discharge, or pardon
 11 from the Department of
 12 Corrections or Department of
 13 Juvenile Justice No Fee

14 All fees collected under this Act shall be paid into the
 15 Road Fund of the State treasury, except that the following
 16 amounts shall be paid into the General Revenue Fund: (i) 80% of
 17 the fee for an original, renewal, or duplicate Illinois
 18 Identification Card issued on or after January 1, 2005; and
 19 (ii) 80% of the fee for a corrected Illinois Identification
 20 Card issued on or after January 1, 2005.

21 An individual, who resides in a veterans home or veterans
 22 hospital operated by the State or federal government, who makes
 23 an application for an Illinois Identification Card to be issued
 24 at no fee, must submit, along with the application, an
 25 affirmation by the applicant on a form provided by the
 26 Secretary of State, that such person resides in a veterans home

1 or veterans hospital operated by the State or federal
2 government.

3 The application of a homeless individual for an Illinois
4 Identification Card to be issued at no fee must be accompanied
5 by an affirmation by a qualified person, as defined in Section
6 4C of this Act, on a form provided by the Secretary of State,
7 that the applicant is currently homeless as defined in Section
8 1A of this Act.

9 For the application for the first Illinois Identification
10 Card of a youth for whom the Department of Children and Family
11 Services is legally responsible or a foster child to be issued
12 at no fee, the youth must submit, along with the application,
13 an affirmation by his or her court appointed attorney or an
14 employee of the Department of Children and Family Services on a
15 form provided by the Secretary of State, that the person is a
16 youth for whom the Department of Children and Family Services
17 is legally responsible or a foster child.

18 The fee for any duplicate identification card shall be
19 waived for any person who presents the Secretary of State's
20 Office with a police report showing that his or her
21 identification card was stolen.

22 The fee for any duplicate identification card shall be
23 waived for any person age 60 or older whose identification card
24 has been lost or stolen.

25 As used in this Section, "active-duty member of the United
26 States Armed Forces" means a member of the Armed Services or

1 Reserve Forces of the United States or a member of the Illinois
 2 National Guard who is called to active duty pursuant to an
 3 executive order of the President of the United States, an act
 4 of the Congress of the United States, or an order of the
 5 Governor.

6 (Source: P.A. 99-607, eff. 7-22-16; 99-659, eff. 7-28-17;
 7 99-907, eff. 7-1-17; 100-201, eff. 8-18-17; 100-827, eff.
 8 8-13-18.)

9 (Text of Section after amendment by P.A. 100-717)

10 Sec. 12. Fees concerning standard Illinois Identification
 11 Cards. The fees required under this Act for standard Illinois
 12 Identification Cards must accompany any application provided
 13 for in this Act, and the Secretary shall collect such fees as
 14 follows:

15	a. Original card	\$20
16	b. Renewal card	20
17	c. Corrected card	10
18	d. Duplicate card	20
19	e. Certified copy with seal	5
20	f. (Blank)	
21	g. Applicant 65 years of age or over.....	No Fee
22	h. (Blank)	
23	i. Individual living in Veterans	
24	Home or Hospital	No Fee
25	j. Original card under 18 years of age.....	\$10

1	k. Renewal card under 18 years of age	\$10
2	l. Corrected card under 18 years of age	\$5
3	m. Duplicate card under 18 years of age	\$10
4	n. Homeless person	No Fee
5	o. Duplicate card issued to an active-duty	
6	member of the United States Armed Forces, the	
7	member's spouse, or dependent children	
8	living with the member	No Fee
9	p. Duplicate temporary card	\$5
10	q. First card issued to a youth	
11	for whom the Department of Children	
12	and Family Services is legally responsible	
13	or a foster child upon turning the age of	
14	16 years old until he or she reaches	
15	the age of 21 years old	No Fee
16	r. Original card issued to a committed	
17	person upon release on parole,	
18	mandatory supervised release,	
19	aftercare release, final	
20	discharge, or pardon from the	
21	Department of Corrections or	
22	Department of Juvenile Justice	No Fee
23	s. Limited-term Illinois Identification	
24	Card issued to a committed person	
25	upon release on parole, mandatory	
26	supervised release, aftercare	

1 release, final discharge, or pardon
 2 from the Department of
 3 Corrections or Department of
 4 Juvenile Justice No Fee

5 t. Original card issued to a
 6 person up to 14 days prior
 7 to or upon conditional release
 8 or absolute discharge from
 9 the Department of Human Services No Fee

10 u. Limited-term Illinois Identification
 11 Card issued to a person up to
 12 14 days prior to or upon
 13 conditional release or absolute discharge
 14 from the Department of Human Services No Fee

15 All fees collected under this Act shall be paid into the
 16 Road Fund of the State treasury, except that the following
 17 amounts shall be paid into the General Revenue Fund: (i) 80% of
 18 the fee for an original, renewal, or duplicate Illinois
 19 Identification Card issued on or after January 1, 2005; and
 20 (ii) 80% of the fee for a corrected Illinois Identification
 21 Card issued on or after January 1, 2005.

22 An individual, who resides in a veterans home or veterans
 23 hospital operated by the State or federal government, who makes
 24 an application for an Illinois Identification Card to be issued
 25 at no fee, must submit, along with the application, an
 26 affirmation by the applicant on a form provided by the

1 Secretary of State, that such person resides in a veterans home
2 or veterans hospital operated by the State or federal
3 government.

4 The application of a homeless individual for an Illinois
5 Identification Card to be issued at no fee must be accompanied
6 by an affirmation by a qualified person, as defined in Section
7 4C of this Act, on a form provided by the Secretary of State,
8 that the applicant is currently homeless as defined in Section
9 1A of this Act.

10 For the application for the first Illinois Identification
11 Card of a youth for whom the Department of Children and Family
12 Services is legally responsible or a foster child to be issued
13 at no fee, the youth must submit, along with the application,
14 an affirmation by his or her court appointed attorney or an
15 employee of the Department of Children and Family Services on a
16 form provided by the Secretary of State, that the person is a
17 youth for whom the Department of Children and Family Services
18 is legally responsible or a foster child.

19 The fee for any duplicate identification card shall be
20 waived for any person who presents the Secretary of State's
21 Office with a police report showing that his or her
22 identification card was stolen.

23 The fee for any duplicate identification card shall be
24 waived for any person age 60 or older whose identification card
25 has been lost or stolen.

26 As used in this Section, "active-duty member of the United

1 States Armed Forces" means a member of the Armed Services or
2 Reserve Forces of the United States or a member of the Illinois
3 National Guard who is called to active duty pursuant to an
4 executive order of the President of the United States, an act
5 of the Congress of the United States, or an order of the
6 Governor.

7 (Source: P.A. 99-607, eff. 7-22-16; 99-659, eff. 7-28-17;
8 99-907, eff. 7-1-17; 100-201, eff. 8-18-17; 100-717, eff.
9 7-1-19; 100-827, eff. 8-13-18; revised 9-4-18.)

10 Section 75. The State Treasurer Act is amended by changing
11 Section 16.5 as follows:

12 (15 ILCS 505/16.5)

13 Sec. 16.5. College Savings Pool.

14 (a) Definitions. As used in this Section:

15 "Account owner" means any person or entity who has opened
16 an account or to whom ownership of an account has been
17 transferred, as allowed by the Internal Revenue Code, and who
18 has authority to withdraw funds, direct withdrawal of funds,
19 change the designated beneficiary, or otherwise exercise
20 control over an account in the College Savings Pool.

21 "Donor" means any person or entity who makes contributions
22 to an account in the College Savings Pool.

23 "Designated beneficiary" means any individual designated
24 as the beneficiary of an account in the College Savings Pool by

1 an account owner. A designated beneficiary must have a valid
2 social security number or taxpayer identification number. In
3 the case of an account established as part of a scholarship
4 program permitted under Section 529 of the Internal Revenue
5 Code, the designated beneficiary is any individual receiving
6 benefits accumulated in the account as a scholarship.

7 "Member of the family" has the same meaning ascribed to
8 that term under Section 529 of the Internal Revenue Code.

9 "Nonqualified withdrawal" means a distribution from an
10 account other than a distribution that (i) is used for the
11 qualified expenses of the designated beneficiary; (ii) results
12 from the beneficiary's death or disability; (iii) is a rollover
13 to another account in the College Savings Pool; or (iv) is a
14 rollover to an ABLE account, as defined in Section 16.6 of this
15 Act, or any distribution that, within 60 days after such
16 distribution, is transferred to an ABLE account of the
17 designated beneficiary or a member of the family of the
18 designated beneficiary to the extent that the distribution,
19 when added to all other contributions made to the ABLE account
20 for the taxable year, does not exceed the limitation under
21 Section 529A(b) (2) (B) (i) of the Internal Revenue Code.

22 "Program manager" means any financial institution or
23 entity lawfully doing business in the State of Illinois
24 selected by the State Treasurer to oversee the recordkeeping,
25 custody, customer service, investment management, and
26 marketing for one or more of the programs in the College

1 Savings Pool.

2 "Qualified expenses" means: (i) tuition, fees, and the
3 costs of books, supplies, and equipment required for enrollment
4 or attendance at an eligible educational institution; (ii)
5 expenses for special needs services, in the case of a special
6 needs beneficiary, which are incurred in connection with such
7 enrollment or attendance; (iii) certain expenses for the
8 purchase of computer or peripheral equipment, as defined in
9 Section 168 of the federal Internal Revenue Code (26 U.S.C.
10 168), computer software, as defined in Section 197 of the
11 federal Internal Revenue Code (26 U.S.C. 197), or Internet
12 access and related services, if such equipment, software, or
13 services are to be used primarily by the beneficiary during any
14 of the years the beneficiary is enrolled at an eligible
15 educational institution, except that, such expenses shall not
16 include expenses for computer software designed for sports,
17 games, or hobbies, unless the software is predominantly
18 educational in nature; and (iv) room and board expenses
19 incurred while attending an eligible educational institution
20 at least half-time. "Eligible educational institutions", as
21 used in this Section, means public and private colleges, junior
22 colleges, graduate schools, and certain vocational
23 institutions that are described in Section 481 of the Higher
24 Education Act of 1965 (20 U.S.C. 1088) and that are eligible to
25 participate in Department of Education student aid programs. A
26 student shall be considered to be enrolled at least half-time

1 if the student is enrolled for at least half the full-time
2 academic workload for the course of study the student is
3 pursuing as determined under the standards of the institution
4 at which the student is enrolled.

5 (b) Establishment of the Pool. The State Treasurer may
6 establish and administer a College Savings Pool as a qualified
7 tuition program under Section 529 of the Internal Revenue Code.
8 The Pool may consist of one or more college savings programs.
9 The State Treasurer, in administering the College Savings Pool,
10 may receive, hold, and invest moneys paid into the Pool and
11 perform such other actions as are necessary to ensure that the
12 Pool operates as a qualified tuition program in accordance with
13 Section 529 of the Internal Revenue Code.

14 (c) Administration of the College Savings Pool. The State
15 Treasurer may engage one or more financial institutions to
16 handle the overall administration, investment management,
17 recordkeeping, and marketing of the programs in the College
18 Savings Pool. The contributions deposited in the Pool, and any
19 earnings thereon, shall not constitute property of the State or
20 be commingled with State funds and the State shall have no
21 claim to or against, or interest in, such funds.

22 (d) Availability of the College Savings Pool. The State
23 Treasurer may permit persons, including trustees of trusts and
24 custodians under a Uniform Transfers to Minors Act or Uniform
25 Gifts to Minors Act account, and certain legal entities to be
26 account owners, including as part of a scholarship program,

1 provided that: (1) an individual, trustee or custodian must
2 have a valid social security number or taxpayer identification
3 number, be at least 18 years of age, and have a valid United
4 States street address; and (2) a legal entity must have a valid
5 taxpayer identification number and a valid United States street
6 address. Both in-state and out-of-state persons may be account
7 owners and donors, and both in-state and out-of-state
8 individuals may be designated beneficiaries in the College
9 Savings Pool.

10 (e) Fees. The State Treasurer shall establish fees to be
11 imposed on accounts to recover the costs of administration,
12 recordkeeping, and investment management. The Treasurer must
13 use his or her best efforts to keep these fees as low as
14 possible and consistent with administration of high quality
15 competitive college savings programs.

16 (f) Investments in the State. To enhance the safety and
17 liquidity of the College Savings Pool, to ensure the
18 diversification of the investment portfolio of the College
19 Savings Pool, and in an effort to keep investment dollars in
20 the State of Illinois, the State Treasurer may make a
21 percentage of each account available for investment in
22 participating financial institutions doing business in the
23 State.

24 (g) Investment policy. The Treasurer shall develop,
25 publish, and implement an investment policy covering the
26 investment of the moneys in each of the programs in the College

1 Savings Pool. The policy shall be published each year as part
2 of the audit of the College Savings Pool by the Auditor
3 General, which shall be distributed to all account owners in
4 such program. The Treasurer shall notify all account owners in
5 such program in writing, and the Treasurer shall publish in a
6 newspaper of general circulation in both Chicago and
7 Springfield, any changes to the previously published
8 investment policy at least 30 calendar days before implementing
9 the policy. Any investment policy adopted by the Treasurer
10 shall be reviewed and updated if necessary within 90 days
11 following the date that the State Treasurer takes office.

12 (h) Investment restrictions. An account owner may,
13 directly or indirectly, direct the investment of any
14 contributions to the College Savings Pool (or any earnings
15 thereon) only as provided in Section 529(b)(4) of the Internal
16 Revenue Code. Donors and designated beneficiaries, in those
17 capacities, may not, directly or indirectly, direct the
18 investment of any contributions to the Pool (or any earnings
19 thereon).

20 (i) Distributions. Distributions from an account in the
21 College Savings Pool may be used for the designated
22 beneficiary's qualified expenses. Funds contained in a College
23 Savings Pool account may be rolled over into an eligible ABLE
24 account, as defined in Section 16.6 of this Act, to the extent
25 permitted by Section 529(c)(3)(C) of the Internal Revenue Code.
26 To the extent a nonqualified withdrawal is made from an

1 account, the earnings portion of such distribution may be
2 treated by the Internal Revenue Service as income subject to
3 income tax and a 10% federal penalty tax. ~~Internet~~

4 Distributions made from the College Savings Pool may be
5 made directly to the educational institution, directly to a
6 vendor, in the form of a check payable to both the designated
7 beneficiary and the institution or vendor, directly to the
8 designated beneficiary or account owner, or in any other manner
9 that is permissible under Section 529 of the Internal Revenue
10 Code.

11 (j) Contributions. Contributions to the College Savings
12 Pool shall be as follows:

13 (1) Contributions to an account in the College Savings
14 Pool may be made only in cash.

15 (2) The Treasurer shall limit the contributions that
16 may be made to the College Savings Pool on behalf of a
17 designated beneficiary, as required under Section 529 of
18 the Internal Revenue Code, to prevent contributions for the
19 benefit of a designated beneficiary in excess of those
20 necessary to provide for the qualified expenses of the
21 designated beneficiary. The Pool shall not permit any
22 additional contributions to an account as soon as the
23 aggregate accounts for the designated beneficiary in the
24 Pool reach a specified account balance limit applicable to
25 all designated beneficiaries.

26 (3) The contributions made on behalf of a designated

1 beneficiary who is also a beneficiary under the Illinois
2 Prepaid Tuition Program shall be further restricted to
3 ensure that the contributions in both programs combined do
4 not exceed the limit established for the College Savings
5 Pool.

6 (k) Illinois Student Assistance Commission. The Treasurer
7 shall provide the Illinois Student Assistance Commission each
8 year at a time designated by the Commission, an electronic
9 report of all account owner accounts in the Treasurer's College
10 Savings Pool, listing total contributions and disbursements
11 from each individual account during the previous calendar year.
12 As soon thereafter as is possible following receipt of the
13 Treasurer's report, the Illinois Student Assistance Commission
14 shall, in turn, provide the Treasurer with an electronic report
15 listing those College Savings Pool account owners who also
16 participate in the State's prepaid tuition program,
17 administered by the Commission. The Commission shall be
18 responsible for filing any combined tax reports regarding State
19 qualified savings programs required by the United States
20 Internal Revenue Service.

21 The Treasurer shall work with the Illinois Student
22 Assistance Commission to coordinate the marketing of the
23 College Savings Pool and the Illinois Prepaid Tuition Program
24 when considered beneficial by the Treasurer and the Director of
25 the Illinois Student Assistance Commission. The Treasurer
26 shall provide a separate accounting for each designated

1 beneficiary to each account owner.

2 (l) Prohibition; exemption. No interest in the program, or
3 any portion thereof, may be used as security for a loan. Moneys
4 held in an account invested in the College Savings Pool shall
5 be exempt from all claims of the creditors of the account
6 owner, donor, or designated beneficiary of that account, except
7 for the non-exempt College Savings Pool transfers to or from
8 the account as defined under subsection (j) of Section 12-1001
9 of the Code of Civil Procedure.

10 (m) Taxation. The assets of the College Savings Pool and
11 its income and operation shall be exempt from all taxation by
12 the State of Illinois and any of its subdivisions. The accrued
13 earnings on investments in the Pool once disbursed on behalf of
14 a designated beneficiary shall be similarly exempt from all
15 taxation by the State of Illinois and its subdivisions, so long
16 as they are used for qualified expenses. Contributions to a
17 College Savings Pool account during the taxable year may be
18 deducted from adjusted gross income as provided in Section 203
19 of the Illinois Income Tax Act. The provisions of this
20 paragraph are exempt from Section 250 of the Illinois Income
21 Tax Act.

22 (n) Rules. The Treasurer shall adopt rules he or she
23 considers necessary for the efficient administration of the
24 College Savings Pool. The rules shall provide whatever
25 additional parameters and restrictions are necessary to ensure
26 that the College Savings Pool meets all of the requirements for

1 a qualified state tuition program under Section 529 of the
2 Internal Revenue Code.

3 The rules shall provide for the administration expenses of
4 the Pool to be paid from its earnings and for the investment
5 earnings in excess of the expenses to be credited at least
6 monthly to the account owners in the Pool in a manner which
7 equitably reflects the differing amounts of their respective
8 investments in the Pool and the differing periods of time for
9 which those amounts were in the custody of the Pool.

10 The rules shall require the maintenance of records that
11 enable the Treasurer's office to produce a report for each
12 account in the Pool at least annually that documents the
13 account balance and investment earnings.

14 Notice of any proposed amendments to the rules and
15 regulations shall be provided to all account owners prior to
16 adoption. Amendments to rules and regulations shall apply only
17 to contributions made after the adoption of the amendment.

18 (o) Bond. The State Treasurer shall give bond with at least
19 one surety, payable to and for the benefit of the account
20 owners in the College Savings Pool, in the penal sum of
21 \$10,000,000, conditioned upon the faithful discharge of his or
22 her duties in relation to the College Savings Pool.

23 (Source: P.A. 99-143, eff. 7-27-15; 100-161, eff. 8-18-17;
24 100-863, eff. 8-14-18; 100-905, eff. 8-17-18; revised
25 10-18-18.)

1 Section 80. The Deposit of State Moneys Act is amended by
2 changing Section 22.5 as follows:

3 (15 ILCS 520/22.5) (from Ch. 130, par. 41a)

4 (For force and effect of certain provisions, see Section 90
5 of P.A. 94-79)

6 Sec. 22.5. Permitted investments. The State Treasurer may,
7 with the approval of the Governor, invest and reinvest any
8 State money in the treasury which is not needed for current
9 expenditures due or about to become due, in obligations of the
10 United States government or its agencies or of National
11 Mortgage Associations established by or under the National
12 Housing Act, 12 ~~1201~~ U.S.C. 1701 et seq., or in mortgage
13 participation certificates representing undivided interests in
14 specified, first-lien conventional residential Illinois
15 mortgages that are underwritten, insured, guaranteed, or
16 purchased by the Federal Home Loan Mortgage Corporation or in
17 Affordable Housing Program Trust Fund Bonds or Notes as defined
18 in and issued pursuant to the Illinois Housing Development Act.
19 All such obligations shall be considered as cash and may be
20 delivered over as cash by a State Treasurer to his successor.

21 The State Treasurer may, with the approval of the Governor,
22 purchase any state bonds with any money in the State Treasury
23 that has been set aside and held for the payment of the
24 principal of and interest on the bonds. The bonds shall be
25 considered as cash and may be delivered over as cash by the

1 State Treasurer to his successor.

2 The State Treasurer may, with the approval of the Governor,
3 invest or reinvest any State money in the treasury that is not
4 needed for current expenditure due or about to become due, or
5 any money in the State Treasury that has been set aside and
6 held for the payment of the principal of and the interest on
7 any State bonds, in shares, withdrawable accounts, and
8 investment certificates of savings and building and loan
9 associations, incorporated under the laws of this State or any
10 other state or under the laws of the United States; provided,
11 however, that investments may be made only in those savings and
12 loan or building and loan associations the shares and
13 withdrawable accounts or other forms of investment securities
14 of which are insured by the Federal Deposit Insurance
15 Corporation.

16 The State Treasurer may not invest State money in any
17 savings and loan or building and loan association unless a
18 commitment by the savings and loan (or building and loan)
19 association, executed by the president or chief executive
20 officer of that association, is submitted in the following
21 form:

22 The Savings and Loan (or Building
23 and Loan) Association pledges not to reject arbitrarily
24 mortgage loans for residential properties within any
25 specific part of the community served by the savings and
26 loan (or building and loan) association because of the

1 location of the property. The savings and loan (or building
2 and loan) association also pledges to make loans available
3 on low and moderate income residential property throughout
4 the community within the limits of its legal restrictions
5 and prudent financial practices.

6 The State Treasurer may, with the approval of the Governor,
7 invest or reinvest, at a price not to exceed par, any State
8 money in the treasury that is not needed for current
9 expenditures due or about to become due, or any money in the
10 State Treasury that has been set aside and held for the payment
11 of the principal of and interest on any State bonds, in bonds
12 issued by counties or municipal corporations of the State of
13 Illinois.

14 The State Treasurer may, with the approval of the Governor,
15 invest or reinvest any State money in the Treasury which is not
16 needed for current expenditure, due or about to become due, or
17 any money in the State Treasury which has been set aside and
18 held for the payment of the principal of and the interest on
19 any State bonds, in participations in loans, the principal of
20 which participation is fully guaranteed by an agency or
21 instrumentality of the United States government; provided,
22 however, that such loan participations are represented by
23 certificates issued only by banks which are incorporated under
24 the laws of this State or any other state or under the laws of
25 the United States, and such banks, but not the loan
26 participation certificates, are insured by the Federal Deposit

1 Insurance Corporation.

2 Whenever the total amount of vouchers presented to the
3 Comptroller under Section 9 of the State Comptroller Act
4 exceeds the funds available in the General Revenue Fund by
5 \$1,000,000,000 or more, then the State Treasurer may invest any
6 State money in the Treasury, other than money in the General
7 Revenue Fund, Health Insurance Reserve Fund, Attorney General
8 Court Ordered and Voluntary Compliance Payment Projects Fund,
9 Attorney General Whistleblower Reward and Protection Fund, and
10 Attorney General's State Projects and Court Ordered
11 Distribution Fund, which is not needed for current
12 expenditures, due or about to become due, or any money in the
13 State Treasury which has been set aside and held for the
14 payment of the principal of and the interest on any State bonds
15 with the Office of the Comptroller in order to enable the
16 Comptroller to pay outstanding vouchers. At any time, and from
17 time to time outstanding, such investment shall not be greater
18 than \$2,000,000,000. Such investment shall be deposited into
19 the General Revenue Fund or Health Insurance Reserve Fund as
20 determined by the Comptroller. Such investment shall be repaid
21 by the Comptroller with an interest rate tied to the London
22 Interbank Offered Rate (LIBOR) or the Federal Funds Rate or an
23 equivalent market established variable rate, but in no case
24 shall such interest rate exceed the lesser of the penalty rate
25 established under the State Prompt Payment Act or the timely
26 pay interest rate under Section 368a of the Illinois Insurance

1 Code. The State Treasurer and the Comptroller shall enter into
2 an intergovernmental agreement to establish procedures for
3 such investments, which market established variable rate to
4 which the interest rate for the investments should be tied, and
5 other terms which the State Treasurer and Comptroller
6 reasonably believe to be mutually beneficial concerning these
7 investments by the State Treasurer. The State Treasurer and
8 Comptroller shall also enter into a written agreement for each
9 such investment that specifies the period of the investment,
10 the payment interval, the interest rate to be paid, the funds
11 in the Treasury from which the Treasurer will draw the
12 investment, and other terms upon which the State Treasurer and
13 Comptroller mutually agree. Such investment agreements shall
14 be public records and the State Treasurer shall post the terms
15 of all such investment agreements on the State Treasurer's
16 official website. In compliance with the intergovernmental
17 agreement, the Comptroller shall order and the State Treasurer
18 shall transfer amounts sufficient for the payment of principal
19 and interest invested by the State Treasurer with the Office of
20 the Comptroller under this paragraph from the General Revenue
21 Fund or the Health Insurance Reserve Fund to the respective
22 funds in the Treasury from which the State Treasurer drew the
23 investment. Public Act 100-1107 ~~This amendatory Act of the~~
24 ~~100th General Assembly~~ shall constitute an irrevocable and
25 continuing authority for all amounts necessary for the payment
26 of principal and interest on the investments made with the

1 Office of the Comptroller by the State Treasurer under this
2 paragraph, and the irrevocable and continuing authority for and
3 direction to the Comptroller and Treasurer to make the
4 necessary transfers.

5 The State Treasurer may, with the approval of the Governor,
6 invest or reinvest any State money in the Treasury that is not
7 needed for current expenditure, due or about to become due, or
8 any money in the State Treasury that has been set aside and
9 held for the payment of the principal of and the interest on
10 any State bonds, in any of the following:

11 (1) Bonds, notes, certificates of indebtedness,
12 Treasury bills, or other securities now or hereafter issued
13 that are guaranteed by the full faith and credit of the
14 United States of America as to principal and interest.

15 (2) Bonds, notes, debentures, or other similar
16 obligations of the United States of America, its agencies,
17 and instrumentalities.

18 (2.5) Bonds, notes, debentures, or other similar
19 obligations of a foreign government, other than the
20 Republic of the Sudan, that are guaranteed by the full
21 faith and credit of that government as to principal and
22 interest, but only if the foreign government has not
23 defaulted and has met its payment obligations in a timely
24 manner on all similar obligations for a period of at least
25 25 years immediately before the time of acquiring those
26 obligations.

1 (3) Interest-bearing savings accounts,
2 interest-bearing certificates of deposit, interest-bearing
3 time deposits, or any other investments constituting
4 direct obligations of any bank as defined by the Illinois
5 Banking Act.

6 (4) Interest-bearing accounts, certificates of
7 deposit, or any other investments constituting direct
8 obligations of any savings and loan associations
9 incorporated under the laws of this State or any other
10 state or under the laws of the United States.

11 (5) Dividend-bearing share accounts, share certificate
12 accounts, or class of share accounts of a credit union
13 chartered under the laws of this State or the laws of the
14 United States; provided, however, the principal office of
15 the credit union must be located within the State of
16 Illinois.

17 (6) Bankers' acceptances of banks whose senior
18 obligations are rated in the top 2 rating categories by 2
19 national rating agencies and maintain that rating during
20 the term of the investment.

21 (7) Short-term obligations of either corporations or
22 limited liability companies organized in the United States
23 with assets exceeding \$500,000,000 if (i) the obligations
24 are rated at the time of purchase at one of the 3 highest
25 classifications established by at least 2 standard rating
26 services and mature not later than 270 days from the date

1 of purchase, (ii) the purchases do not exceed 10% of the
2 corporation's or the limited liability company's
3 outstanding obligations, (iii) no more than one-third of
4 the public agency's funds are invested in short-term
5 obligations of either corporations or limited liability
6 companies, and (iv) the corporation or the limited
7 liability company has not been placed on the list of
8 restricted companies by the Illinois Investment Policy
9 Board under Section 1-110.16 of the Illinois Pension Code.

10 (7.5) Obligations of either corporations or limited
11 liability companies organized in the United States, that
12 have a significant presence in this State, with assets
13 exceeding \$500,000,000 if: (i) the obligations are rated at
14 the time of purchase at one of the 3 highest
15 classifications established by at least 2 standard rating
16 services and mature more than 270 days, but less than 5
17 years, from the date of purchase; (ii) the purchases do not
18 exceed 10% of the corporation's or the limited liability
19 company's outstanding obligations; (iii) no more than 5% of
20 the public agency's funds are invested in such obligations
21 of corporations or limited liability companies; and (iv)
22 the corporation or the limited liability company has not
23 been placed on the list of restricted companies by the
24 Illinois Investment Policy Board under Section 1-110.16 of
25 the Illinois Pension Code. The authorization of the
26 Treasurer to invest in new obligations under this paragraph

1 shall expire on June 30, 2019.

2 (8) Money market mutual funds registered under the
3 Investment Company Act of 1940, provided that the portfolio
4 of the money market mutual fund is limited to obligations
5 described in this Section and to agreements to repurchase
6 such obligations.

7 (9) The Public Treasurers' Investment Pool created
8 under Section 17 of the State Treasurer Act or in a fund
9 managed, operated, and administered by a bank.

10 (10) Repurchase agreements of government securities
11 having the meaning set out in the Government Securities Act
12 of 1986, as now or hereafter amended or succeeded, subject
13 to the provisions of that Act and the regulations issued
14 thereunder.

15 (11) Investments made in accordance with the
16 Technology Development Act.

17 For purposes of this Section, "agencies" of the United
18 States Government includes:

19 (i) the federal land banks, federal intermediate
20 credit banks, banks for cooperatives, federal farm credit
21 banks, or any other entity authorized to issue debt
22 obligations under the Farm Credit Act of 1971 (12 U.S.C.
23 2001 et seq.) and Acts amendatory thereto;

24 (ii) the federal home loan banks and the federal home
25 loan mortgage corporation;

26 (iii) the Commodity Credit Corporation; and

1 (iv) any other agency created by Act of Congress.

2 The Treasurer may, with the approval of the Governor, lend
3 any securities acquired under this Act. However, securities may
4 be lent under this Section only in accordance with Federal
5 Financial Institution Examination Council guidelines and only
6 if the securities are collateralized at a level sufficient to
7 assure the safety of the securities, taking into account market
8 value fluctuation. The securities may be collateralized by cash
9 or collateral acceptable under Sections 11 and 11.1.

10 (Source: P.A. 99-856, eff. 8-19-16; 100-1107, eff. 8-27-18;
11 revised 9-27-18.)

12 Section 85. The Substance Use Disorder Act is amended by
13 changing Section 55-30 and by setting forth and renumbering
14 multiple versions of Section 55-35 as follows:

15 (20 ILCS 301/55-30)

16 Sec. 55-30. Rate increase.

17 (a) The Department ~~July 6, 2017 (Public Act 100-23)~~ shall
18 by rule develop the increased rate methodology and annualize
19 the increased rate beginning with State fiscal year 2018
20 contracts to licensed providers of community-based substance
21 use disorder intervention or treatment, based on the additional
22 amounts appropriated for the purpose of providing a rate
23 increase to licensed providers. The Department shall adopt
24 rules, including emergency rules under subsection (y) of

1 Section 5-45 of the Illinois Administrative Procedure Act, to
2 implement the provisions of this Section.

3 (b) Within 30 days after June 4, 2018 (the effective date
4 of Public Act 100-587) ~~this amendatory Act of the 100th General~~
5 ~~Assembly~~, the Division of Substance Use Prevention and Recovery
6 shall apply an increase in rates of 3% above the rate paid on
7 June 30, 2017 to all Medicaid and non-Medicaid reimbursable
8 service rates. The Department shall adopt rules, including
9 emergency rules under subsection (bb) of Section 5-45 of the
10 Illinois Administrative Procedure Act, to implement the
11 provisions of this subsection (b).

12 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
13 100-759, eff. 1-1-19; revised 9-14-18.)

14 (20 ILCS 301/55-35)

15 Sec. 55-35. Tobacco enforcement.

16 (a) The Department of Human Services may contract with the
17 Food and Drug Administration of the U.S. Department of Health
18 and Human Services to conduct unannounced investigations of
19 Illinois tobacco vendors to determine compliance with federal
20 laws relating to the illegal sale of cigarettes and smokeless
21 tobacco products to persons under the age of 18.

22 (b) Grant funds received from the Food and Drug
23 Administration of the U.S. Department of Health and Human
24 Services for conducting unannounced investigations of Illinois
25 tobacco vendors shall be deposited into the Tobacco Settlement

1 Recovery Fund starting July 1, 2018.

2 (Source: P.A. 100-1012, eff. 8-21-18.)

3 (20 ILCS 301/55-40)

4 Sec. 55-40 ~~55-35~~. Recovery residences.

5 (a) As used in this Section, "recovery residence" means a
6 sober, safe, and healthy living environment that promotes
7 recovery from alcohol and other drug use and associated
8 problems. These residences are not subject to Department
9 licensure as they are viewed as independent living residences
10 that only provide peer support and a lengthened exposure to the
11 culture of recovery.

12 (b) The Department shall develop and maintain an online
13 registry for recovery residences that operate in Illinois to
14 serve as a resource for individuals seeking continued recovery
15 assistance.

16 (c) Non-licensable recovery residences are encouraged to
17 register with the Department and the registry shall be publicly
18 available through online posting.

19 (d) The registry shall indicate any accreditation,
20 certification, or licensure that each recovery residence has
21 received from an entity that has developed uniform national
22 standards. The registry shall also indicate each recovery
23 residence's location in order to assist providers and
24 individuals in finding alcohol and drug free housing options
25 with like-minded residents who are committed to alcohol and

1 drug free living.

2 (e) Registrants are encouraged to seek national
3 accreditation from any entity that has developed uniform State
4 or national standards for recovery residences.

5 (f) The Department shall include a disclaimer on the
6 registry that states that the recovery residences are not
7 regulated by the Department and their listing is provided as a
8 resource but not as an endorsement by the State.

9 (Source: P.A. 100-1062, eff. 1-1-19; revised 9-14-18.)

10 Section 90. The Children and Family Services Act is amended
11 by changing Section 5 as follows:

12 (20 ILCS 505/5) (from Ch. 23, par. 5005)

13 Sec. 5. Direct child welfare services; Department of
14 Children and Family Services. To provide direct child welfare
15 services when not available through other public or private
16 child care or program facilities.

17 (a) For purposes of this Section:

18 (1) "Children" means persons found within the State who
19 are under the age of 18 years. The term also includes
20 persons under age 21 who:

21 (A) were committed to the Department pursuant to
22 the Juvenile Court Act or the Juvenile Court Act of
23 1987, as amended, prior to the age of 18 and who
24 continue under the jurisdiction of the court; or

1 (B) were accepted for care, service and training by
2 the Department prior to the age of 18 and whose best
3 interest in the discretion of the Department would be
4 served by continuing that care, service and training
5 because of severe emotional disturbances, physical
6 disability, social adjustment or any combination
7 thereof, or because of the need to complete an
8 educational or vocational training program.

9 (2) "Homeless youth" means persons found within the
10 State who are under the age of 19, are not in a safe and
11 stable living situation and cannot be reunited with their
12 families.

13 (3) "Child welfare services" means public social
14 services which are directed toward the accomplishment of
15 the following purposes:

16 (A) protecting and promoting the health, safety
17 and welfare of children, including homeless, dependent
18 or neglected children;

19 (B) remedying, or assisting in the solution of
20 problems which may result in, the neglect, abuse,
21 exploitation or delinquency of children;

22 (C) preventing the unnecessary separation of
23 children from their families by identifying family
24 problems, assisting families in resolving their
25 problems, and preventing the breakup of the family
26 where the prevention of child removal is desirable and

1 possible when the child can be cared for at home
2 without endangering the child's health and safety;

3 (D) restoring to their families children who have
4 been removed, by the provision of services to the child
5 and the families when the child can be cared for at
6 home without endangering the child's health and
7 safety;

8 (E) placing children in suitable adoptive homes,
9 in cases where restoration to the biological family is
10 not safe, possible or appropriate;

11 (F) assuring safe and adequate care of children
12 away from their homes, in cases where the child cannot
13 be returned home or cannot be placed for adoption. At
14 the time of placement, the Department shall consider
15 concurrent planning, as described in subsection (1-1)
16 of this Section so that permanency may occur at the
17 earliest opportunity. Consideration should be given so
18 that if reunification fails or is delayed, the
19 placement made is the best available placement to
20 provide permanency for the child;

21 (G) (blank);

22 (H) (blank); and

23 (I) placing and maintaining children in facilities
24 that provide separate living quarters for children
25 under the age of 18 and for children 18 years of age
26 and older, unless a child 18 years of age is in the

1 last year of high school education or vocational
2 training, in an approved individual or group treatment
3 program, in a licensed shelter facility, or secure
4 child care facility. The Department is not required to
5 place or maintain children:

6 (i) who are in a foster home, or

7 (ii) who are persons with a developmental
8 disability, as defined in the Mental Health and
9 Developmental Disabilities Code, or

10 (iii) who are female children who are
11 pregnant, pregnant and parenting or parenting, or

12 (iv) who are siblings, in facilities that
13 provide separate living quarters for children 18
14 years of age and older and for children under 18
15 years of age.

16 (b) Nothing in this Section shall be construed to authorize
17 the expenditure of public funds for the purpose of performing
18 abortions.

19 (c) The Department shall establish and maintain
20 tax-supported child welfare services and extend and seek to
21 improve voluntary services throughout the State, to the end
22 that services and care shall be available on an equal basis
23 throughout the State to children requiring such services.

24 (d) The Director may authorize advance disbursements for
25 any new program initiative to any agency contracting with the
26 Department. As a prerequisite for an advance disbursement, the

1 contractor must post a surety bond in the amount of the advance
2 disbursement and have a purchase of service contract approved
3 by the Department. The Department may pay up to 2 months
4 operational expenses in advance. The amount of the advance
5 disbursement shall be prorated over the life of the contract or
6 the remaining months of the fiscal year, whichever is less, and
7 the installment amount shall then be deducted from future
8 bills. Advance disbursement authorizations for new initiatives
9 shall not be made to any agency after that agency has operated
10 during 2 consecutive fiscal years. The requirements of this
11 Section concerning advance disbursements shall not apply with
12 respect to the following: payments to local public agencies for
13 child day care services as authorized by Section 5a of this
14 Act; and youth service programs receiving grant funds under
15 Section 17a-4.

16 (e) (Blank).

17 (f) (Blank).

18 (g) The Department shall establish rules and regulations
19 concerning its operation of programs designed to meet the goals
20 of child safety and protection, family preservation, family
21 reunification, and adoption, including but not limited to:

22 (1) adoption;

23 (2) foster care;

24 (3) family counseling;

25 (4) protective services;

26 (5) (blank);

- 1 (6) homemaker service;
- 2 (7) return of runaway children;
- 3 (8) (blank);
- 4 (9) placement under Section 5-7 of the Juvenile Court
5 Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile
6 Court Act of 1987 in accordance with the federal Adoption
7 Assistance and Child Welfare Act of 1980; and
- 8 (10) interstate services.

9 Rules and regulations established by the Department shall
10 include provisions for training Department staff and the staff
11 of Department grantees, through contracts with other agencies
12 or resources, in screening techniques to identify substance use
13 disorders, as defined in the Substance Use Disorder Act,
14 approved by the Department of Human Services, as a successor to
15 the Department of Alcoholism and Substance Abuse, for the
16 purpose of identifying children and adults who should be
17 referred for an assessment at an organization appropriately
18 licensed by the Department of Human Services for substance use
19 disorder treatment.

20 (h) If the Department finds that there is no appropriate
21 program or facility within or available to the Department for a
22 youth in care and that no licensed private facility has an
23 adequate and appropriate program or none agrees to accept the
24 youth in care, the Department shall create an appropriate
25 individualized, program-oriented plan for such youth in care.
26 The plan may be developed within the Department or through

1 purchase of services by the Department to the extent that it is
2 within its statutory authority to do.

3 (i) Service programs shall be available throughout the
4 State and shall include but not be limited to the following
5 services:

6 (1) case management;

7 (2) homemakers;

8 (3) counseling;

9 (4) parent education;

10 (5) day care; and

11 (6) emergency assistance and advocacy.

12 In addition, the following services may be made available
13 to assess and meet the needs of children and families:

14 (1) comprehensive family-based services;

15 (2) assessments;

16 (3) respite care; and

17 (4) in-home health services.

18 The Department shall provide transportation for any of the
19 services it makes available to children or families or for
20 which it refers children or families.

21 (j) The Department may provide categories of financial
22 assistance and education assistance grants, and shall
23 establish rules and regulations concerning the assistance and
24 grants, to persons who adopt children with physical or mental
25 disabilities, children who are older, or other hard-to-place
26 children who (i) immediately prior to their adoption were youth

1 in care or (ii) were determined eligible for financial
2 assistance with respect to a prior adoption and who become
3 available for adoption because the prior adoption has been
4 dissolved and the parental rights of the adoptive parents have
5 been terminated or because the child's adoptive parents have
6 died. The Department may continue to provide financial
7 assistance and education assistance grants for a child who was
8 determined eligible for financial assistance under this
9 subsection (j) in the interim period beginning when the child's
10 adoptive parents died and ending with the finalization of the
11 new adoption of the child by another adoptive parent or
12 parents. The Department may also provide categories of
13 financial assistance and education assistance grants, and
14 shall establish rules and regulations for the assistance and
15 grants, to persons appointed guardian of the person under
16 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,
17 4-25, or 5-740 of the Juvenile Court Act of 1987 for children
18 who were youth in care for 12 months immediately prior to the
19 appointment of the guardian.

20 The amount of assistance may vary, depending upon the needs
21 of the child and the adoptive parents, as set forth in the
22 annual assistance agreement. Special purpose grants are
23 allowed where the child requires special service but such costs
24 may not exceed the amounts which similar services would cost
25 the Department if it were to provide or secure them as guardian
26 of the child.

1 Any financial assistance provided under this subsection is
2 inalienable by assignment, sale, execution, attachment,
3 garnishment, or any other remedy for recovery or collection of
4 a judgment or debt.

5 (j-5) The Department shall not deny or delay the placement
6 of a child for adoption if an approved family is available
7 either outside of the Department region handling the case, or
8 outside of the State of Illinois.

9 (k) The Department shall accept for care and training any
10 child who has been adjudicated neglected or abused, or
11 dependent committed to it pursuant to the Juvenile Court Act or
12 the Juvenile Court Act of 1987.

13 (l) The Department shall offer family preservation
14 services, as defined in Section 8.2 of the Abused and Neglected
15 Child Reporting Act, to help families, including adoptive and
16 extended families. Family preservation services shall be
17 offered (i) to prevent the placement of children in substitute
18 care when the children can be cared for at home or in the
19 custody of the person responsible for the children's welfare,
20 (ii) to reunite children with their families, or (iii) to
21 maintain an adoptive placement. Family preservation services
22 shall only be offered when doing so will not endanger the
23 children's health or safety. With respect to children who are
24 in substitute care pursuant to the Juvenile Court Act of 1987,
25 family preservation services shall not be offered if a goal
26 other than those of subdivisions (A), (B), or (B-1) of

1 subsection (2) of Section 2-28 of that Act has been set, except
2 that reunification services may be offered as provided in
3 paragraph (F) of subsection (2) of Section 2-28 of that Act.
4 Nothing in this paragraph shall be construed to create a
5 private right of action or claim on the part of any individual
6 or child welfare agency, except that when a child is the
7 subject of an action under Article II of the Juvenile Court Act
8 of 1987 and the child's service plan calls for services to
9 facilitate achievement of the permanency goal, the court
10 hearing the action under Article II of the Juvenile Court Act
11 of 1987 may order the Department to provide the services set
12 out in the plan, if those services are not provided with
13 reasonable promptness and if those services are available.

14 The Department shall notify the child and his family of the
15 Department's responsibility to offer and provide family
16 preservation services as identified in the service plan. The
17 child and his family shall be eligible for services as soon as
18 the report is determined to be "indicated". The Department may
19 offer services to any child or family with respect to whom a
20 report of suspected child abuse or neglect has been filed,
21 prior to concluding its investigation under Section 7.12 of the
22 Abused and Neglected Child Reporting Act. However, the child's
23 or family's willingness to accept services shall not be
24 considered in the investigation. The Department may also
25 provide services to any child or family who is the subject of
26 any report of suspected child abuse or neglect or may refer

1 such child or family to services available from other agencies
2 in the community, even if the report is determined to be
3 unfounded, if the conditions in the child's or family's home
4 are reasonably likely to subject the child or family to future
5 reports of suspected child abuse or neglect. Acceptance of such
6 services shall be voluntary. The Department may also provide
7 services to any child or family after completion of a family
8 assessment, as an alternative to an investigation, as provided
9 under the "differential response program" provided for in
10 subsection (a-5) of Section 7.4 of the Abused and Neglected
11 Child Reporting Act.

12 The Department may, at its discretion except for those
13 children also adjudicated neglected or dependent, accept for
14 care and training any child who has been adjudicated addicted,
15 as a truant minor in need of supervision or as a minor
16 requiring authoritative intervention, under the Juvenile Court
17 Act or the Juvenile Court Act of 1987, but no such child shall
18 be committed to the Department by any court without the
19 approval of the Department. On and after January 1, 2015 (the
20 effective date of Public Act 98-803) and before January 1,
21 2017, a minor charged with a criminal offense under the
22 Criminal Code of 1961 or the Criminal Code of 2012 or
23 adjudicated delinquent shall not be placed in the custody of or
24 committed to the Department by any court, except (i) a minor
25 less than 16 years of age committed to the Department under
26 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor

1 for whom an independent basis of abuse, neglect, or dependency
2 exists, which must be defined by departmental rule, or (iii) a
3 minor for whom the court has granted a supplemental petition to
4 reinstate wardship pursuant to subsection (2) of Section 2-33
5 of the Juvenile Court Act of 1987. On and after January 1,
6 2017, a minor charged with a criminal offense under the
7 Criminal Code of 1961 or the Criminal Code of 2012 or
8 adjudicated delinquent shall not be placed in the custody of or
9 committed to the Department by any court, except (i) a minor
10 less than 15 years of age committed to the Department under
11 Section 5-710 of the Juvenile Court Act of 1987, ii) a minor
12 for whom an independent basis of abuse, neglect, or dependency
13 exists, which must be defined by departmental rule, or (iii) a
14 minor for whom the court has granted a supplemental petition to
15 reinstate wardship pursuant to subsection (2) of Section 2-33
16 of the Juvenile Court Act of 1987. An independent basis exists
17 when the allegations or adjudication of abuse, neglect, or
18 dependency do not arise from the same facts, incident, or
19 circumstances which give rise to a charge or adjudication of
20 delinquency. The Department shall assign a caseworker to attend
21 any hearing involving a youth in the care and custody of the
22 Department who is placed on aftercare release, including
23 hearings involving sanctions for violation of aftercare
24 release conditions and aftercare release revocation hearings.

25 As soon as is possible after August 7, 2009 (the effective
26 date of Public Act 96-134), the Department shall develop and

1 implement a special program of family preservation services to
2 support intact, foster, and adoptive families who are
3 experiencing extreme hardships due to the difficulty and stress
4 of caring for a child who has been diagnosed with a pervasive
5 developmental disorder if the Department determines that those
6 services are necessary to ensure the health and safety of the
7 child. The Department may offer services to any family whether
8 or not a report has been filed under the Abused and Neglected
9 Child Reporting Act. The Department may refer the child or
10 family to services available from other agencies in the
11 community if the conditions in the child's or family's home are
12 reasonably likely to subject the child or family to future
13 reports of suspected child abuse or neglect. Acceptance of
14 these services shall be voluntary. The Department shall develop
15 and implement a public information campaign to alert health and
16 social service providers and the general public about these
17 special family preservation services. The nature and scope of
18 the services offered and the number of families served under
19 the special program implemented under this paragraph shall be
20 determined by the level of funding that the Department annually
21 allocates for this purpose. The term "pervasive developmental
22 disorder" under this paragraph means a neurological condition,
23 including but not limited to, Asperger's Syndrome and autism,
24 as defined in the most recent edition of the Diagnostic and
25 Statistical Manual of Mental Disorders of the American
26 Psychiatric Association.

1 (1-1) The legislature recognizes that the best interests of
2 the child require that the child be placed in the most
3 permanent living arrangement as soon as is practically
4 possible. To achieve this goal, the legislature directs the
5 Department of Children and Family Services to conduct
6 concurrent planning so that permanency may occur at the
7 earliest opportunity. Permanent living arrangements may
8 include prevention of placement of a child outside the home of
9 the family when the child can be cared for at home without
10 endangering the child's health or safety; reunification with
11 the family, when safe and appropriate, if temporary placement
12 is necessary; or movement of the child toward the most
13 permanent living arrangement and permanent legal status.

14 When determining reasonable efforts to be made with respect
15 to a child, as described in this subsection, and in making such
16 reasonable efforts, the child's health and safety shall be the
17 paramount concern.

18 When a child is placed in foster care, the Department shall
19 ensure and document that reasonable efforts were made to
20 prevent or eliminate the need to remove the child from the
21 child's home. The Department must make reasonable efforts to
22 reunify the family when temporary placement of the child occurs
23 unless otherwise required, pursuant to the Juvenile Court Act
24 of 1987. At any time after the dispositional hearing where the
25 Department believes that further reunification services would
26 be ineffective, it may request a finding from the court that

1 reasonable efforts are no longer appropriate. The Department is
2 not required to provide further reunification services after
3 such a finding.

4 A decision to place a child in substitute care shall be
5 made with considerations of the child's health, safety, and
6 best interests. At the time of placement, consideration should
7 also be given so that if reunification fails or is delayed, the
8 placement made is the best available placement to provide
9 permanency for the child.

10 The Department shall adopt rules addressing concurrent
11 planning for reunification and permanency. The Department
12 shall consider the following factors when determining
13 appropriateness of concurrent planning:

- 14 (1) the likelihood of prompt reunification;
- 15 (2) the past history of the family;
- 16 (3) the barriers to reunification being addressed by
17 the family;
- 18 (4) the level of cooperation of the family;
- 19 (5) the foster parents' willingness to work with the
20 family to reunite;
- 21 (6) the willingness and ability of the foster family to
22 provide an adoptive home or long-term placement;
- 23 (7) the age of the child;
- 24 (8) placement of siblings.

25 (m) The Department may assume temporary custody of any
26 child if:

1 (1) it has received a written consent to such temporary
2 custody signed by the parents of the child or by the parent
3 having custody of the child if the parents are not living
4 together or by the guardian or custodian of the child if
5 the child is not in the custody of either parent, or

6 (2) the child is found in the State and neither a
7 parent, guardian nor custodian of the child can be located.

8 If the child is found in his or her residence without a parent,
9 guardian, custodian or responsible caretaker, the Department
10 may, instead of removing the child and assuming temporary
11 custody, place an authorized representative of the Department
12 in that residence until such time as a parent, guardian or
13 custodian enters the home and expresses a willingness and
14 apparent ability to ensure the child's health and safety and
15 resume permanent charge of the child, or until a relative
16 enters the home and is willing and able to ensure the child's
17 health and safety and assume charge of the child until a
18 parent, guardian or custodian enters the home and expresses
19 such willingness and ability to ensure the child's safety and
20 resume permanent charge. After a caretaker has remained in the
21 home for a period not to exceed 12 hours, the Department must
22 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
23 5-415 of the Juvenile Court Act of 1987.

24 The Department shall have the authority, responsibilities
25 and duties that a legal custodian of the child would have
26 pursuant to subsection (9) of Section 1-3 of the Juvenile Court

1 Act of 1987. Whenever a child is taken into temporary custody
2 pursuant to an investigation under the Abused and Neglected
3 Child Reporting Act, or pursuant to a referral and acceptance
4 under the Juvenile Court Act of 1987 of a minor in limited
5 custody, the Department, during the period of temporary custody
6 and before the child is brought before a judicial officer as
7 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile
8 Court Act of 1987, shall have the authority, responsibilities
9 and duties that a legal custodian of the child would have under
10 subsection (9) of Section 1-3 of the Juvenile Court Act of
11 1987.

12 The Department shall ensure that any child taken into
13 custody is scheduled for an appointment for a medical
14 examination.

15 A parent, guardian or custodian of a child in the temporary
16 custody of the Department who would have custody of the child
17 if he were not in the temporary custody of the Department may
18 deliver to the Department a signed request that the Department
19 surrender the temporary custody of the child. The Department
20 may retain temporary custody of the child for 10 days after the
21 receipt of the request, during which period the Department may
22 cause to be filed a petition pursuant to the Juvenile Court Act
23 of 1987. If a petition is so filed, the Department shall retain
24 temporary custody of the child until the court orders
25 otherwise. If a petition is not filed within the 10-day period,
26 the child shall be surrendered to the custody of the requesting

1 parent, guardian or custodian not later than the expiration of
2 the 10-day period, at which time the authority and duties of
3 the Department with respect to the temporary custody of the
4 child shall terminate.

5 (m-1) The Department may place children under 18 years of
6 age in a secure child care facility licensed by the Department
7 that cares for children who are in need of secure living
8 arrangements for their health, safety, and well-being after a
9 determination is made by the facility director and the Director
10 or the Director's designate prior to admission to the facility
11 subject to Section 2-27.1 of the Juvenile Court Act of 1987.
12 This subsection (m-1) does not apply to a child who is subject
13 to placement in a correctional facility operated pursuant to
14 Section 3-15-2 of the Unified Code of Corrections, unless the
15 child is a youth in care who was placed in the care of the
16 Department before being subject to placement in a correctional
17 facility and a court of competent jurisdiction has ordered
18 placement of the child in a secure care facility.

19 (n) The Department may place children under 18 years of age
20 in licensed child care facilities when in the opinion of the
21 Department, appropriate services aimed at family preservation
22 have been unsuccessful and cannot ensure the child's health and
23 safety or are unavailable and such placement would be for their
24 best interest. Payment for board, clothing, care, training and
25 supervision of any child placed in a licensed child care
26 facility may be made by the Department, by the parents or

1 guardians of the estates of those children, or by both the
2 Department and the parents or guardians, except that no
3 payments shall be made by the Department for any child placed
4 in a licensed child care facility for board, clothing, care,
5 training and supervision of such a child that exceed the
6 average per capita cost of maintaining and of caring for a
7 child in institutions for dependent or neglected children
8 operated by the Department. However, such restriction on
9 payments does not apply in cases where children require
10 specialized care and treatment for problems of severe emotional
11 disturbance, physical disability, social adjustment, or any
12 combination thereof and suitable facilities for the placement
13 of such children are not available at payment rates within the
14 limitations set forth in this Section. All reimbursements for
15 services delivered shall be absolutely inalienable by
16 assignment, sale, attachment, garnishment or otherwise.

17 (n-1) The Department shall provide or authorize child
18 welfare services, aimed at assisting minors to achieve
19 sustainable self-sufficiency as independent adults, for any
20 minor eligible for the reinstatement of wardship pursuant to
21 subsection (2) of Section 2-33 of the Juvenile Court Act of
22 1987, whether or not such reinstatement is sought or allowed,
23 provided that the minor consents to such services and has not
24 yet attained the age of 21. The Department shall have
25 responsibility for the development and delivery of services
26 under this Section. An eligible youth may access services under

1 this Section through the Department of Children and Family
2 Services or by referral from the Department of Human Services.
3 Youth participating in services under this Section shall
4 cooperate with the assigned case manager in developing an
5 agreement identifying the services to be provided and how the
6 youth will increase skills to achieve self-sufficiency. A
7 homeless shelter is not considered appropriate housing for any
8 youth receiving child welfare services under this Section. The
9 Department shall continue child welfare services under this
10 Section to any eligible minor until the minor becomes 21 years
11 of age, no longer consents to participate, or achieves
12 self-sufficiency as identified in the minor's service plan. The
13 Department of Children and Family Services shall create clear,
14 readable notice of the rights of former foster youth to child
15 welfare services under this Section and how such services may
16 be obtained. The Department of Children and Family Services and
17 the Department of Human Services shall disseminate this
18 information statewide. The Department shall adopt regulations
19 describing services intended to assist minors in achieving
20 sustainable self-sufficiency as independent adults.

21 (o) The Department shall establish an administrative
22 review and appeal process for children and families who request
23 or receive child welfare services from the Department. Youth in
24 care who are placed by private child welfare agencies, and
25 foster families with whom those youth are placed, shall be
26 afforded the same procedural and appeal rights as children and

1 families in the case of placement by the Department, including
2 the right to an initial review of a private agency decision by
3 that agency. The Department shall ensure that any private child
4 welfare agency, which accepts youth in care for placement,
5 affords those rights to children and foster families. The
6 Department shall accept for administrative review and an appeal
7 hearing a complaint made by (i) a child or foster family
8 concerning a decision following an initial review by a private
9 child welfare agency or (ii) a prospective adoptive parent who
10 alleges a violation of subsection (j-5) of this Section. An
11 appeal of a decision concerning a change in the placement of a
12 child shall be conducted in an expedited manner. A court
13 determination that a current foster home placement is necessary
14 and appropriate under Section 2-28 of the Juvenile Court Act of
15 1987 does not constitute a judicial determination on the merits
16 of an administrative appeal, filed by a former foster parent,
17 involving a change of placement decision.

18 (p) (Blank).

19 (q) The Department may receive and use, in their entirety,
20 for the benefit of children any gift, donation or bequest of
21 money or other property which is received on behalf of such
22 children, or any financial benefits to which such children are
23 or may become entitled while under the jurisdiction or care of
24 the Department.

25 The Department shall set up and administer no-cost,
26 interest-bearing accounts in appropriate financial

1 institutions for children for whom the Department is legally
2 responsible and who have been determined eligible for Veterans'
3 Benefits, Social Security benefits, assistance allotments from
4 the armed forces, court ordered payments, parental voluntary
5 payments, Supplemental Security Income, Railroad Retirement
6 payments, Black Lung benefits, or other miscellaneous
7 payments. Interest earned by each account shall be credited to
8 the account, unless disbursed in accordance with this
9 subsection.

10 In disbursing funds from children's accounts, the
11 Department shall:

12 (1) Establish standards in accordance with State and
13 federal laws for disbursing money from children's
14 accounts. In all circumstances, the Department's
15 "Guardianship Administrator" or his or her designee must
16 approve disbursements from children's accounts. The
17 Department shall be responsible for keeping complete
18 records of all disbursements for each account for any
19 purpose.

20 (2) Calculate on a monthly basis the amounts paid from
21 State funds for the child's board and care, medical care
22 not covered under Medicaid, and social services; and
23 utilize funds from the child's account, as covered by
24 regulation, to reimburse those costs. Monthly,
25 disbursements from all children's accounts, up to 1/12 of
26 \$13,000,000, shall be deposited by the Department into the

1 General Revenue Fund and the balance over 1/12 of
2 \$13,000,000 into the DCFS Children's Services Fund.

3 (3) Maintain any balance remaining after reimbursing
4 for the child's costs of care, as specified in item (2).
5 The balance shall accumulate in accordance with relevant
6 State and federal laws and shall be disbursed to the child
7 or his or her guardian, or to the issuing agency.

8 (r) The Department shall promulgate regulations
9 encouraging all adoption agencies to voluntarily forward to the
10 Department or its agent names and addresses of all persons who
11 have applied for and have been approved for adoption of a
12 hard-to-place child or child with a disability and the names of
13 such children who have not been placed for adoption. A list of
14 such names and addresses shall be maintained by the Department
15 or its agent, and coded lists which maintain the
16 confidentiality of the person seeking to adopt the child and of
17 the child shall be made available, without charge, to every
18 adoption agency in the State to assist the agencies in placing
19 such children for adoption. The Department may delegate to an
20 agent its duty to maintain and make available such lists. The
21 Department shall ensure that such agent maintains the
22 confidentiality of the person seeking to adopt the child and of
23 the child.

24 (s) The Department of Children and Family Services may
25 establish and implement a program to reimburse Department and
26 private child welfare agency foster parents licensed by the

1 Department of Children and Family Services for damages
2 sustained by the foster parents as a result of the malicious or
3 negligent acts of foster children, as well as providing third
4 party coverage for such foster parents with regard to actions
5 of foster children to other individuals. Such coverage will be
6 secondary to the foster parent liability insurance policy, if
7 applicable. The program shall be funded through appropriations
8 from the General Revenue Fund, specifically designated for such
9 purposes.

10 (t) The Department shall perform home studies and
11 investigations and shall exercise supervision over visitation
12 as ordered by a court pursuant to the Illinois Marriage and
13 Dissolution of Marriage Act or the Adoption Act only if:

14 (1) an order entered by an Illinois court specifically
15 directs the Department to perform such services; and

16 (2) the court has ordered one or both of the parties to
17 the proceeding to reimburse the Department for its
18 reasonable costs for providing such services in accordance
19 with Department rules, or has determined that neither party
20 is financially able to pay.

21 The Department shall provide written notification to the
22 court of the specific arrangements for supervised visitation
23 and projected monthly costs within 60 days of the court order.
24 The Department shall send to the court information related to
25 the costs incurred except in cases where the court has
26 determined the parties are financially unable to pay. The court

1 may order additional periodic reports as appropriate.

2 (u) In addition to other information that must be provided,
3 whenever the Department places a child with a prospective
4 adoptive parent or parents or in a licensed foster home, group
5 home, child care institution, or in a relative home, the
6 Department shall provide to the prospective adoptive parent or
7 parents or other caretaker:

8 (1) available detailed information concerning the
9 child's educational and health history, copies of
10 immunization records (including insurance and medical card
11 information), a history of the child's previous
12 placements, if any, and reasons for placement changes
13 excluding any information that identifies or reveals the
14 location of any previous caretaker;

15 (2) a copy of the child's portion of the client service
16 plan, including any visitation arrangement, and all
17 amendments or revisions to it as related to the child; and

18 (3) information containing details of the child's
19 individualized educational plan when the child is
20 receiving special education services.

21 The caretaker shall be informed of any known social or
22 behavioral information (including, but not limited to,
23 criminal background, fire setting, perpetuation of sexual
24 abuse, destructive behavior, and substance abuse) necessary to
25 care for and safeguard the children to be placed or currently
26 in the home. The Department may prepare a written summary of

1 the information required by this paragraph, which may be
2 provided to the foster or prospective adoptive parent in
3 advance of a placement. The foster or prospective adoptive
4 parent may review the supporting documents in the child's file
5 in the presence of casework staff. In the case of an emergency
6 placement, casework staff shall at least provide known
7 information verbally, if necessary, and must subsequently
8 provide the information in writing as required by this
9 subsection.

10 The information described in this subsection shall be
11 provided in writing. In the case of emergency placements when
12 time does not allow prior review, preparation, and collection
13 of written information, the Department shall provide such
14 information as it becomes available. Within 10 business days
15 after placement, the Department shall obtain from the
16 prospective adoptive parent or parents or other caretaker a
17 signed verification of receipt of the information provided.
18 Within 10 business days after placement, the Department shall
19 provide to the child's guardian ad litem a copy of the
20 information provided to the prospective adoptive parent or
21 parents or other caretaker. The information provided to the
22 prospective adoptive parent or parents or other caretaker shall
23 be reviewed and approved regarding accuracy at the supervisory
24 level.

25 (u-5) Effective July 1, 1995, only foster care placements
26 licensed as foster family homes pursuant to the Child Care Act

1 of 1969 shall be eligible to receive foster care payments from
2 the Department. Relative caregivers who, as of July 1, 1995,
3 were approved pursuant to approved relative placement rules
4 previously promulgated by the Department at 89 Ill. Adm. Code
5 335 and had submitted an application for licensure as a foster
6 family home may continue to receive foster care payments only
7 until the Department determines that they may be licensed as a
8 foster family home or that their application for licensure is
9 denied or until September 30, 1995, whichever occurs first.

10 (v) The Department shall access criminal history record
11 information as defined in the Illinois Uniform Conviction
12 Information Act and information maintained in the adjudicatory
13 and dispositional record system as defined in Section 2605-355
14 of the Department of State Police Law (20 ILCS 2605/2605-355)
15 if the Department determines the information is necessary to
16 perform its duties under the Abused and Neglected Child
17 Reporting Act, the Child Care Act of 1969, and the Children and
18 Family Services Act. The Department shall provide for
19 interactive computerized communication and processing
20 equipment that permits direct on-line communication with the
21 Department of State Police's central criminal history data
22 repository. The Department shall comply with all certification
23 requirements and provide certified operators who have been
24 trained by personnel from the Department of State Police. In
25 addition, one Office of the Inspector General investigator
26 shall have training in the use of the criminal history

1 information access system and have access to the terminal. The
2 Department of Children and Family Services and its employees
3 shall abide by rules and regulations established by the
4 Department of State Police relating to the access and
5 dissemination of this information.

6 (v-1) Prior to final approval for placement of a child, the
7 Department shall conduct a criminal records background check of
8 the prospective foster or adoptive parent, including
9 fingerprint-based checks of national crime information
10 databases. Final approval for placement shall not be granted if
11 the record check reveals a felony conviction for child abuse or
12 neglect, for spousal abuse, for a crime against children, or
13 for a crime involving violence, including rape, sexual assault,
14 or homicide, but not including other physical assault or
15 battery, or if there is a felony conviction for physical
16 assault, battery, or a drug-related offense committed within
17 the past 5 years.

18 (v-2) Prior to final approval for placement of a child, the
19 Department shall check its child abuse and neglect registry for
20 information concerning prospective foster and adoptive
21 parents, and any adult living in the home. If any prospective
22 foster or adoptive parent or other adult living in the home has
23 resided in another state in the preceding 5 years, the
24 Department shall request a check of that other state's child
25 abuse and neglect registry.

26 (w) Within 120 days of August 20, 1995 (the effective date

1 of Public Act 89-392), the Department shall prepare and submit
2 to the Governor and the General Assembly, a written plan for
3 the development of in-state licensed secure child care
4 facilities that care for children who are in need of secure
5 living arrangements for their health, safety, and well-being.
6 For purposes of this subsection, secure care facility shall
7 mean a facility that is designed and operated to ensure that
8 all entrances and exits from the facility, a building or a
9 distinct part of the building, are under the exclusive control
10 of the staff of the facility, whether or not the child has the
11 freedom of movement within the perimeter of the facility,
12 building, or distinct part of the building. The plan shall
13 include descriptions of the types of facilities that are needed
14 in Illinois; the cost of developing these secure care
15 facilities; the estimated number of placements; the potential
16 cost savings resulting from the movement of children currently
17 out-of-state who are projected to be returned to Illinois; the
18 necessary geographic distribution of these facilities in
19 Illinois; and a proposed timetable for development of such
20 facilities.

21 (x) The Department shall conduct annual credit history
22 checks to determine the financial history of children placed
23 under its guardianship pursuant to the Juvenile Court Act of
24 1987. The Department shall conduct such credit checks starting
25 when a youth in care turns 12 years old and each year
26 thereafter for the duration of the guardianship as terminated

1 pursuant to the Juvenile Court Act of 1987. The Department
2 shall determine if financial exploitation of the child's
3 personal information has occurred. If financial exploitation
4 appears to have taken place or is presently ongoing, the
5 Department shall notify the proper law enforcement agency, the
6 proper State's Attorney, or the Attorney General.

7 (y) Beginning on July 22, 2010 (the effective date of
8 Public Act 96-1189), a child with a disability who receives
9 residential and educational services from the Department shall
10 be eligible to receive transition services in accordance with
11 Article 14 of the School Code from the age of 14.5 through age
12 21, inclusive, notwithstanding the child's residential
13 services arrangement. For purposes of this subsection, "child
14 with a disability" means a child with a disability as defined
15 by the federal Individuals with Disabilities Education
16 Improvement Act of 2004.

17 (z) The Department shall access criminal history record
18 information as defined as "background information" in this
19 subsection and criminal history record information as defined
20 in the Illinois Uniform Conviction Information Act for each
21 Department employee or Department applicant. Each Department
22 employee or Department applicant shall submit his or her
23 fingerprints to the Department of State Police in the form and
24 manner prescribed by the Department of State Police. These
25 fingerprints shall be checked against the fingerprint records
26 now and hereafter filed in the Department of State Police and

1 the Federal Bureau of Investigation criminal history records
2 databases. The Department of State Police shall charge a fee
3 for conducting the criminal history record check, which shall
4 be deposited into the State Police Services Fund and shall not
5 exceed the actual cost of the record check. The Department of
6 State Police shall furnish, pursuant to positive
7 identification, all Illinois conviction information to the
8 Department of Children and Family Services.

9 For purposes of this subsection:

10 "Background information" means all of the following:

11 (i) Upon the request of the Department of Children and
12 Family Services, conviction information obtained from the
13 Department of State Police as a result of a
14 fingerprint-based criminal history records check of the
15 Illinois criminal history records database and the Federal
16 Bureau of Investigation criminal history records database
17 concerning a Department employee or Department applicant.

18 (ii) Information obtained by the Department of
19 Children and Family Services after performing a check of
20 the Department of State Police's Sex Offender Database, as
21 authorized by Section 120 of the Sex Offender Community
22 Notification Law, concerning a Department employee or
23 Department applicant.

24 (iii) Information obtained by the Department of
25 Children and Family Services after performing a check of
26 the Child Abuse and Neglect Tracking System (CANTS)

1 operated and maintained by the Department.

2 "Department employee" means a full-time or temporary
3 employee coded or certified within the State of Illinois
4 Personnel System.

5 "Department applicant" means an individual who has
6 conditional Department full-time or part-time work, a
7 contractor, an individual used to replace or supplement staff,
8 an academic intern, a volunteer in Department offices or on
9 Department contracts, a work-study student, an individual or
10 entity licensed by the Department, or an unlicensed service
11 provider who works as a condition of a contract or an agreement
12 and whose work may bring the unlicensed service provider into
13 contact with Department clients or client records.

14 (Source: P.A. 99-143, eff. 7-27-15; 99-933, eff. 1-27-17;
15 100-159, eff. 8-18-17; 100-522, eff. 9-22-17; 100-759, eff.
16 1-1-19; 100-863, eff. 8-14-18; 100-978, eff. 8-19-18; revised
17 10-3-18.)

18 Section 95. The Department of Commerce and Economic
19 Opportunity Law of the Civil Administrative Code of Illinois is
20 amended by changing Section 605-1020 as follows:

21 (20 ILCS 605/605-1020)

22 Sec. 605-1020. Entrepreneur Learner's Permit pilot
23 program.

24 (a) Subject to appropriation, there is hereby established

1 an Entrepreneur Learner's Permit pilot program that shall be
2 administered by the Department beginning on July 1 of the first
3 fiscal year for which an appropriation of State moneys is made
4 for that purpose and continuing for the next 2 immediately
5 succeeding fiscal years; however, the Department is not
6 required to administer the program in any fiscal year for which
7 such an appropriation has not been made. The purpose of the
8 program shall be to encourage and assist beginning
9 entrepreneurs in starting new businesses by providing
10 reimbursements to those entrepreneurs for any State filing,
11 permitting, or licensing fees associated with the formation of
12 such a business in the State.

13 (b) Applicants for participation in the Entrepreneur
14 Learner's Permit pilot program shall apply to the Department,
15 in a form and manner prescribed by the Department, within one
16 year after the formation of the business for which the
17 entrepreneur seeks reimbursement of those fees. The Department
18 shall adopt rules for the review and approval of applications,
19 provided that it (1) shall give priority to applicants who are
20 women or minority persons, or both, and (2) shall not approve
21 any application by a person who will not be a beginning
22 entrepreneur. Reimbursements under this Section shall be
23 provided in the manner determined by the Department. In no
24 event shall an applicant apply for participation in the program
25 more than 3 times.

26 (c) The aggregate amount of all reimbursements provided by

1 the Department pursuant to this Section shall not exceed
2 \$500,000 in any State fiscal year.

3 (d) On or before February 1 of the last calendar year
4 during which the pilot program is in effect, the Department
5 shall submit a report to the Governor and the General Assembly
6 on the cumulative effectiveness of the Entrepreneur Learner's
7 Permit pilot program. The review shall include, but not be
8 limited to, the number and type of businesses that were formed
9 in connection with the pilot program, the current status of
10 each business formed in connection with the pilot program, the
11 number of employees employed by each such business, the
12 economic impact to the State from the pilot program, the
13 satisfaction of participants in the pilot program, and a
14 recommendation as to whether the program should be continued.
15 The report to the General Assembly shall be filed with the
16 Clerk of the House of Representatives and the Secretary of the
17 Senate in electronic form only, in the manner that the Clerk
18 and the Secretary shall direct.

19 (e) As used in this Section:

20 "Beginning entrepreneur" means an individual who, at
21 the time he or she applies for participation in the
22 program, has less than 5 years of experience as a business
23 owner and is not a current business owner.

24 "Woman" and "minority person" have the meanings given
25 to those terms in the Business Enterprise for Minorities,
26 Women, and Persons with Disabilities Act.

1 (Source: P.A. 100-541, eff. 11-7-17; 100-785, eff. 8-10-18;
2 100-863, eff. 8-14-18; revised 8-31-18.)

3 Section 100. The Illinois Enterprise Zone Act is amended by
4 changing Sections 4 and 9.1 as follows:

5 (20 ILCS 655/4) (from Ch. 67 1/2, par. 604)

6 Sec. 4. Qualifications for enterprise zones.

7 (1) An area is qualified to become an enterprise zone
8 which:

9 (a) is a contiguous area, provided that a zone area may
10 exclude wholly surrounded territory within its boundaries;

11 (b) comprises a minimum of one-half square mile and not
12 more than 12 square miles, or 15 square miles if the zone
13 is located within the jurisdiction of 4 or more counties or
14 municipalities, in total area, exclusive of lakes and
15 waterways; however, in such cases where the enterprise zone
16 is a joint effort of three or more units of government, or
17 two or more units of government if situated in a township
18 which is divided by a municipality of 1,000,000 or more
19 inhabitants, and where the certification has been in effect
20 at least one year, the total area shall comprise a minimum
21 of one-half square mile and not more than thirteen square
22 miles in total area exclusive of lakes and waterways;

23 (c) (blank);

24 (d) (blank);

1 (e) is (1) entirely within a municipality or (2)
2 entirely within the unincorporated areas of a county,
3 except where reasonable need is established for such zone
4 to cover portions of more than one municipality or county
5 or (3) both comprises (i) all or part of a municipality and
6 (ii) an unincorporated area of a county; and

7 (f) meets 3 or more of the following criteria:

8 (1) all or part of the local labor market area has
9 had an annual average unemployment rate of at least
10 120% of the State's annual average unemployment rate
11 for the most recent calendar year or the most recent
12 fiscal year as reported by the Department of Employment
13 Security;

14 (2) designation will result in the development of
15 substantial employment opportunities by creating or
16 retaining a minimum aggregate of 1,000 full-time
17 equivalent jobs due to an aggregate investment of
18 \$100,000,000 or more, and will help alleviate the
19 effects of poverty and unemployment within the local
20 labor market area;

21 (3) all or part of the local labor market area has
22 a poverty rate of at least 20% according to the latest
23 federal decennial census, 50% or more of children in
24 the local labor market area participate in the federal
25 free lunch program according to reported statistics
26 from the State Board of Education, or 20% or more

1 households in the local labor market area receive food
2 stamps according to the latest federal decennial
3 census;

4 (4) an abandoned coal mine, a brownfield (as
5 defined in Section 58.2 of the Environmental
6 Protection Act), or an inactive nuclear-powered
7 ~~nuclear-powered~~ electrical generation facility where
8 spent nuclear fuel is stored on-site is located in the
9 proposed zone area, or all or a portion of the proposed
10 zone was declared a federal disaster area in the 3
11 years preceding the date of application;

12 (5) the local labor market area contains a presence
13 of large employers that have downsized over the years,
14 the labor market area has experienced plant closures in
15 the 5 years prior to the date of application affecting
16 more than 50 workers, or the local labor market area
17 has experienced State or federal facility closures in
18 the 5 years prior to the date of application affecting
19 more than 50 workers;

20 (6) based on data from Multiple Listing Service
21 information or other suitable sources, the local labor
22 market area contains a high floor vacancy rate of
23 industrial or commercial properties, vacant or
24 demolished commercial and industrial structures are
25 prevalent in the local labor market area, or industrial
26 structures in the local labor market area are not used

1 because of age, deterioration, relocation of the
2 former occupants, or cessation of operation;

3 (7) the applicant demonstrates a substantial plan
4 for using the designation to improve the State and
5 local government tax base, including income, sales,
6 and property taxes;

7 (8) significant public infrastructure is present
8 in the local labor market area in addition to a plan
9 for infrastructure development and improvement;

10 (9) high schools or community colleges located
11 within the local labor market area are engaged in ACT
12 Work Keys, Manufacturing Skills Standard
13 Certification, or other industry-based credentials
14 that prepare students for careers;

15 (10) the change in equalized assessed valuation of
16 industrial and/or commercial properties in the 5 years
17 prior to the date of application is equal to or less
18 than 50% of the State average change in equalized
19 assessed valuation for industrial and/or commercial
20 properties, as applicable, for the same period of time;
21 or

22 (11) the applicant demonstrates a substantial plan
23 for using the designation to encourage: (i)
24 participation by businesses owned by minorities,
25 women, and persons with disabilities, as those terms
26 are defined in the Business Enterprise for Minorities,

1 Women, and Persons with Disabilities Act; and (ii) the
2 hiring of minorities, women, and persons with
3 disabilities.

4 As provided in Section 10-5.3 of the River Edge
5 Redevelopment Zone Act, upon the expiration of the term of each
6 River Edge Redevelopment Zone in existence on August 7, 2012
7 (the effective date of Public Act 97-905) ~~this amendatory Act~~
8 ~~of the 97th General Assembly~~, that River Edge Redevelopment
9 Zone will become available for its previous designee or a new
10 applicant to compete for designation as an enterprise zone. No
11 preference for designation will be given to the previous
12 designee of the zone.

13 (2) Any criteria established by the Department or by law
14 which utilize the rate of unemployment for a particular area
15 shall provide that all persons who are not presently employed
16 and have exhausted all unemployment benefits shall be
17 considered unemployed, whether or not such persons are actively
18 seeking employment.

19 (Source: P.A. 100-838, eff. 8-13-18; 100-1149, eff. 12-14-18;
20 revised 1-3-19.)

21 (20 ILCS 655/9.1) (from Ch. 67 1/2, par. 614)

22 Sec. 9.1. State and local regulatory alternatives.

23 (a) Agencies may provide in their rules and regulations
24 for:

25 (i) the exemption of business enterprises within

1 enterprise zones; or~~7~~

2 (ii) modifications or alternatives specifically
3 applicable to business enterprises within enterprise
4 zones, which impose less stringent standards or
5 alternative standards for compliance (including
6 performance-based standards as a substitute for specific
7 mandates of methods, procedures, or equipment).

8 Such exemptions, modifications, or alternatives shall be
9 effected by rule or regulation promulgated in accordance with
10 the Illinois Administrative Procedure Act. The Agency
11 promulgating such exemptions, modifications, or alternatives
12 shall file with its proposed rule or regulation its findings
13 that the proposed rule or regulation provides economic
14 incentives within enterprise zones which promote the purposes
15 of this Act~~7~~ and which, to the extent they include any
16 exemptions or reductions in regulatory standards or
17 requirements, outweigh the need or justification for the
18 existing rule or regulation.

19 (b) If any agency promulgates a rule or regulation pursuant
20 to paragraph (a) affecting a rule or regulation contained on
21 the list published by the Department pursuant to Section 9,
22 prior to the completion of the rulemaking ~~rule-making~~ process
23 for the Department's rules under that Section, the agency shall
24 immediately transmit a copy of its proposed rule or regulation
25 to the Department, together with a statement of reasons as to
26 why the Department should defer to the agency's proposed rule

1 or regulation. Agency rules promulgated under paragraph (a)
2 shall, however, be subject to the exemption rules and
3 regulations of the Department promulgated under Section 9.

4 (c) Within enterprise zones, the designating county or
5 municipality may modify all local ordinances and regulations
6 regarding (1) zoning; (2) licensing; (3) building codes,
7 excluding however, any regulations treating building defects;
8 (4) rent control and price controls (except for the minimum
9 wage). Notwithstanding any shorter statute of limitation to the
10 contrary, actions against any contractor or architect who
11 designs, constructs, or rehabilitates a building or structure
12 in an enterprise zone in accordance with local standards
13 specifically applicable within zones which have been relaxed
14 may be commenced within 10 years from the time of beneficial
15 occupancy of the building or use of the structure.

16 (Source: P.A. 82-1019; revised 9-27-18.)

17 Section 105. The State Parks Designation Act is amended by
18 changing Section 1 as follows:

19 (20 ILCS 840/1) (from Ch. 105, par. 468g)

20 Sec. 1. The following described areas are designated State
21 Parks and have the names herein ascribed to them:

22 Adeline Jay Geo-Karis Illinois Beach State Park, in Lake
23 County;

24 Apple River Canyon State Park, in Jo Daviess County;

1 Argyle Lake State Park, in McDonough County;
2 Beaver Dam State Park, in Macoupin County;
3 Buffalo Rock State Park, in LaSalle ~~La Salle~~ County;
4 Castle Rock State Park, in Ogle County;
5 Cave-in-Rock State Park, in Hardin County;
6 Chain O'Lakes State Park, in Lake and McHenry Counties;
7 Delabar State Park, in Henderson County;
8 Dixon State Park, in Lee County;
9 Dixon Springs State Park, in Pope County;
10 Eagle Creek State Park, in Shelby County;
11 Eldon Hazlet State Park, in Clinton County;
12 Ferne Clyffe State Park, in Johnson County;
13 Fort Creve Coeur State Park, in Tazewell County;
14 Fort Defiance State Park, in Alexander County;
15 Fort Massac State Park, in Massac County;
16 Fox Ridge State Park, in Coles County;
17 Frank Holten State Park, in St. Clair County;
18 Funk's Grove State Park, in McLean County;
19 Gebhard Woods State Park, in Grundy County;
20 Giant City State Park, in Jackson and Union Counties;
21 Goose Lake Prairie State Park, in Grundy County;
22 Hazel and Bill Rutherford Wildlife Prairie State Park, in
23 Peoria County;
24 Hennepin Canal Parkway State Park, in Bureau, Henry, Rock
25 Island, Lee and Whiteside Counties;
26 Horseshoe Lake State Park, in Madison and St. Clair

1 Counties;

2 Illini State Park, in LaSalle ~~La Salle~~ County;

3 Illinois and Michigan Canal State Park, in the counties of
4 Cook, Will, Grundy, DuPage and LaSalle ~~La Salle~~;

5 Johnson Sauk Trail State Park, in Henry County;

6 Jubilee College State Park, in Peoria County, excepting
7 Jubilee College State Historic Site as described in Section 7.1
8 of the Historic Preservation Act;

9 Kankakee River State Park, in Kankakee and Will Counties;

10 Kickapoo State Park, in Vermilion County;

11 Lake Le-Aqua-Na State Park, in Stephenson County;

12 Lake Murphysboro State Park, in Jackson County;

13 Laurence C. Warren State Park, in Cook County;

14 Lincoln Trail Homestead State Park, in Macon County;

15 Lincoln Trail State Park, in Clark County;

16 Lowden State Park, in Ogle County;

17 Matthiessen State Park, in LaSalle ~~La Salle~~ County;

18 McHenry Dam and Lake Defiance State Park, in McHenry
19 County;

20 Mississippi Palisades State Park, in Carroll County;

21 Moraine View State Park, in McLean County;

22 Morrison-Rockwood State Park, in Whiteside County;

23 Nauvoo State Park, in Hancock County, containing Horton
24 Lake;

25 Pere Marquette State Park, in Jersey County;

26 Prophetstown State Park, in Whiteside County;

1 Pyramid State Park, in Perry County;
2 Railsplitter State Park, in Logan County;
3 Ramsey Lake State Park, in Fayette County;
4 Red Hills State Park, in Lawrence County;
5 Rock Cut State Park, in Winnebago County, containing Pierce
6 Lake;
7 Rock Island Trail State Park, in Peoria and Stark Counties;
8 Sam Parr State Park, in Jasper County;
9 Sangchris Lake State Park, in Christian and Sangamon
10 Counties;
11 Shabbona Lake and State Park, in DeKalb County;
12 Siloam Springs State Park, in Brown and Adams Counties;
13 Silver Springs State Park, in Kendall County;
14 South Shore State Park, in Clinton County;
15 Spitler Woods State Park, in Macon County;
16 Starved Rock State Park, in LaSalle ~~La Salle~~ County;
17 Stephen A. Forbes State Park, in Marion County;
18 Walnut Point State Park, in Douglas County;
19 Wayne Fitzgerrell State Park, in Franklin County;
20 Weinberg-King State Park, in Schuyler County;
21 Weldon Springs State Park, in DeWitt County;
22 White Pines Forest State Park, in Ogle County;
23 William G. Stratton State Park, in Grundy County;
24 Wolf Creek State Park, in Shelby County.

25 (Source: P.A. 100-695, eff. 8-3-18; revised 10-3-18.)

1 Section 110. The Outdoor Recreation Resources Act is
2 amended by changing Section 2a as follows:

3 (20 ILCS 860/2a) (from Ch. 105, par. 532a)

4 Sec. 2a. The Department of Natural Resources is authorized
5 to have prepared with the Department of Commerce and Economic
6 Opportunity and to maintain~~7~~ and keep up to date ~~up to date~~ a
7 comprehensive plan for the preservation of the historically
8 significant properties and interests of the State.

9 (Source: P.A. 100-695, eff. 8-3-18; revised 10-3-18.)

10 Section 115. The Recreational Trails of Illinois Act is
11 amended by changing Section 25.5 as follows:

12 (20 ILCS 862/25.5)

13 Sec. 25.5. Off-highway vehicle trails public access
14 sticker.

15 (a) An off-highway vehicle trails public access sticker is
16 a separate and additional requirement from the Off-Highway
17 Vehicle Usage Stamp under Section 26 of this Act.

18 (b) Except as provided in subsection (c) of this Section, a
19 person may not operate and an owner may not give permission to
20 another to operate an off-highway vehicle on lands or waters in
21 public off-highway vehicle parks paid for, operated, or
22 supported by the grant program established under subsection (d)
23 of Section 15 of this Act unless the off-highway vehicle

1 displays an off-highway vehicle trails public access sticker in
2 a manner prescribed by the Department by rule.

3 (c) An off-highway vehicle does not need an off-highway
4 vehicle trails a public access sticker if the off-highway
5 vehicle is used on private land or if the off-highway vehicle
6 is owned by the State, the federal government, or a unit of
7 local government.

8 (d) The Department shall issue an off-highway vehicle
9 trails ~~the~~ public access sticker ~~stickers~~ and shall charge the
10 following fees:

11 (1) \$30 for 3 years for individuals;

12 (2) \$50 for 3 years for rental units;

13 (3) \$75 for 3 years for dealer and manufacturer
14 demonstrations and research;

15 (4) \$50 for 3 years for an all-terrain vehicle or
16 off-highway motorcycle used for production agriculture, as
17 defined in Section 3-821 of the Illinois Vehicle Code;

18 (5) \$50 for 3 years for residents of a State other than
19 Illinois that does not have a reciprocal agreement with the
20 Department, under subsection (e) of this Section; and

21 (6) \$50 for 3 years for an all-terrain vehicle or
22 off-highway motorcycle that does not have a title.

23 The Department, by administrative rule, may make replacement
24 stickers available at a reduced cost. The fees for public
25 access stickers shall be deposited into the Off-Highway Vehicle
26 Trails Fund.

1 (e) The Department may enter into reciprocal agreements
2 with other states that have a similar off-highway vehicle
3 trails public access sticker program to allow residents of
4 those states to operate off-highway vehicles on land or lands
5 or waters in public off-highway vehicle parks paid for,
6 operated, or supported by the off-highway vehicle trails grant
7 program established under subsection (d) of Section 15 of this
8 Act without acquiring an off-highway vehicle trails public
9 access sticker in this State under subsection (b) of this
10 Section.

11 (f) The Department may license vendors to sell off-highway
12 vehicle trails public access stickers. Issuing fees may be set
13 by administrative rule.

14 (g) Any person participating in an organized competitive
15 event on land or lands in off-highway vehicle parks paid for,
16 operated by, or supported by the grant program established in
17 subsection (d) of Section 15 shall display the public access
18 sticker required under subsection (b) of this Section or pay \$5
19 per event. Fees collected under this subsection shall be
20 deposited into the Off-Highway Vehicle Trails Fund.

21 (Source: P.A. 100-798, eff. 1-1-19; revised 10-3-18.)

22 Section 120. The Department of Human Services Act is
23 amended by changing Section 1-17 as follows:

24 (20 ILCS 1305/1-17)

1 Sec. 1-17. Inspector General.

2 (a) Nature and purpose. It is the express intent of the
3 General Assembly to ensure the health, safety, and financial
4 condition of individuals receiving services in this State due
5 to mental illness, developmental disability, or both by
6 protecting those persons from acts of abuse, neglect, or both
7 by service providers. To that end, the Office of the Inspector
8 General for the Department of Human Services is created to
9 investigate and report upon allegations of the abuse, neglect,
10 or financial exploitation of individuals receiving services
11 within mental health facilities, developmental disabilities
12 facilities, and community agencies operated, licensed, funded,
13 or certified by the Department of Human Services, but not
14 licensed or certified by any other State agency.

15 (b) Definitions. The following definitions apply to this
16 Section:

17 "Adult student with a disability" means an adult student,
18 age 18 through 21, inclusive, with an Individual Education
19 Program, other than a resident of a facility licensed by the
20 Department of Children and Family Services in accordance with
21 the Child Care Act of 1969. For purposes of this definition,
22 "through age 21, inclusive", means through the day before the
23 student's 22nd birthday.

24 "Agency" or "community agency" means (i) a community agency
25 licensed, funded, or certified by the Department, but not
26 licensed or certified by any other human services agency of the

1 State, to provide mental health service or developmental
2 disabilities service, or (ii) a program licensed, funded, or
3 certified by the Department, but not licensed or certified by
4 any other human services agency of the State, to provide mental
5 health service or developmental disabilities service.

6 "Aggravating circumstance" means a factor that is
7 attendant to a finding and that tends to compound or increase
8 the culpability of the accused.

9 "Allegation" means an assertion, complaint, suspicion, or
10 incident involving any of the following conduct by an employee,
11 facility, or agency against an individual or individuals:
12 mental abuse, physical abuse, sexual abuse, neglect, or
13 financial exploitation.

14 "Day" means working day, unless otherwise specified.

15 "Deflection" means a situation in which an individual is
16 presented for admission to a facility or agency, and the
17 facility staff or agency staff do not admit the individual.
18 "Deflection" includes triage, redirection, and denial of
19 admission.

20 "Department" means the Department of Human Services.

21 "Developmental disability" means "developmental
22 disability" as defined in the Mental Health and Developmental
23 Disabilities Code.

24 "Egregious neglect" means a finding of neglect as
25 determined by the Inspector General that (i) represents a gross
26 failure to adequately provide for, or a callused indifference

1 to, the health, safety, or medical needs of an individual and
2 (ii) results in an individual's death or other serious
3 deterioration of an individual's physical condition or mental
4 condition.

5 "Employee" means any person who provides services at the
6 facility or agency on-site or off-site. The service
7 relationship can be with the individual or with the facility or
8 agency. Also, "employee" includes any employee or contractual
9 agent of the Department of Human Services or the community
10 agency involved in providing or monitoring or administering
11 mental health or developmental disability services. This
12 includes but is not limited to: owners, operators, payroll
13 personnel, contractors, subcontractors, and volunteers.

14 "Facility" or "State-operated facility" means a mental
15 health facility or developmental disabilities facility
16 operated by the Department.

17 "Financial exploitation" means taking unjust advantage of
18 an individual's assets, property, or financial resources
19 through deception, intimidation, or conversion for the
20 employee's, facility's, or agency's own advantage or benefit.

21 "Finding" means the Office of Inspector General's
22 determination regarding whether an allegation is
23 substantiated, unsubstantiated, or unfounded.

24 "Health Care Worker Registry" or "Registry" means the
25 Health Care Worker Registry under the Health Care Worker
26 Background Check Act.

1 "Individual" means any person receiving mental health
2 service, developmental disabilities service, or both from a
3 facility or agency, while either on-site or off-site.

4 "Mental abuse" means the use of demeaning, intimidating, or
5 threatening words, signs, gestures, or other actions by an
6 employee about an individual and in the presence of an
7 individual or individuals that results in emotional distress or
8 maladaptive behavior, or could have resulted in emotional
9 distress or maladaptive behavior, for any individual present.

10 "Mental illness" means "mental illness" as defined in the
11 Mental Health and Developmental Disabilities Code.

12 "Mentally ill" means having a mental illness.

13 "Mitigating circumstance" means a condition that (i) is
14 attendant to a finding, (ii) does not excuse or justify the
15 conduct in question, but (iii) may be considered in evaluating
16 the severity of the conduct, the culpability of the accused, or
17 both the severity of the conduct and the culpability of the
18 accused.

19 "Neglect" means an employee's, agency's, or facility's
20 failure to provide adequate medical care, personal care, or
21 maintenance and that, as a consequence, (i) causes an
22 individual pain, injury, or emotional distress, (ii) results in
23 either an individual's maladaptive behavior or the
24 deterioration of an individual's physical condition or mental
25 condition, or (iii) places the individual's health or safety at
26 substantial risk.

1 "Person with a developmental disability" means a person
2 having a developmental disability.

3 "Physical abuse" means an employee's non-accidental and
4 inappropriate contact with an individual that causes bodily
5 harm. "Physical abuse" includes actions that cause bodily harm
6 as a result of an employee directing an individual or person to
7 physically abuse another individual.

8 "Recommendation" means an admonition, separate from a
9 finding, that requires action by the facility, agency, or
10 Department to correct a systemic issue, problem, or deficiency
11 identified during an investigation.

12 "Required reporter" means any employee who suspects,
13 witnesses, or is informed of an allegation of any one or more
14 of the following: mental abuse, physical abuse, sexual abuse,
15 neglect, or financial exploitation.

16 "Secretary" means the Chief Administrative Officer of the
17 Department.

18 "Sexual abuse" means any sexual contact or intimate
19 physical contact between an employee and an individual,
20 including an employee's coercion or encouragement of an
21 individual to engage in sexual behavior that results in sexual
22 contact, intimate physical contact, sexual behavior, or
23 intimate physical behavior. Sexual abuse also includes (i) an
24 employee's actions that result in the sending or showing of
25 sexually explicit images to an individual via computer,
26 cellular phone, electronic mail, portable electronic device,

1 or other media with or without contact with the individual or
2 (ii) an employee's posting of sexually explicit images of an
3 individual online or elsewhere whether or not there is contact
4 with the individual.

5 "Sexually explicit images" includes, but is not limited to,
6 any material which depicts nudity, sexual conduct, or
7 sado-masochistic abuse, or which contains explicit and
8 detailed verbal descriptions or narrative accounts of sexual
9 excitement, sexual conduct, or sado-masochistic abuse.

10 "Substantiated" means there is a preponderance of the
11 evidence to support the allegation.

12 "Unfounded" means there is no credible evidence to support
13 the allegation.

14 "Unsubstantiated" means there is credible evidence, but
15 less than a preponderance of evidence to support the
16 allegation.

17 (c) Appointment. The Governor shall appoint, and the Senate
18 shall confirm, an Inspector General. The Inspector General
19 shall be appointed for a term of 4 years and shall function
20 within the Department of Human Services and report to the
21 Secretary and the Governor.

22 (d) Operation and appropriation. The Inspector General
23 shall function independently within the Department with
24 respect to the operations of the Office, including the
25 performance of investigations and issuance of findings and
26 recommendations. The appropriation for the Office of Inspector

1 General shall be separate from the overall appropriation for
2 the Department.

3 (e) Powers and duties. The Inspector General shall
4 investigate reports of suspected mental abuse, physical abuse,
5 sexual abuse, neglect, or financial exploitation of
6 individuals in any mental health or developmental disabilities
7 facility or agency and shall have authority to take immediate
8 action to prevent any one or more of the following from
9 happening to individuals under its jurisdiction: mental abuse,
10 physical abuse, sexual abuse, neglect, or financial
11 exploitation. Upon written request of an agency of this State,
12 the Inspector General may assist another agency of the State in
13 investigating reports of the abuse, neglect, or abuse and
14 neglect of persons with mental illness, persons with
15 developmental disabilities, or persons with both. To comply
16 with the requirements of subsection (k) of this Section, the
17 Inspector General shall also review all reportable deaths for
18 which there is no allegation of abuse or neglect. Nothing in
19 this Section shall preempt any duties of the Medical Review
20 Board set forth in the Mental Health and Developmental
21 Disabilities Code. The Inspector General shall have no
22 authority to investigate alleged violations of the State
23 Officials and Employees Ethics Act. Allegations of misconduct
24 under the State Officials and Employees Ethics Act shall be
25 referred to the Office of the Governor's Executive Inspector
26 General for investigation.

1 (f) Limitations. The Inspector General shall not conduct an
2 investigation within an agency or facility if that
3 investigation would be redundant to or interfere with an
4 investigation conducted by another State agency. The Inspector
5 General shall have no supervision over, or involvement in, the
6 routine programmatic, licensing, funding, or certification
7 operations of the Department. Nothing in this subsection limits
8 investigations by the Department that may otherwise be required
9 by law or that may be necessary in the Department's capacity as
10 central administrative authority responsible for the operation
11 of the State's mental health and developmental disabilities
12 facilities.

13 (g) Rulemaking authority. The Inspector General shall
14 promulgate rules establishing minimum requirements for
15 reporting allegations as well as for initiating, conducting,
16 and completing investigations based upon the nature of the
17 allegation or allegations. The rules shall clearly establish
18 that if 2 or more State agencies could investigate an
19 allegation, the Inspector General shall not conduct an
20 investigation that would be redundant to, or interfere with, an
21 investigation conducted by another State agency. The rules
22 shall further clarify the method and circumstances under which
23 the Office of Inspector General may interact with the
24 licensing, funding, or certification units of the Department in
25 preventing further occurrences of mental abuse, physical
26 abuse, sexual abuse, neglect, egregious neglect, and financial

1 exploitation.

2 (h) Training programs. The Inspector General shall (i)
3 establish a comprehensive program to ensure that every person
4 authorized to conduct investigations receives ongoing training
5 relative to investigation techniques, communication skills,
6 and the appropriate means of interacting with persons receiving
7 treatment for mental illness, developmental disability, or
8 both mental illness and developmental disability, and (ii)
9 establish and conduct periodic training programs for facility
10 and agency employees concerning the prevention and reporting of
11 any one or more of the following: mental abuse, physical abuse,
12 sexual abuse, neglect, egregious neglect, or financial
13 exploitation. The Inspector General shall further ensure (i)
14 every person authorized to conduct investigations at community
15 agencies receives ongoing training in Title 59, Parts 115, 116,
16 and 119 of the Illinois Administrative Code, and (ii) every
17 person authorized to conduct investigations shall receive
18 ongoing training in Title 59, Part 50 of the Illinois
19 Administrative Code. Nothing in this Section shall be deemed to
20 prevent the Office of Inspector General from conducting any
21 other training as determined by the Inspector General to be
22 necessary or helpful.

23 (i) Duty to cooperate.

24 (1) The Inspector General shall at all times be granted
25 access to any facility or agency for the purpose of
26 investigating any allegation, conducting unannounced site

1 visits, monitoring compliance with a written response, or
2 completing any other statutorily assigned duty. The
3 Inspector General shall conduct unannounced site visits to
4 each facility at least annually for the purpose of
5 reviewing and making recommendations on systemic issues
6 relative to preventing, reporting, investigating, and
7 responding to all of the following: mental abuse, physical
8 abuse, sexual abuse, neglect, egregious neglect, or
9 financial exploitation.

10 (2) Any employee who fails to cooperate with an Office
11 of the Inspector General investigation is in violation of
12 this Act. Failure to cooperate with an investigation
13 includes, but is not limited to, any one or more of the
14 following: (i) creating and transmitting a false report to
15 the Office of the Inspector General hotline, (ii) providing
16 false information to an Office of the Inspector General
17 Investigator during an investigation, (iii) colluding with
18 other employees to cover up evidence, (iv) colluding with
19 other employees to provide false information to an Office
20 of the Inspector General investigator, (v) destroying
21 evidence, (vi) withholding evidence, or (vii) otherwise
22 obstructing an Office of the Inspector General
23 investigation. Additionally, any employee who, during an
24 unannounced site visit or written response compliance
25 check, fails to cooperate with requests from the Office of
26 the Inspector General is in violation of this Act.

1 (j) Subpoena powers. The Inspector General shall have the
2 power to subpoena witnesses and compel the production of all
3 documents and physical evidence relating to his or her
4 investigations and any hearings authorized by this Act. This
5 subpoena power shall not extend to persons or documents of a
6 labor organization or its representatives insofar as the
7 persons are acting in a representative capacity to an employee
8 whose conduct is the subject of an investigation or the
9 documents relate to that representation. Any person who
10 otherwise fails to respond to a subpoena or who knowingly
11 provides false information to the Office of the Inspector
12 General by subpoena during an investigation is guilty of a
13 Class A misdemeanor.

14 (k) Reporting allegations and deaths.

15 (1) Allegations. If an employee witnesses, is told of,
16 or has reason to believe an incident of mental abuse,
17 physical abuse, sexual abuse, neglect, or financial
18 exploitation has occurred, the employee, agency, or
19 facility shall report the allegation by phone to the Office
20 of the Inspector General hotline according to the agency's
21 or facility's procedures, but in no event later than 4
22 hours after the initial discovery of the incident,
23 allegation, or suspicion of any one or more of the
24 following: mental abuse, physical abuse, sexual abuse,
25 neglect, or financial exploitation. A required reporter as
26 defined in subsection (b) of this Section who knowingly or

1 intentionally fails to comply with these reporting
2 requirements is guilty of a Class A misdemeanor.

3 (2) Deaths. Absent an allegation, a required reporter
4 shall, within 24 hours after initial discovery, report by
5 phone to the Office of the Inspector General hotline each
6 of the following:

7 (i) Any death of an individual occurring within 14
8 calendar days after discharge or transfer of the
9 individual from a residential program or facility.

10 (ii) Any death of an individual occurring within 24
11 hours after deflection from a residential program or
12 facility.

13 (iii) Any other death of an individual occurring at
14 an agency or facility or at any Department-funded site.

15 (3) Retaliation. It is a violation of this Act for any
16 employee or administrator of an agency or facility to take
17 retaliatory action against an employee who acts in good
18 faith in conformance with his or her duties as a required
19 reporter.

20 (1) Reporting to law enforcement.

21 (1) Reporting criminal acts. Within 24 hours after
22 determining that there is credible evidence indicating
23 that a criminal act may have been committed or that special
24 expertise may be required in an investigation, the
25 Inspector General shall notify the Department of State
26 Police or other appropriate law enforcement authority, or

1 ensure that such notification is made. The Department of
2 State Police shall investigate any report from a
3 State-operated facility indicating a possible murder,
4 sexual assault, or other felony by an employee. All
5 investigations conducted by the Inspector General shall be
6 conducted in a manner designed to ensure the preservation
7 of evidence for possible use in a criminal prosecution.

8 (2) Reporting allegations of adult students with
9 disabilities. Upon receipt of a reportable allegation
10 regarding an adult student with a disability, the
11 Department's Office of the Inspector General shall
12 determine whether the allegation meets the criteria for the
13 Domestic Abuse Program under the Abuse of Adults with
14 Disabilities Intervention Act. If the allegation is
15 reportable to that program, the Office of the Inspector
16 General shall initiate an investigation. If the allegation
17 is not reportable to the Domestic Abuse Program, the Office
18 of the Inspector General shall make an expeditious referral
19 to the respective law enforcement entity. If the alleged
20 victim is already receiving services from the Department,
21 the Office of the Inspector General shall also make a
22 referral to the respective Department of Human Services'
23 Division or Bureau.

24 (m) Investigative reports. Upon completion of an
25 investigation, the Office of Inspector General shall issue an
26 investigative report identifying whether the allegations are

1 substantiated, unsubstantiated, or unfounded. Within 10
2 business days after the transmittal of a completed
3 investigative report substantiating an allegation, finding an
4 allegation is unsubstantiated, or if a recommendation is made,
5 the Inspector General shall provide the investigative report on
6 the case to the Secretary and to the director of the facility
7 or agency where any one or more of the following occurred:
8 mental abuse, physical abuse, sexual abuse, neglect, egregious
9 neglect, or financial exploitation. The director of the
10 facility or agency shall be responsible for maintaining the
11 confidentiality of the investigative report consistent with
12 State and federal law. In a substantiated case, the
13 investigative report shall include any mitigating or
14 aggravating circumstances that were identified during the
15 investigation. If the case involves substantiated neglect, the
16 investigative report shall also state whether egregious
17 neglect was found. An investigative report may also set forth
18 recommendations. All investigative reports prepared by the
19 Office of the Inspector General shall be considered
20 confidential and shall not be released except as provided by
21 the law of this State or as required under applicable federal
22 law. Unsubstantiated and unfounded reports shall not be
23 disclosed except as allowed under Section 6 of the Abused and
24 Neglected Long Term Care Facility Residents Reporting Act. Raw
25 data used to compile the investigative report shall not be
26 subject to release unless required by law or a court order.

1 "Raw data used to compile the investigative report" includes,
2 but is not limited to, any one or more of the following: the
3 initial complaint, witness statements, photographs,
4 investigator's notes, police reports, or incident reports. If
5 the allegations are substantiated, the victim, the victim's
6 guardian, and the accused shall be provided with a redacted
7 copy of the investigative report. Death reports where there was
8 no allegation of abuse or neglect shall only be released
9 pursuant to applicable State or federal law or a valid court
10 order. Unredacted investigative reports, as well as raw data,
11 may be shared with a local law enforcement entity, a State's
12 Attorney's office, or a county coroner's office upon written
13 request.

14 (n) Written responses, clarification requests, and
15 reconsideration requests.

16 (1) Written responses. Within 30 calendar days from
17 receipt of a substantiated investigative report or an
18 investigative report which contains recommendations,
19 absent a reconsideration request, the facility or agency
20 shall file a written response that addresses, in a concise
21 and reasoned manner, the actions taken to: (i) protect the
22 individual; (ii) prevent recurrences; and (iii) eliminate
23 the problems identified. The response shall include the
24 implementation and completion dates of such actions. If the
25 written response is not filed within the allotted 30
26 calendar day period, the Secretary shall determine the

1 appropriate corrective action to be taken.

2 (2) Requests for clarification. The facility, agency,
3 victim or guardian, or the subject employee may request
4 that the Office of Inspector General clarify the finding or
5 findings for which clarification is sought.

6 (3) Requests for reconsideration. The facility,
7 agency, victim or guardian, or the subject employee may
8 request that the Office of the Inspector General reconsider
9 the finding or findings or the recommendations. A request
10 for reconsideration shall be subject to a multi-layer
11 review and shall include at least one reviewer who did not
12 participate in the investigation or approval of the
13 original investigative report. After the multi-layer
14 review process has been completed, the Inspector General
15 shall make the final determination on the reconsideration
16 request. The investigation shall be reopened if the
17 reconsideration determination finds that additional
18 information is needed to complete the investigative
19 record.

20 (o) Disclosure of the finding by the Inspector General. The
21 Inspector General shall disclose the finding of an
22 investigation to the following persons: (i) the Governor, (ii)
23 the Secretary, (iii) the director of the facility or agency,
24 (iv) the alleged victims and their guardians, (v) the
25 complainant, and (vi) the accused. This information shall
26 include whether the allegations were deemed substantiated,

1 unsubstantiated, or unfounded.

2 (p) Secretary review. Upon review of the Inspector
3 General's investigative report and any agency's or facility's
4 written response, the Secretary shall accept or reject the
5 written response and notify the Inspector General of that
6 determination. The Secretary may further direct that other
7 administrative action be taken, including, but not limited to,
8 any one or more of the following: (i) additional site visits,
9 (ii) training, (iii) provision of technical assistance
10 relative to administrative needs, licensure, or certification,
11 or (iv) the imposition of appropriate sanctions.

12 (q) Action by facility or agency. Within 30 days of the
13 date the Secretary approves the written response or directs
14 that further administrative action be taken, the facility or
15 agency shall provide an implementation report to the Inspector
16 General that provides the status of the action taken. The
17 facility or agency shall be allowed an additional 30 days to
18 send notice of completion of the action or to send an updated
19 implementation report. If the action has not been completed
20 within the additional 30-day period, the facility or agency
21 shall send updated implementation reports every 60 days until
22 completion. The Inspector General shall conduct a review of any
23 implementation plan that takes more than 120 days after
24 approval to complete, and shall monitor compliance through a
25 random review of approved written responses, which may include,
26 but are not limited to: (i) site visits, (ii) telephone

1 contact, and (iii) requests for additional documentation
2 evidencing compliance.

3 (r) Sanctions. Sanctions, if imposed by the Secretary under
4 Subdivision (p)(iv) of this Section, shall be designed to
5 prevent further acts of mental abuse, physical abuse, sexual
6 abuse, neglect, egregious neglect, or financial exploitation
7 or some combination of one or more of those acts at a facility
8 or agency, and may include any one or more of the following:

9 (1) Appointment of on-site monitors.

10 (2) Transfer or relocation of an individual or
11 individuals.

12 (3) Closure of units.

13 (4) Termination of any one or more of the following:

14 (i) Department licensing, (ii) funding, or (iii)
15 certification.

16 The Inspector General may seek the assistance of the
17 Illinois Attorney General or the office of any State's Attorney
18 in implementing sanctions.

19 (s) Health Care Worker Registry.

20 (1) Reporting to the Registry. The Inspector General
21 shall report to the Department of Public Health's Health
22 Care Worker Registry, a public registry, the identity and
23 finding of each employee of a facility or agency against
24 whom there is a final investigative report containing a
25 substantiated allegation of physical or sexual abuse,
26 financial exploitation, or egregious neglect of an

1 individual.

2 (2) Notice to employee. Prior to reporting the name of
3 an employee, the employee shall be notified of the
4 Department's obligation to report and shall be granted an
5 opportunity to request an administrative hearing, the sole
6 purpose of which is to determine if the substantiated
7 finding warrants reporting to the Registry. Notice to the
8 employee shall contain a clear and concise statement of the
9 grounds on which the report to the Registry is based, offer
10 the employee an opportunity for a hearing, and identify the
11 process for requesting such a hearing. Notice is sufficient
12 if provided by certified mail to the employee's last known
13 address. If the employee fails to request a hearing within
14 30 days from the date of the notice, the Inspector General
15 shall report the name of the employee to the Registry.
16 Nothing in this subdivision (s) (2) shall diminish or impair
17 the rights of a person who is a member of a collective
18 bargaining unit under the Illinois Public Labor Relations
19 Act or under any other federal labor statute.

20 (3) Registry hearings. If the employee requests an
21 administrative hearing, the employee shall be granted an
22 opportunity to appear before an administrative law judge to
23 present reasons why the employee's name should not be
24 reported to the Registry. The Department shall bear the
25 burden of presenting evidence that establishes, by a
26 preponderance of the evidence, that the substantiated

1 finding warrants reporting to the Registry. After
2 considering all the evidence presented, the administrative
3 law judge shall make a recommendation to the Secretary as
4 to whether the substantiated finding warrants reporting
5 the name of the employee to the Registry. The Secretary
6 shall render the final decision. The Department and the
7 employee shall have the right to request that the
8 administrative law judge consider a stipulated disposition
9 of these proceedings.

10 (4) Testimony at Registry hearings. A person who makes
11 a report or who investigates a report under this Act shall
12 testify fully in any judicial proceeding resulting from
13 such a report, as to any evidence of abuse or neglect, or
14 the cause thereof. No evidence shall be excluded by reason
15 of any common law or statutory privilege relating to
16 communications between the alleged perpetrator of abuse or
17 neglect, or the individual alleged as the victim in the
18 report, and the person making or investigating the report.
19 Testimony at hearings is exempt from the confidentiality
20 requirements of subsection (f) of Section 10 of the Mental
21 Health and Developmental Disabilities Confidentiality Act.

22 (5) Employee's rights to collateral action. No
23 reporting to the Registry shall occur and no hearing shall
24 be set or proceed if an employee notifies the Inspector
25 General in writing, including any supporting
26 documentation, that he or she is formally contesting an

1 adverse employment action resulting from a substantiated
2 finding by complaint filed with the Illinois Civil Service
3 Commission, or which otherwise seeks to enforce the
4 employee's rights pursuant to any applicable collective
5 bargaining agreement. If an action taken by an employer
6 against an employee as a result of a finding of physical
7 abuse, sexual abuse, or egregious neglect is overturned
8 through an action filed with the Illinois Civil Service
9 Commission or under any applicable collective bargaining
10 agreement and if that employee's name has already been sent
11 to the Registry, the employee's name shall be removed from
12 the Registry.

13 (6) Removal from Registry. At any time after the report
14 to the Registry, but no more than once in any 12-month
15 period, an employee may petition the Department in writing
16 to remove his or her name from the Registry. Upon receiving
17 notice of such request, the Inspector General shall conduct
18 an investigation into the petition. Upon receipt of such
19 request, an administrative hearing will be set by the
20 Department. At the hearing, the employee shall bear the
21 burden of presenting evidence that establishes, by a
22 preponderance of the evidence, that removal of the name
23 from the Registry is in the public interest. The parties
24 may jointly request that the administrative law judge
25 consider a stipulated disposition of these proceedings.

26 (t) Review of Administrative Decisions. The Department

1 shall preserve a record of all proceedings at any formal
2 hearing conducted by the Department involving Health Care
3 Worker Registry hearings. Final administrative decisions of
4 the Department are subject to judicial review pursuant to
5 provisions of the Administrative Review Law.

6 (u) Quality Care Board. There is created, within the Office
7 of the Inspector General, a Quality Care Board to be composed
8 of 7 members appointed by the Governor with the advice and
9 consent of the Senate. One of the members shall be designated
10 as chairman by the Governor. Of the initial appointments made
11 by the Governor, 4 Board members shall each be appointed for a
12 term of 4 years and 3 members shall each be appointed for a
13 term of 2 years. Upon the expiration of each member's term, a
14 successor shall be appointed for a term of 4 years. In the case
15 of a vacancy in the office of any member, the Governor shall
16 appoint a successor for the remainder of the unexpired term.

17 Members appointed by the Governor shall be qualified by
18 professional knowledge or experience in the area of law,
19 investigatory techniques, or in the area of care of the
20 mentally ill or care of persons with developmental
21 disabilities. Two members appointed by the Governor shall be
22 persons with a disability or parents ~~a parent~~ of persons ~~a~~
23 ~~person~~ with a disability. Members shall serve without
24 compensation, but shall be reimbursed for expenses incurred in
25 connection with the performance of their duties as members.

26 The Board shall meet quarterly, and may hold other meetings

1 on the call of the chairman. Four members shall constitute a
2 quorum allowing the Board to conduct its business. The Board
3 may adopt rules and regulations it deems necessary to govern
4 its own procedures.

5 The Board shall monitor and oversee the operations,
6 policies, and procedures of the Inspector General to ensure the
7 prompt and thorough investigation of allegations of neglect and
8 abuse. In fulfilling these responsibilities, the Board may do
9 the following:

10 (1) Provide independent, expert consultation to the
11 Inspector General on policies and protocols for
12 investigations of alleged abuse, neglect, or both abuse and
13 neglect.

14 (2) Review existing regulations relating to the
15 operation of facilities.

16 (3) Advise the Inspector General as to the content of
17 training activities authorized under this Section.

18 (4) Recommend policies concerning methods for
19 improving the intergovernmental relationships between the
20 Office of the Inspector General and other State or federal
21 offices.

22 (v) Annual report. The Inspector General shall provide to
23 the General Assembly and the Governor, no later than January 1
24 of each year, a summary of reports and investigations made
25 under this Act for the prior fiscal year with respect to
26 individuals receiving mental health or developmental

1 disabilities services. The report shall detail the imposition
2 of sanctions, if any, and the final disposition of any
3 corrective or administrative action directed by the Secretary.
4 The summaries shall not contain any confidential or identifying
5 information of any individual, but shall include objective data
6 identifying any trends in the number of reported allegations,
7 the timeliness of the Office of the Inspector General's
8 investigations, and their disposition, for each facility and
9 Department-wide, for the most recent 3-year time period. The
10 report shall also identify, by facility, the staff-to-patient
11 ratios taking account of direct care staff only. The report
12 shall also include detailed recommended administrative actions
13 and matters for consideration by the General Assembly.

14 (w) Program audit. The Auditor General shall conduct a
15 program audit of the Office of the Inspector General on an
16 as-needed basis, as determined by the Auditor General. The
17 audit shall specifically include the Inspector General's
18 compliance with the Act and effectiveness in investigating
19 reports of allegations occurring in any facility or agency. The
20 Auditor General shall conduct the program audit according to
21 the provisions of the Illinois State Auditing Act and shall
22 report its findings to the General Assembly no later than
23 January 1 following the audit period.

24 (x) Nothing in this Section shall be construed to mean that
25 an individual is a victim of abuse or neglect because of health
26 care services appropriately provided or not provided by health

1 care professionals.

2 (y) Nothing in this Section shall require a facility,
3 including its employees, agents, medical staff members, and
4 health care professionals, to provide a service to an
5 individual in contravention of that individual's stated or
6 implied objection to the provision of that service on the
7 ground that that service conflicts with the individual's
8 religious beliefs or practices, nor shall the failure to
9 provide a service to an individual be considered abuse under
10 this Section if the individual has objected to the provision of
11 that service based on his or her religious beliefs or
12 practices.

13 (Source: P.A. 99-143, eff. 7-27-15; 99-323, eff. 8-7-15;
14 99-642, eff. 7-28-16; 100-313, eff. 8-24-17; 100-432, eff.
15 8-25-17; 100-863, eff. 8-14-18; 100-943, eff. 1-1-19; 100-991,
16 eff. 8-20-18; 100-1098, eff. 8-26-18; revised 10-3-18.)

17 Section 125. The Regional Integrated Behavioral Health
18 Networks Act is amended by changing Section 25 as follows:

19 (20 ILCS 1340/25)

20 Sec. 25. Development of Network plans. Each Network shall
21 develop a plan for its respective region that addresses the
22 following:

23 (a) Inventory of all mental health and substance use
24 disorder services, primary health care facilities and

1 services, private hospitals, State-operated psychiatric
2 hospitals, long-term ~~long-term~~ care facilities, social
3 services, transportation services, and any services
4 available to serve persons with mental and substance use
5 illnesses.

6 (b) Identification of unmet community needs,
7 including, but not limited to, the following:

8 (1) Waiting lists in community mental health and
9 substance use disorder services.

10 (2) Hospital emergency department use by persons
11 with mental and substance use illnesses, including
12 volume, length of stay, and challenges associated with
13 obtaining psychiatric assessment.

14 (3) Difficulty obtaining admission to inpatient
15 facilities, and reasons therefor ~~therefore~~.

16 (4) Availability of primary care providers in the
17 community, including Federally Qualified Health
18 Centers and Rural Health Centers.

19 (5) Availability of psychiatrists and mental
20 health professionals.

21 (6) Transportation issues.

22 (7) Other.

23 (c) Identification of opportunities to improve access
24 to mental and substance use disorder services through the
25 integration of specialty behavioral health services with
26 primary care, including, but not limited to, the following:

1 (1) Availability of Federally Qualified Health
2 Centers in community with mental health staff.

3 (2) Development of accountable care organizations
4 or other primary care entities.

5 (3) Availability of acute care hospitals with
6 specialized psychiatric capacity.

7 (4) Community providers with an interest in
8 collaborating with acute care providers.

9 (d) Development of a plan to address community needs,
10 including a specific timeline for implementation of
11 specific objectives and establishment of evaluation
12 measures. The comprehensive plan should include the
13 complete continuum of behavioral health services,
14 including, but not limited to, the following:

15 (1) Prevention.

16 (2) Client assessment and diagnosis.

17 (3) An array of outpatient behavioral health
18 services.

19 (4) Case coordination.

20 (5) Crisis and emergency services.

21 (6) Treatment, including inpatient psychiatric
22 services in public and private hospitals.

23 (7) Long-term ~~Long-term~~ care facilities.

24 (8) Community residential alternatives to
25 institutional settings.

26 (9) Primary care services.

1 (Source: P.A. 100-759, eff. 1-1-19; revised 9-25-18.)

2 Section 130. The Department of Innovation and Technology
3 Act is amended by changing Sections 1-35 and 1-45 as follows:

4 (20 ILCS 1370/1-35)

5 Sec. 1-35. Communications.

6 (a) The Department shall develop and implement a
7 comprehensive plan to coordinate or centralize communications
8 among State agencies with offices at different locations. The
9 plan shall be updated based on a continuing study of
10 communications problems of State government and shall include
11 any information technology-related ~~technology-related~~
12 equipment or service used for communication purposes including
13 digital, analog, or future transmission medium, whether for
14 voice, data, or any combination thereof. The plan shall take
15 into consideration systems that might effect economies,
16 including, but not limited to, quantity discount services and
17 may include provision of telecommunications service to local
18 and federal government entities located within this State if
19 State interests can be served by so doing.

20 (b) The Department shall provide for and coordinate
21 communications services for State agencies and, when requested
22 and when in the best interests of the State, for units of
23 federal or local governments and public and not-for-profit
24 institutions of primary, secondary, and higher education. The

1 Department may make use of, or support or provide any
2 information technology-related ~~technology-related~~
3 communications equipment or services necessary and available
4 to support the needs of interested parties not associated with
5 State government provided that State government usage shall
6 have first priority. For this purpose the Department shall have
7 the power to do all of the following:

8 (1) Provide for and control the procurement,
9 retention, installation, and maintenance of communications
10 equipment or services used by State agencies in the
11 interest of efficiency and economy.

12 (2) Review existing standards and, where appropriate,
13 propose to establish new or modified standards for State
14 agencies which shall include a minimum of one
15 telecommunication device for the deaf installed and
16 operational within each State agency, to provide public
17 access to agency information for those persons who are
18 hearing or speech impaired. The Department shall consult
19 the Department of Human Services to develop standards and
20 implementation for this equipment.

21 (3) Establish charges for information technology for
22 State agencies and, when requested, for units of federal or
23 local government and public and not-for-profit
24 institutions of primary, secondary, or higher education.
25 Entities charged for these services shall pay the
26 Department.

1 (4) Instruct all State agencies to report their usage
2 of communication services regularly to the Department in
3 the manner the Department may prescribe.

4 (5) Analyze the present and future aims and needs of
5 all State agencies in the area of communications services
6 and plan to serve those aims and needs in the most
7 effective and efficient manner.

8 (6) Provide telecommunications and other
9 communications services.

10 (7) Establish the administrative organization within
11 the Department that is required to accomplish the purpose
12 of this Section.

13 As used in this subsection (b) only, "State agencies" means
14 all departments, officers, commissions, boards, institutions,
15 and bodies politic and corporate of the State except (i) the
16 judicial branch, including, without limitation, the several
17 courts of the State, the offices of the clerk of the supreme
18 court and the clerks of the appellate court, and the
19 Administrative Office of the Illinois Courts, (ii) State
20 constitutional offices, and (iii) the General Assembly,
21 legislative service agencies, and all officers of the General
22 Assembly.

23 This subsection (b) does not apply to the procurement of
24 Next Generation 9-1-1 service as governed by Section 15.6b of
25 the Emergency Telephone System Act.

26 (Source: P.A. 100-611, eff. 7-20-18; revised 9-26-18.)

1 (20 ILCS 1370/1-45)

2 Sec. 1-45. Grants for distance learning services. The
3 Department may award grants to public community colleges and
4 educational ~~education~~ service centers for development and
5 implementation of telecommunications systems that provide
6 distance learning services.

7 (Source: P.A. 100-611, eff. 7-20-18; revised 10-3-18.)

8 Section 135. The Illinois Information Security Improvement
9 Act is amended by changing Sections 5-20 and 5-25 as follows:

10 (20 ILCS 1375/5-20)

11 Sec. 5-20. Statewide Chief Information Security Officer.
12 The position of Statewide Chief Information Security Officer is
13 established within the Office. The Secretary shall appoint a
14 Statewide Chief Information Security Officer who shall serve at
15 the pleasure of the Secretary. The Statewide Chief Information
16 Security Officer shall report to and be under the supervision
17 of the Secretary. The Statewide Chief Information Security
18 Officer shall exhibit a background and experience in
19 information security, information technology, or risk
20 management, or exhibit other appropriate expertise required to
21 fulfill the duties of the Statewide Chief Information Security
22 Officer. If the Statewide Chief Information Security Officer is
23 unable or unavailable to perform the duties and

1 responsibilities under Section 5-25 ~~25~~, all powers and
2 authority granted to the Statewide Chief Information Security
3 Officer may be exercised by the Secretary or his or her
4 designee.

5 (Source: P.A. 100-611, eff. 7-20-18; revised 10-3-18.)

6 (20 ILCS 1375/5-25)

7 Sec. 5-25. Responsibilities.

8 (a) The Secretary shall:

9 (1) appoint a Statewide Chief Information Security
10 Officer pursuant to Section 5-20 ~~20~~;

11 (2) provide the Office with the staffing and resources
12 deemed necessary by the Secretary to fulfill the
13 responsibilities of the Office;

14 (3) oversee statewide information security policies
15 and practices, including:

16 (A) directing and overseeing the development,
17 implementation, and communication of statewide
18 information security policies, standards, and
19 guidelines;

20 (B) overseeing the education of State agency
21 personnel regarding the requirement to identify and
22 provide information security protections commensurate
23 with the risk and magnitude of the harm resulting from
24 the unauthorized access, use, disclosure, disruption,
25 modification, or destruction of information in a

1 critical information system;

2 (C) overseeing the development and implementation
3 of a statewide information security risk management
4 program;

5 (D) overseeing State agency compliance with the
6 requirements of this Section;

7 (E) coordinating Information Security policies and
8 practices with related information and personnel
9 resources management policies and procedures; and

10 (F) providing an effective and efficient process
11 to assist State agencies with complying with the
12 requirements of this Act.

13 (b) The Statewide Chief Information Security Officer
14 shall:

15 (1) serve as the head of the Office and ensure the
16 execution of the responsibilities of the Office as set
17 forth in subsection (c) of Section 5-15 ~~15~~, the Statewide
18 Chief Information Security Officer shall also oversee
19 State agency personnel with significant responsibilities
20 for information security and ensure a competent workforce
21 that keeps pace with the changing information security
22 environment;

23 (2) develop and recommend information security
24 policies, standards, procedures, and guidelines to the
25 Secretary for statewide adoption and monitor compliance
26 with these policies, standards, guidelines, and procedures

1 through periodic testing;

2 (3) develop and maintain risk-based, cost-effective
3 information security programs and control techniques to
4 address all applicable security and compliance
5 requirements throughout the life cycle of State agency
6 information systems;

7 (4) establish the procedures, processes, and
8 technologies to rapidly and effectively identify threats,
9 risks, and vulnerabilities to State information systems,
10 and ensure the prioritization of the remediation of
11 vulnerabilities that pose risk to the State;

12 (5) develop and implement capabilities and procedures
13 for detecting, reporting, and responding to information
14 security incidents;

15 (6) establish and direct a statewide information
16 security risk management program to identify information
17 security risks in State agencies and deploy risk mitigation
18 strategies, processes, and procedures;

19 (7) establish the State's capability to sufficiently
20 protect the security of data through effective information
21 system security planning, secure system development,
22 acquisition, and deployment, the application of protective
23 technologies and information system certification,
24 accreditation, and assessments;

25 (8) ensure that State agency personnel, including
26 contractors, are appropriately screened and receive

1 information security awareness training;

2 (9) convene meetings with agency heads and other State
3 officials to help ensure:

4 (A) the ongoing communication of risk and risk
5 reduction strategies,

6 (B) effective implementation of information
7 security policies and practices, and

8 (C) the incorporation of and compliance with
9 information security policies, standards, and
10 guidelines into the policies and procedures of the
11 agencies;

12 (10) provide operational and technical assistance to
13 State agencies in implementing policies, principles,
14 standards, and guidelines on information security,
15 including implementation of standards promulgated under
16 subparagraph (A) of paragraph (3) of subsection (a) of this
17 Section, and provide assistance and effective and
18 efficient means for State agencies to comply with the State
19 agency requirements under this Act;

20 (11) in coordination and consultation with the
21 Secretary and the Governor's Office of Management and
22 Budget, review State agency budget requests related to
23 Information Security systems and provide recommendations
24 to the Governor's Office of Management and Budget;

25 (12) ensure the preparation and maintenance of plans
26 and procedures to provide cyber resilience and continuity

1 of operations for critical information systems that
2 support the operations of the State; and

3 (13) take such other actions as the Secretary may
4 direct.

5 (Source: P.A. 100-611, eff. 7-20-18; revised 10-9-18.)

6 Section 140. The Illinois Lottery Law is amended by
7 changing Sections 2, 9.1, and 20 and by setting forth,
8 renumbering, and changing multiple versions of Section 21.10 as
9 follows:

10 (20 ILCS 1605/2) (from Ch. 120, par. 1152)

11 Sec. 2. This Act is enacted to implement and establish
12 within the State a lottery to be conducted by the State through
13 the Department. The entire net proceeds of the Lottery are to
14 be used for the support of the State's Common School Fund,
15 except as provided in subsection (o) of Section 9.1 and
16 Sections 21.5, 21.6, 21.7, 21.8, 21.9, ~~and 21.10,~~ and 21.11.
17 The General Assembly finds that it is in the public interest
18 for the Department to conduct the functions of the Lottery with
19 the assistance of a private manager under a management
20 agreement overseen by the Department. The Department shall be
21 accountable to the General Assembly and the people of the State
22 through a comprehensive system of regulation, audits, reports,
23 and enduring operational oversight. The Department's ongoing
24 conduct of the Lottery through a management agreement with a

1 private manager shall act to promote and ensure the integrity,
2 security, honesty, and fairness of the Lottery's operation and
3 administration. It is the intent of the General Assembly that
4 the Department shall conduct the Lottery with the assistance of
5 a private manager under a management agreement at all times in
6 a manner consistent with 18 U.S.C. 1307(a)(1), 1307(b)(1),
7 1953(b)(4).

8 Beginning with Fiscal Year 2018 and every year thereafter,
9 any moneys transferred from the State Lottery Fund to the
10 Common School Fund shall be supplemental to, and not in lieu
11 of, any other money due to be transferred to the Common School
12 Fund by law or appropriation.

13 (Source: P.A. 99-933, eff. 1-27-17; 100-466, eff. 6-1-18;
14 100-647, eff. 7-30-18; 100-1068, eff. 8-24-18; revised
15 9-20-18.)

16 (20 ILCS 1605/9.1)

17 Sec. 9.1. Private manager and management agreement.

18 (a) As used in this Section:

19 "Offeror" means a person or group of persons that responds
20 to a request for qualifications under this Section.

21 "Request for qualifications" means all materials and
22 documents prepared by the Department to solicit the following
23 from offerors:

24 (1) Statements of qualifications.

25 (2) Proposals to enter into a management agreement,

1 including the identity of any prospective vendor or vendors
2 that the offeror intends to initially engage to assist the
3 offeror in performing its obligations under the management
4 agreement.

5 "Final offer" means the last proposal submitted by an
6 offeror in response to the request for qualifications,
7 including the identity of any prospective vendor or vendors
8 that the offeror intends to initially engage to assist the
9 offeror in performing its obligations under the management
10 agreement.

11 "Final offeror" means the offeror ultimately selected by
12 the Governor to be the private manager for the Lottery under
13 subsection (h) of this Section.

14 (b) By September 15, 2010, the Governor shall select a
15 private manager for the total management of the Lottery with
16 integrated functions, such as lottery game design, supply of
17 goods and services, and advertising and as specified in this
18 Section.

19 (c) Pursuant to the terms of this subsection, the
20 Department shall endeavor to expeditiously terminate the
21 existing contracts in support of the Lottery in effect on the
22 effective date of this amendatory Act of the 96th General
23 Assembly in connection with the selection of the private
24 manager. As part of its obligation to terminate these contracts
25 and select the private manager, the Department shall establish
26 a mutually agreeable timetable to transfer the functions of

1 existing contractors to the private manager so that existing
2 Lottery operations are not materially diminished or impaired
3 during the transition. To that end, the Department shall do the
4 following:

5 (1) where such contracts contain a provision
6 authorizing termination upon notice, the Department shall
7 provide notice of termination to occur upon the mutually
8 agreed timetable for transfer of functions;

9 (2) upon the expiration of any initial term or renewal
10 term of the current Lottery contracts, the Department shall
11 not renew such contract for a term extending beyond the
12 mutually agreed timetable for transfer of functions; or

13 (3) in the event any current contract provides for
14 termination of that contract upon the implementation of a
15 contract with the private manager, the Department shall
16 perform all necessary actions to terminate the contract on
17 the date that coincides with the mutually agreed timetable
18 for transfer of functions.

19 If the contracts to support the current operation of the
20 Lottery in effect on the effective date of this amendatory Act
21 of the 96th General Assembly are not subject to termination as
22 provided for in this subsection (c), then the Department may
23 include a provision in the contract with the private manager
24 specifying a mutually agreeable methodology for incorporation.

25 (c-5) The Department shall include provisions in the
26 management agreement whereby the private manager shall, for a

1 fee, and pursuant to a contract negotiated with the Department
2 (the "Employee Use Contract"), utilize the services of current
3 Department employees to assist in the administration and
4 operation of the Lottery. The Department shall be the employer
5 of all such bargaining unit employees assigned to perform such
6 work for the private manager, and such employees shall be State
7 employees, as defined by the Personnel Code. Department
8 employees shall operate under the same employment policies,
9 rules, regulations, and procedures, as other employees of the
10 Department. In addition, neither historical representation
11 rights under the Illinois Public Labor Relations Act, nor
12 existing collective bargaining agreements, shall be disturbed
13 by the management agreement with the private manager for the
14 management of the Lottery.

15 (d) The management agreement with the private manager shall
16 include all of the following:

17 (1) A term not to exceed 10 years, including any
18 renewals.

19 (2) A provision specifying that the Department:

20 (A) shall exercise actual control over all
21 significant business decisions;

22 (A-5) has the authority to direct or countermand
23 operating decisions by the private manager at any time;

24 (B) has ready access at any time to information
25 regarding Lottery operations;

26 (C) has the right to demand and receive information

1 from the private manager concerning any aspect of the
2 Lottery operations at any time; and

3 (D) retains ownership of all trade names,
4 trademarks, and intellectual property associated with
5 the Lottery.

6 (3) A provision imposing an affirmative duty on the
7 private manager to provide the Department with material
8 information and with any information the private manager
9 reasonably believes the Department would want to know to
10 enable the Department to conduct the Lottery.

11 (4) A provision requiring the private manager to
12 provide the Department with advance notice of any operating
13 decision that bears significantly on the public interest,
14 including, but not limited to, decisions on the kinds of
15 games to be offered to the public and decisions affecting
16 the relative risk and reward of the games being offered, so
17 the Department has a reasonable opportunity to evaluate and
18 countermand that decision.

19 (5) A provision providing for compensation of the
20 private manager that may consist of, among other things, a
21 fee for services and a performance based bonus as
22 consideration for managing the Lottery, including terms
23 that may provide the private manager with an increase in
24 compensation if Lottery revenues grow by a specified
25 percentage in a given year.

26 (6) (Blank).

1 (7) A provision requiring the deposit of all Lottery
2 proceeds to be deposited into the State Lottery Fund except
3 as otherwise provided in Section 20 of this Act.

4 (8) A provision requiring the private manager to locate
5 its principal office within the State.

6 (8-5) A provision encouraging that at least 20% of the
7 cost of contracts entered into for goods and services by
8 the private manager in connection with its management of
9 the Lottery, other than contracts with sales agents or
10 technical advisors, be awarded to businesses that are a
11 minority-owned business, a women-owned business, or a
12 business owned by a person with disability, as those terms
13 are defined in the Business Enterprise for Minorities,
14 Women, and Persons with Disabilities Act.

15 (9) A requirement that so long as the private manager
16 complies with all the conditions of the agreement under the
17 oversight of the Department, the private manager shall have
18 the following duties and obligations with respect to the
19 management of the Lottery:

20 (A) The right to use equipment and other assets
21 used in the operation of the Lottery.

22 (B) The rights and obligations under contracts
23 with retailers and vendors.

24 (C) The implementation of a comprehensive security
25 program by the private manager.

26 (D) The implementation of a comprehensive system

1 of internal audits.

2 (E) The implementation of a program by the private
3 manager to curb compulsive gambling by persons playing
4 the Lottery.

5 (F) A system for determining (i) the type of
6 Lottery games, (ii) the method of selecting winning
7 tickets, (iii) the manner of payment of prizes to
8 holders of winning tickets, (iv) the frequency of
9 drawings of winning tickets, (v) the method to be used
10 in selling tickets, (vi) a system for verifying the
11 validity of tickets claimed to be winning tickets,
12 (vii) the basis upon which retailer commissions are
13 established by the manager, and (viii) minimum
14 payouts.

15 (10) A requirement that advertising and promotion must
16 be consistent with Section 7.8a of this Act.

17 (11) A requirement that the private manager market the
18 Lottery to those residents who are new, infrequent, or
19 lapsed players of the Lottery, especially those who are
20 most likely to make regular purchases on the Internet as
21 permitted by law.

22 (12) A code of ethics for the private manager's
23 officers and employees.

24 (13) A requirement that the Department monitor and
25 oversee the private manager's practices and take action
26 that the Department considers appropriate to ensure that

1 the private manager is in compliance with the terms of the
2 management agreement, while allowing the manager, unless
3 specifically prohibited by law or the management
4 agreement, to negotiate and sign its own contracts with
5 vendors.

6 (14) A provision requiring the private manager to
7 periodically file, at least on an annual basis, appropriate
8 financial statements in a form and manner acceptable to the
9 Department.

10 (15) Cash reserves requirements.

11 (16) Procedural requirements for obtaining the prior
12 approval of the Department when a management agreement or
13 an interest in a management agreement is sold, assigned,
14 transferred, or pledged as collateral to secure financing.

15 (17) Grounds for the termination of the management
16 agreement by the Department or the private manager.

17 (18) Procedures for amendment of the agreement.

18 (19) A provision requiring the private manager to
19 engage in an open and competitive bidding process for any
20 procurement having a cost in excess of \$50,000 that is not
21 a part of the private manager's final offer. The process
22 shall favor the selection of a vendor deemed to have
23 submitted a proposal that provides the Lottery with the
24 best overall value. The process shall not be subject to the
25 provisions of the Illinois Procurement Code, unless
26 specifically required by the management agreement.

1 (20) The transition of rights and obligations,
2 including any associated equipment or other assets used in
3 the operation of the Lottery, from the manager to any
4 successor manager of the lottery, including the
5 Department, following the termination of or foreclosure
6 upon the management agreement.

7 (21) Right of use of copyrights, trademarks, and
8 service marks held by the Department in the name of the
9 State. The agreement must provide that any use of them by
10 the manager shall only be for the purpose of fulfilling its
11 obligations under the management agreement during the term
12 of the agreement.

13 (22) The disclosure of any information requested by the
14 Department to enable it to comply with the reporting
15 requirements and information requests provided for under
16 subsection (p) of this Section.

17 (e) Notwithstanding any other law to the contrary, the
18 Department shall select a private manager through a competitive
19 request for qualifications process consistent with Section
20 20-35 of the Illinois Procurement Code, which shall take into
21 account:

22 (1) the offeror's ability to market the Lottery to
23 those residents who are new, infrequent, or lapsed players
24 of the Lottery, especially those who are most likely to
25 make regular purchases on the Internet;

26 (2) the offeror's ability to address the State's

1 concern with the social effects of gambling on those who
2 can least afford to do so;

3 (3) the offeror's ability to provide the most
4 successful management of the Lottery for the benefit of the
5 people of the State based on current and past business
6 practices or plans of the offeror; and

7 (4) the offeror's poor or inadequate past performance
8 in servicing, equipping, operating or managing a lottery on
9 behalf of Illinois, another State or foreign government and
10 attracting persons who are not currently regular players of
11 a lottery.

12 (f) The Department may retain the services of an advisor or
13 advisors with significant experience in financial services or
14 the management, operation, and procurement of goods, services,
15 and equipment for a government-run lottery to assist in the
16 preparation of the terms of the request for qualifications and
17 selection of the private manager. Any prospective advisor
18 seeking to provide services under this subsection (f) shall
19 disclose any material business or financial relationship
20 during the past 3 years with any potential offeror, or with a
21 contractor or subcontractor presently providing goods,
22 services, or equipment to the Department to support the
23 Lottery. The Department shall evaluate the material business or
24 financial relationship of each prospective advisor. The
25 Department shall not select any prospective advisor with a
26 substantial business or financial relationship that the

1 Department deems to impair the objectivity of the services to
2 be provided by the prospective advisor. During the course of
3 the advisor's engagement by the Department, and for a period of
4 one year thereafter, the advisor shall not enter into any
5 business or financial relationship with any offeror or any
6 vendor identified to assist an offeror in performing its
7 obligations under the management agreement. Any advisor
8 retained by the Department shall be disqualified from being an
9 offeror. The Department shall not include terms in the request
10 for qualifications that provide a material advantage whether
11 directly or indirectly to any potential offeror, or any
12 contractor or subcontractor presently providing goods,
13 services, or equipment to the Department to support the
14 Lottery, including terms contained in previous responses to
15 requests for proposals or qualifications submitted to
16 Illinois, another State or foreign government when those terms
17 are uniquely associated with a particular potential offeror,
18 contractor, or subcontractor. The request for proposals
19 offered by the Department on December 22, 2008 as
20 "LOT08GAMESYS" and reference number "22016176" is declared
21 void.

22 (g) The Department shall select at least 2 offerors as
23 finalists to potentially serve as the private manager no later
24 than August 9, 2010. Upon making preliminary selections, the
25 Department shall schedule a public hearing on the finalists'
26 proposals and provide public notice of the hearing at least 7

1 calendar days before the hearing. The notice must include all
2 of the following:

3 (1) The date, time, and place of the hearing.

4 (2) The subject matter of the hearing.

5 (3) A brief description of the management agreement to
6 be awarded.

7 (4) The identity of the offerors that have been
8 selected as finalists to serve as the private manager.

9 (5) The address and telephone number of the Department.

10 (h) At the public hearing, the Department shall (i) provide
11 sufficient time for each finalist to present and explain its
12 proposal to the Department and the Governor or the Governor's
13 designee, including an opportunity to respond to questions
14 posed by the Department, Governor, or designee and (ii) allow
15 the public and non-selected offerors to comment on the
16 presentations. The Governor or a designee shall attend the
17 public hearing. After the public hearing, the Department shall
18 have 14 calendar days to recommend to the Governor whether a
19 management agreement should be entered into with a particular
20 finalist. After reviewing the Department's recommendation, the
21 Governor may accept or reject the Department's recommendation,
22 and shall select a final offeror as the private manager by
23 publication of a notice in the Illinois Procurement Bulletin on
24 or before September 15, 2010. The Governor shall include in the
25 notice a detailed explanation and the reasons why the final
26 offeror is superior to other offerors and will provide

1 management services in a manner that best achieves the
2 objectives of this Section. The Governor shall also sign the
3 management agreement with the private manager.

4 (i) Any action to contest the private manager selected by
5 the Governor under this Section must be brought within 7
6 calendar days after the publication of the notice of the
7 designation of the private manager as provided in subsection
8 (h) of this Section.

9 (j) The Lottery shall remain, for so long as a private
10 manager manages the Lottery in accordance with provisions of
11 this Act, a Lottery conducted by the State, and the State shall
12 not be authorized to sell or transfer the Lottery to a third
13 party.

14 (k) Any tangible personal property used exclusively in
15 connection with the lottery that is owned by the Department and
16 leased to the private manager shall be owned by the Department
17 in the name of the State and shall be considered to be public
18 property devoted to an essential public and governmental
19 function.

20 (l) The Department may exercise any of its powers under
21 this Section or any other law as necessary or desirable for the
22 execution of the Department's powers under this Section.

23 (m) Neither this Section nor any management agreement
24 entered into under this Section prohibits the General Assembly
25 from authorizing forms of gambling that are not in direct
26 competition with the Lottery.

1 (n) The private manager shall be subject to a complete
2 investigation in the third, seventh, and tenth years of the
3 agreement (if the agreement is for a 10-year term) by the
4 Department in cooperation with the Auditor General to determine
5 whether the private manager has complied with this Section and
6 the management agreement. The private manager shall bear the
7 cost of an investigation or reinvestigation of the private
8 manager under this subsection.

9 (o) The powers conferred by this Section are in addition
10 and supplemental to the powers conferred by any other law. If
11 any other law or rule is inconsistent with this Section,
12 including, but not limited to, provisions of the Illinois
13 Procurement Code, then this Section controls as to any
14 management agreement entered into under this Section. This
15 Section and any rules adopted under this Section contain full
16 and complete authority for a management agreement between the
17 Department and a private manager. No law, procedure,
18 proceeding, publication, notice, consent, approval, order, or
19 act by the Department or any other officer, Department, agency,
20 or instrumentality of the State or any political subdivision is
21 required for the Department to enter into a management
22 agreement under this Section. This Section contains full and
23 complete authority for the Department to approve any contracts
24 entered into by a private manager with a vendor providing
25 goods, services, or both goods and services to the private
26 manager under the terms of the management agreement, including

1 subcontractors of such vendors.

2 Upon receipt of a written request from the Chief
3 Procurement Officer, the Department shall provide to the Chief
4 Procurement Officer a complete and un-redacted copy of the
5 management agreement or any contract that is subject to the
6 Department's approval authority under this subsection (o). The
7 Department shall provide a copy of the agreement or contract to
8 the Chief Procurement Officer in the time specified by the
9 Chief Procurement Officer in his or her written request, but no
10 later than 5 business days after the request is received by the
11 Department. The Chief Procurement Officer must retain any
12 portions of the management agreement or of any contract
13 designated by the Department as confidential, proprietary, or
14 trade secret information in complete confidence pursuant to
15 subsection (g) of Section 7 of the Freedom of Information Act.
16 The Department shall also provide the Chief Procurement Officer
17 with reasonable advance written notice of any contract that is
18 pending Department approval.

19 Notwithstanding any other provision of this Section to the
20 contrary, the Chief Procurement Officer shall adopt
21 administrative rules, including emergency rules, to establish
22 a procurement process to select a successor private manager if
23 a private management agreement has been terminated. The
24 selection process shall at a minimum take into account the
25 criteria set forth in items (1) through (4) of subsection (e)
26 of this Section and may include provisions consistent with

1 subsections (f), (g), (h), and (i) of this Section. The Chief
2 Procurement Officer shall also implement and administer the
3 adopted selection process upon the termination of a private
4 management agreement. The Department, after the Chief
5 Procurement Officer certifies that the procurement process has
6 been followed in accordance with the rules adopted under this
7 subsection (o), shall select a final offeror as the private
8 manager and sign the management agreement with the private
9 manager.

10 Except as provided in Sections 21.5, 21.6, 21.7, 21.8,
11 21.9, ~~and~~ 21.10, and 21.11, ~~21.10~~ the Department shall
12 distribute all proceeds of lottery tickets and shares sold in
13 the following priority and manner:

14 (1) The payment of prizes and retailer bonuses.

15 (2) The payment of costs incurred in the operation and
16 administration of the Lottery, including the payment of
17 sums due to the private manager under the management
18 agreement with the Department.

19 (3) On the last day of each month or as soon thereafter
20 as possible, the State Comptroller shall direct and the
21 State Treasurer shall transfer from the State Lottery Fund
22 to the Common School Fund an amount that is equal to the
23 proceeds transferred in the corresponding month of fiscal
24 year 2009, as adjusted for inflation, to the Common School
25 Fund.

26 (4) On or before September 30 of each fiscal year,

1 deposit any estimated remaining proceeds from the prior
2 fiscal year, subject to payments under items (1), (2), and
3 (3), into the Capital Projects Fund. Beginning in fiscal
4 year 2019, the amount deposited shall be increased or
5 decreased each year by the amount the estimated payment
6 differs from the amount determined from each year-end
7 financial audit. Only remaining net deficits from prior
8 fiscal years may reduce the requirement to deposit these
9 funds, as determined by the annual financial audit.

10 (p) The Department shall be subject to the following
11 reporting and information request requirements:

12 (1) the Department shall submit written quarterly
13 reports to the Governor and the General Assembly on the
14 activities and actions of the private manager selected
15 under this Section;

16 (2) upon request of the Chief Procurement Officer, the
17 Department shall promptly produce information related to
18 the procurement activities of the Department and the
19 private manager requested by the Chief Procurement
20 Officer; the Chief Procurement Officer must retain
21 confidential, proprietary, or trade secret information
22 designated by the Department in complete confidence
23 pursuant to subsection (g) of Section 7 of the Freedom of
24 Information Act; and

25 (3) at least 30 days prior to the beginning of the
26 Department's fiscal year, the Department shall prepare an

1 annual written report on the activities of the private
2 manager selected under this Section and deliver that report
3 to the Governor and General Assembly.

4 (Source: P.A. 99-933, eff. 1-27-17; 100-391, eff. 8-25-17;
5 100-587, eff. 6-4-18; 100-647, eff. 7-30-18; 100-1068, eff.
6 8-24-18; revised 9-20-18.)

7 (20 ILCS 1605/20) (from Ch. 120, par. 1170)

8 Sec. 20. State Lottery Fund.

9 (a) There is created in the State Treasury a special fund
10 to be known as the "State Lottery Fund". Such fund shall
11 consist of all revenues received from (1) the sale of lottery
12 tickets or shares, (net of commissions, fees representing those
13 expenses that are directly proportionate to the sale of tickets
14 or shares at the agent location, and prizes of less than \$600
15 which have been validly paid at the agent level), (2)
16 application fees, and (3) all other sources including moneys
17 credited or transferred thereto from any other fund or source
18 pursuant to law. Interest earnings of the State Lottery Fund
19 shall be credited to the Common School Fund.

20 (b) The receipt and distribution of moneys under Section
21 21.5 of this Act shall be in accordance with Section 21.5.

22 (c) The receipt and distribution of moneys under Section
23 21.6 of this Act shall be in accordance with Section 21.6.

24 (d) The receipt and distribution of moneys under Section
25 21.7 of this Act shall be in accordance with Section 21.7.

1 (e) The receipt and distribution of moneys under Section
2 21.8 of this Act shall be in accordance with Section 21.8.

3 (f) The receipt and distribution of moneys under Section
4 21.9 of this Act shall be in accordance with Section 21.9.

5 (g) The receipt and distribution of moneys under Section
6 21.10 of this Act shall be in accordance with Section 21.10.

7 (h) ~~(g)~~ The receipt and distribution of moneys under
8 Section 21.11 ~~21.10~~ of this Act shall be in accordance with
9 Section 21.11 ~~21.10~~.

10 (Source: P.A. 100-647, eff. 7-30-18; 100-1068, eff. 8-24-18;
11 revised 9-20-18.)

12 (20 ILCS 1605/21.10)

13 Sec. 21.10. Scratch-off for State police memorials.

14 (a) The Department shall offer a special instant
15 scratch-off game for the benefit of State police memorials. The
16 game shall commence on January 1, 2019 or as soon thereafter,
17 at the discretion of the Director, as is reasonably practical.
18 The operation of the game shall be governed by this Act and any
19 rules adopted by the Department. If any provision of this
20 Section is inconsistent with any other provision of this Act,
21 then this Section governs.

22 (b) The net revenue from the State police memorials
23 scratch-off game shall be deposited into the Criminal Justice
24 Information Projects Fund and distributed equally, as soon as
25 practical but at least on a monthly basis, to the Chicago

1 Police Memorial Foundation Fund, the Police Memorial Committee
2 Fund, and the Illinois State Police Memorial Park Fund. Moneys
3 transferred to the funds under this Section shall be used,
4 subject to appropriation, to fund grants for building and
5 maintaining memorials and parks; holding annual memorial
6 commemorations; giving scholarships to children of officers
7 killed or catastrophically injured in the line of duty, or
8 those interested in pursuing a career in law enforcement;
9 providing financial assistance to police officers and their
10 families when a police officer is killed or injured in the line
11 of duty; and providing financial assistance to officers for the
12 purchase or replacement of bulletproof ~~bullet proof~~ vests to be
13 used in the line of duty.

14 For purposes of this subsection, "net revenue" means the
15 total amount for which tickets have been sold less the sum of
16 the amount paid out in the prizes and the actual administrative
17 expenses of the Department solely related to the scratch-off
18 game under this Section.

19 (c) During the time that tickets are sold for the State
20 police memorials scratch-off game, the Department shall not
21 unreasonably diminish the efforts devoted to marketing any
22 other instant scratch-off lottery game.

23 (d) The Department may adopt any rules necessary to
24 implement and administer the provisions of this Section.

25 (Source: P.A. 100-647, eff. 7-30-18; revised 9-17-18.)

1 (20 ILCS 1605/21.11)

2 Sec. 21.11 ~~21.10~~. Scratch-off for homelessness prevention
3 programs.

4 (a) The Department shall offer a special instant
5 scratch-off game to fund homelessness prevention programs. The
6 game shall commence on July 1, 2019 or as soon thereafter, at
7 the discretion of the Director, as is reasonably practical. The
8 operation of the game shall be governed by this Act and any
9 rules adopted by the Department. If any provision of this
10 Section is inconsistent with any other provision of this Act,
11 then this Section governs.

12 (b) The Homelessness Prevention Revenue Fund is created as
13 a special fund in the State treasury. The net revenue from the
14 scratch-off game to fund homelessness prevention programs
15 shall be deposited into the Homelessness Prevention Revenue
16 Fund. Subject to appropriation, moneys in the Fund shall be
17 used by the Department of Human Services solely for grants to
18 homelessness prevention and assistance projects under the
19 Homelessness Prevention Act.

20 As used in this subsection, "net revenue" means the total
21 amount for which tickets have been sold less the sum of the
22 amount paid out in the prizes and the actual administrative
23 expenses of the Department solely related to the scratch-off
24 game under this Section.

25 (c) During the time that tickets are sold for the
26 scratch-off game to fund homelessness prevention programs, the

1 Department shall not unreasonably diminish the efforts devoted
2 to marketing any other instant scratch-off lottery game.

3 (d) The Department may adopt any rules necessary to
4 implement and administer the provisions of this Section.

5 (e) Nothing in this Section shall be construed to affect
6 any revenue that any Homelessness Prevention line item receives
7 through the General Revenue Fund or the Illinois Affordable
8 Housing Trust Fund.

9 (Source: P.A. 100-1068, eff. 8-24-18; revised 9-17-18.)

10 Section 145. The Mental Health and Developmental
11 Disabilities Administrative Act is amended by changing Section
12 4.4 as follows:

13 (20 ILCS 1705/4.4)

14 Sec. 4.4. Direct support person credential pilot program.

15 (a) In this Section, "direct support person credential"
16 means a document issued to an individual by a recognized
17 accrediting body attesting that the individual has met the
18 professional requirements of the credentialing program by the
19 Division of Developmental Disabilities of the Department of
20 Human Services.

21 (b) The Division shall initiate a program to continue to
22 gain the expertise and knowledge of the developmental
23 disabilities workforce and of the developmental disabilities
24 workforce recruitment and retention needs throughout the

1 developmental disabilities field. The Division shall implement
2 a direct support person credential pilot program to assist and
3 attract persons into the field of direct support, advance
4 direct support as a career, and professionalize the field to
5 promote workforce recruitment and retention efforts, advanced
6 skills and competencies, and further ensure the health, safety,
7 and well-being of persons being served.

8 (c) The direct support person credential pilot program is
9 created within the Division to assist persons in the field of
10 developmental disabilities in obtaining ~~obtain~~ a credential in
11 their fields of expertise.

12 (d) The pilot program shall be administered by the Division
13 for 3 years. The pilot program shall include providers⁷
14 licensed and certified by the Division or by the Department of
15 Public Health. The purpose of the pilot program is to assess
16 how the establishment of a State-accredited direct support
17 person credential:

18 (1) promotes recruitment and retention efforts in the
19 developmental disabilities field, notably the direct
20 support person position;

21 (2) enhances competence in the developmental
22 disabilities field;

23 (3) yields quality supports and services to persons
24 with developmental disabilities; and

25 (4) advances the health and safety requirements set
26 forth by the State.

1 (e) The Division, in administering the pilot program, shall
2 consider, but not be limited to, the following:

3 (1) best practices learning initiatives, including the
4 University of Minnesota's college of direct support and all
5 Illinois Department of Human Services-approved direct
6 support person competencies;

7 (2) national direct support professional and person
8 competencies or credentialing-based standards and
9 trainings;

10 (3) facilitating direct support person's portfolio
11 development;

12 (4) the role and value of skill mentors; and

13 (5) creating a career ladder.

14 (f) The Division shall produce a report detailing the
15 progress of the pilot program, including, but not limited to:

16 (1) the rate of recruitment and retention for direct
17 support persons of providers participating in the pilot
18 program compared to the rate for non-participating
19 providers;

20 (2) the number of direct support persons credentialed;
21 and

22 (3) the enhancement of quality supports and services to
23 persons with developmental disabilities.

24 (Source: P.A. 100-754, eff. 8-10-18; revised 9-25-18.)

25 Section 150. The Military Code of Illinois is amended by

1 changing Section 21 as follows:

2 (20 ILCS 1805/21) (from Ch. 129, par. 220.21)

3 Sec. 21. The Assistant Adjutant General for Army shall be
4 the chief administrative assistant to the Adjutant General for
5 Army matters and the Assistant Adjutant General for Air shall
6 be the chief administrative assistant to the Adjutant General
7 for Air matters and both shall perform such duties as may be
8 directed by the Adjutant General. In the event of the death or
9 disability of the Adjutant General or any other occurrence that
10 creates a vacancy in the office, the Commander-in-Chief shall
11 designate either the Assistant Adjutant General for Army or the
12 Assistant Adjutant General for Air as the Acting Adjutant
13 General to perform the duties of the office until an Adjutant
14 General is appointed.

15 (Source: P.A. 100-1030, eff. 8-22-18; revised 10-2-18.)

16 Section 155. The Department of Professional Regulation Law
17 of the Civil Administrative Code of Illinois is amended by
18 changing Section 2105-15 as follows:

19 (20 ILCS 2105/2105-15)

20 Sec. 2105-15. General powers and duties.

21 (a) The Department has, subject to the provisions of the
22 Civil Administrative Code of Illinois, the following powers and
23 duties:

1 (1) To authorize examinations in English to ascertain
2 the qualifications and fitness of applicants to exercise
3 the profession, trade, or occupation for which the
4 examination is held.

5 (2) To prescribe rules and regulations for a fair and
6 wholly impartial method of examination of candidates to
7 exercise the respective professions, trades, or
8 occupations.

9 (3) To pass upon the qualifications of applicants for
10 licenses, certificates, and authorities, whether by
11 examination, by reciprocity, or by endorsement.

12 (4) To prescribe rules and regulations defining, for
13 the respective professions, trades, and occupations, what
14 shall constitute a school, college, or university, or
15 department of a university, or other institution,
16 reputable and in good standing, and to determine the
17 reputability and good standing of a school, college, or
18 university, or department of a university, or other
19 institution, reputable and in good standing, by reference
20 to a compliance with those rules and regulations; provided,
21 that no school, college, or university, or department of a
22 university, or other institution that refuses admittance
23 to applicants solely on account of race, color, creed, sex,
24 sexual orientation, or national origin shall be considered
25 reputable and in good standing.

26 (5) To conduct hearings on proceedings to revoke,

1 suspend, refuse to renew, place on probationary status, or
2 take other disciplinary action as authorized in any
3 licensing Act administered by the Department with regard to
4 licenses, certificates, or authorities of persons
5 exercising the respective professions, trades, or
6 occupations and to revoke, suspend, refuse to renew, place
7 on probationary status, or take other disciplinary action
8 as authorized in any licensing Act administered by the
9 Department with regard to those licenses, certificates, or
10 authorities.

11 The Department shall issue a monthly disciplinary
12 report.

13 The Department shall refuse to issue or renew a license
14 to, or shall suspend or revoke a license of, any person
15 who, after receiving notice, fails to comply with a
16 subpoena or warrant relating to a paternity or child
17 support proceeding. However, the Department may issue a
18 license or renewal upon compliance with the subpoena or
19 warrant.

20 The Department, without further process or hearings,
21 shall revoke, suspend, or deny any license or renewal
22 authorized by the Civil Administrative Code of Illinois to
23 a person who is certified by the Department of Healthcare
24 and Family Services (formerly Illinois Department of
25 Public Aid) as being more than 30 days delinquent in
26 complying with a child support order or who is certified by

1 a court as being in violation of the Non-Support Punishment
2 Act for more than 60 days. The Department may, however,
3 issue a license or renewal if the person has established a
4 satisfactory repayment record as determined by the
5 Department of Healthcare and Family Services (formerly
6 Illinois Department of Public Aid) or if the person is
7 determined by the court to be in compliance with the
8 Non-Support Punishment Act. The Department may implement
9 this paragraph as added by Public Act 89-6 through the use
10 of emergency rules in accordance with Section 5-45 of the
11 Illinois Administrative Procedure Act. For purposes of the
12 Illinois Administrative Procedure Act, the adoption of
13 rules to implement this paragraph shall be considered an
14 emergency and necessary for the public interest, safety,
15 and welfare.

16 (6) To transfer jurisdiction of any realty under the
17 control of the Department to any other department of the
18 State Government or to acquire or accept federal lands when
19 the transfer, acquisition, or acceptance is advantageous
20 to the State and is approved in writing by the Governor.

21 (7) To formulate rules and regulations necessary for
22 the enforcement of any Act administered by the Department.

23 (8) To exchange with the Department of Healthcare and
24 Family Services information that may be necessary for the
25 enforcement of child support orders entered pursuant to the
26 Illinois Public Aid Code, the Illinois Marriage and

1 Dissolution of Marriage Act, the Non-Support of Spouse and
2 Children Act, the Non-Support Punishment Act, the Revised
3 Uniform Reciprocal Enforcement of Support Act, the Uniform
4 Interstate Family Support Act, the Illinois Parentage Act
5 of 1984, or the Illinois Parentage Act of 2015.
6 Notwithstanding any provisions in this Code to the
7 contrary, the Department of Professional Regulation shall
8 not be liable under any federal or State law to any person
9 for any disclosure of information to the Department of
10 Healthcare and Family Services (formerly Illinois
11 Department of Public Aid) under this paragraph (8) or for
12 any other action taken in good faith to comply with the
13 requirements of this paragraph (8).

14 (8.5) To accept continuing education credit for
15 mandated reporter training on how to recognize and report
16 child abuse offered by the Department of Children and
17 Family Services and completed by any person who holds a
18 professional license issued by the Department and who is a
19 mandated reporter under the Abused and Neglected Child
20 Reporting Act. The Department shall adopt any rules
21 necessary to implement this paragraph.

22 (9) To perform other duties prescribed by law.

23 (a-5) Except in cases involving delinquency in complying
24 with a child support order or violation of the Non-Support
25 Punishment Act and notwithstanding anything that may appear in
26 any individual licensing Act or administrative rule, no person

1 or entity whose license, certificate, or authority has been
2 revoked as authorized in any licensing Act administered by the
3 Department may apply for restoration of that license,
4 certification, or authority until 3 years after the effective
5 date of the revocation.

6 (b) (Blank).

7 (c) For the purpose of securing and preparing evidence, and
8 for the purchase of controlled substances, professional
9 services, and equipment necessary for enforcement activities,
10 recoupment of investigative costs, and other activities
11 directed at suppressing the misuse and abuse of controlled
12 substances, including those activities set forth in Sections
13 504 and 508 of the Illinois Controlled Substances Act, the
14 Director and agents appointed and authorized by the Director
15 may expend sums from the Professional Regulation Evidence Fund
16 that the Director deems necessary from the amounts appropriated
17 for that purpose. Those sums may be advanced to the agent when
18 the Director deems that procedure to be in the public interest.
19 Sums for the purchase of controlled substances, professional
20 services, and equipment necessary for enforcement activities
21 and other activities as set forth in this Section shall be
22 advanced to the agent who is to make the purchase from the
23 Professional Regulation Evidence Fund on vouchers signed by the
24 Director. The Director and those agents are authorized to
25 maintain one or more commercial checking accounts with any
26 State banking corporation or corporations organized under or

1 subject to the Illinois Banking Act for the deposit and
2 withdrawal of moneys to be used for the purposes set forth in
3 this Section; provided, that no check may be written nor any
4 withdrawal made from any such account except upon the written
5 signatures of 2 persons designated by the Director to write
6 those checks and make those withdrawals. Vouchers for those
7 expenditures must be signed by the Director. All such
8 expenditures shall be audited by the Director, and the audit
9 shall be submitted to the Department of Central Management
10 Services for approval.

11 (d) Whenever the Department is authorized or required by
12 law to consider some aspect of criminal history record
13 information for the purpose of carrying out its statutory
14 powers and responsibilities, then, upon request and payment of
15 fees in conformance with the requirements of Section 2605-400
16 of the Department of State Police Law (20 ILCS 2605/2605-400),
17 the Department of State Police is authorized to furnish,
18 pursuant to positive identification, the information contained
19 in State files that is necessary to fulfill the request.

20 (e) The provisions of this Section do not apply to private
21 business and vocational schools as defined by Section 15 of the
22 Private Business and Vocational Schools Act of 2012.

23 (f) (Blank).

24 (f-5) Notwithstanding anything that may appear in any
25 individual licensing statute or administrative rule, the
26 Department shall allow an applicant to provide his or her

1 individual taxpayer identification number as an alternative to
2 providing a social security number when applying for a license.

3 (g) Notwithstanding anything that may appear in any
4 individual licensing statute or administrative rule, the
5 Department shall deny any license application or renewal
6 authorized under any licensing Act administered by the
7 Department to any person who has failed to file a return, or to
8 pay the tax, penalty, or interest shown in a filed return, or
9 to pay any final assessment of tax, penalty, or interest, as
10 required by any tax Act administered by the Illinois Department
11 of Revenue, until such time as the requirement of any such tax
12 Act are satisfied; however, the Department may issue a license
13 or renewal if the person has established a satisfactory
14 repayment record as determined by the Illinois Department of
15 Revenue. For the purpose of this Section, "satisfactory
16 repayment record" shall be defined by rule.

17 In addition, a complaint filed with the Department by the
18 Illinois Department of Revenue that includes a certification,
19 signed by its Director or designee, attesting to the amount of
20 the unpaid tax liability or the years for which a return was
21 not filed, or both, is prima facie evidence of the licensee's
22 failure to comply with the tax laws administered by the
23 Illinois Department of Revenue. Upon receipt of that
24 certification, the Department shall, without a hearing,
25 immediately suspend all licenses held by the licensee.
26 Enforcement of the Department's order shall be stayed for 60

1 days. The Department shall provide notice of the suspension to
2 the licensee by mailing a copy of the Department's order to the
3 licensee's address of record or emailing a copy of the order to
4 the licensee's email address of record. The notice shall advise
5 the licensee that the suspension shall be effective 60 days
6 after the issuance of the Department's order unless the
7 Department receives, from the licensee, a request for a hearing
8 before the Department to dispute the matters contained in the
9 order.

10 Any suspension imposed under this subsection (g) shall be
11 terminated by the Department upon notification from the
12 Illinois Department of Revenue that the licensee is in
13 compliance with all tax laws administered by the Illinois
14 Department of Revenue.

15 The Department may promulgate rules for the administration
16 of this subsection (g).

17 (h) The Department may grant the title "Retired", to be
18 used immediately adjacent to the title of a profession
19 regulated by the Department, to eligible retirees. For
20 individuals licensed under the Medical Practice Act of 1987,
21 the title "Retired" may be used in the profile required by the
22 Patients' Right to Know Act. The use of the title "Retired"
23 shall not constitute representation of current licensure,
24 registration, or certification. Any person without an active
25 license, registration, or certificate in a profession that
26 requires licensure, registration, or certification shall not

1 be permitted to practice that profession.

2 (i) The Department shall make available on its website
3 general information explaining how the Department utilizes
4 criminal history information in making licensure application
5 decisions, including a list of enumerated offenses that serve
6 as a statutory bar to licensure.

7 (Source: P.A. 99-85, eff. 1-1-16; 99-227, eff. 8-3-15; 99-330,
8 eff. 8-10-15; 99-642, eff. 7-28-16; 99-933, eff. 1-27-17;
9 100-262, eff. 8-22-17; 100-863, eff. 8-14-18; 100-872, eff.
10 8-14-18; 100-883, eff. 8-14-18; 100-1078, eff. 1-1-19; revised
11 10-18-18.)

12 Section 160. The Department of Public Health Powers and
13 Duties Law of the Civil Administrative Code of Illinois is
14 amended by changing Sections 2310-307 and 2310-313 as follows:

15 (20 ILCS 2310/2310-307)

16 Sec. 2310-307. Concussion brochure. As used in this
17 Section, "concussion" and "interscholastic athletic activity"
18 have the meanings ~~meaning~~ ascribed to those terms under Section
19 22-80 of the School Code. The Department shall, subject to
20 appropriation, develop, publish, and disseminate a brochure to
21 educate the general public on the effects of concussions in
22 children and discuss how to look for concussion warning signs
23 in children, including, but not limited to, delays in the
24 learning development of children. The brochure shall be

1 distributed free of charge by schools to any child or the
2 parent or guardian of a child who may have sustained a
3 concussion, regardless of whether or not the concussion
4 occurred while the child was participating in an
5 interscholastic athletic activity.

6 (Source: P.A. 100-747, eff. 1-1-19; revised 9-27-18.)

7 (20 ILCS 2310/2310-313)

8 Sec. 2310-313. Sepsis Review Task Force.

9 (a) The Sepsis Review Task Force is created. The Task Force
10 shall study sepsis early intervention and the prevention of
11 loss of life from sepsis. The Task Force's study shall include,
12 but not be limited to:

13 (1) studying the Medical Patient Rights Act, reviewing
14 how other states handle patients' rights, and determining
15 how Illinois can improve patients' rights and prevent
16 sepsis based on the approaches of the other states;

17 (2) investigating specific advances in medical
18 technology that could identify sepsis in blood tests;

19 (3) studying medical record sharing that would enable
20 physicians and patients to see results from blood work that
21 was drawn at hospitals;

22 (4) best practices and protocols for hospitals,
23 long-term care facilities licensed under the Nursing Home
24 Care Act, ID/DD facilities under the ID/DD Community Care
25 Act, and group homes; and

1 (5) developing ~~develop~~ best practices and protocols
2 for emergency first responders in the field dealing with
3 patients who potentially are in septic shock or others who
4 are suffering from sepsis.

5 (b) The Task Force shall consist of the following members,
6 appointed by the Director of Public Health:

7 (1) one representative of a statewide association
8 representing hospitals;

9 (2) two representatives of a statewide organization
10 representing physicians licensed to practice medicine in
11 all its branches, one of whom shall represent hospitalists;

12 (3) one representative of a statewide organization
13 representing emergency physicians;

14 (4) one representative of a statewide labor union
15 representing nurses;

16 (5) two representatives of statewide organizations
17 representing long-term care facilities;

18 (6) one representative of a statewide organization
19 representing facilities licensed under the MC/DD Act or
20 ID/DD Community Care Act;

21 (7) the Chief of the Department's Division of Emergency
22 Medical Services and Highway Safety or his or her designee;

23 (8) one representative of an ambulance or emergency
24 medical services association;

25 (9) three representatives of a nationwide sepsis
26 advocacy organization;

1 (10) one representative of a medical research
2 department at a public university; and

3 (11) one representative of a statewide association
4 representing medical information management professionals.

5 Task Force members shall serve without compensation. If a
6 vacancy occurs in the Task Force membership, the vacancy shall
7 be filled in the same manner as the original appointment. The
8 Department of Public Health shall provide the Task Force with
9 administrative and other support.

10 (Source: P.A. 100-1100, eff. 8-26-18; revised 9-27-18.)

11 Section 165. The Criminal Identification Act is amended by
12 changing Section 5.2 as follows:

13 (20 ILCS 2630/5.2)

14 Sec. 5.2. Expungement, sealing, and immediate sealing.

15 (a) General Provisions.

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

19 (A) The following terms shall have the meanings
20 ascribed to them in the Unified Code of Corrections,
21 730 ILCS 5/5-1-2 through 5/5-1-22:

22 (i) Business Offense (730 ILCS 5/5-1-2),

23 (ii) Charge (730 ILCS 5/5-1-3),

24 (iii) Court (730 ILCS 5/5-1-6),

1 (iv) Defendant (730 ILCS 5/5-1-7),
2 (v) Felony (730 ILCS 5/5-1-9),
3 (vi) Imprisonment (730 ILCS 5/5-1-10),
4 (vii) Judgment (730 ILCS 5/5-1-12),
5 (viii) Misdemeanor (730 ILCS 5/5-1-14),
6 (ix) Offense (730 ILCS 5/5-1-15),
7 (x) Parole (730 ILCS 5/5-1-16),
8 (xi) Petty Offense (730 ILCS 5/5-1-17),
9 (xii) Probation (730 ILCS 5/5-1-18),
10 (xiii) Sentence (730 ILCS 5/5-1-19),
11 (xiv) Supervision (730 ILCS 5/5-1-21), and
12 (xv) Victim (730 ILCS 5/5-1-22).

13 (B) As used in this Section, "charge not initiated
14 by arrest" means a charge (as defined by 730 ILCS
15 5/5-1-3) brought against a defendant where the
16 defendant is not arrested prior to or as a direct
17 result of the charge.

18 (C) "Conviction" means a judgment of conviction or
19 sentence entered upon a plea of guilty or upon a
20 verdict or finding of guilty of an offense, rendered by
21 a legally constituted jury or by a court of competent
22 jurisdiction authorized to try the case without a jury.
23 An order of supervision successfully completed by the
24 petitioner is not a conviction. An order of qualified
25 probation (as defined in subsection (a)(1)(J))
26 successfully completed by the petitioner is not a

1 conviction. An order of supervision or an order of
2 qualified probation that is terminated
3 unsatisfactorily is a conviction, unless the
4 unsatisfactory termination is reversed, vacated, or
5 modified and the judgment of conviction, if any, is
6 reversed or vacated.

7 (D) "Criminal offense" means a petty offense,
8 business offense, misdemeanor, felony, or municipal
9 ordinance violation (as defined in subsection
10 (a) (1) (H)). As used in this Section, a minor traffic
11 offense (as defined in subsection (a) (1) (G)) shall not
12 be considered a criminal offense.

13 (E) "Expunge" means to physically destroy the
14 records or return them to the petitioner and to
15 obliterate the petitioner's name from any official
16 index or public record, or both. Nothing in this Act
17 shall require the physical destruction of the circuit
18 court file, but such records relating to arrests or
19 charges, or both, ordered expunged shall be impounded
20 as required by subsections (d) (9) (A) (ii) and
21 (d) (9) (B) (ii).

22 (F) As used in this Section, "last sentence" means
23 the sentence, order of supervision, or order of
24 qualified probation (as defined by subsection
25 (a) (1) (J)), for a criminal offense (as defined by
26 subsection (a) (1) (D)) that terminates last in time in

1 any jurisdiction, regardless of whether the petitioner
2 has included the criminal offense for which the
3 sentence or order of supervision or qualified
4 probation was imposed in his or her petition. If
5 multiple sentences, orders of supervision, or orders
6 of qualified probation terminate on the same day and
7 are last in time, they shall be collectively considered
8 the "last sentence" regardless of whether they were
9 ordered to run concurrently.

10 (G) "Minor traffic offense" means a petty offense,
11 business offense, or Class C misdemeanor under the
12 Illinois Vehicle Code or a similar provision of a
13 municipal or local ordinance.

14 (H) "Municipal ordinance violation" means an
15 offense defined by a municipal or local ordinance that
16 is criminal in nature and with which the petitioner was
17 charged or for which the petitioner was arrested and
18 released without charging.

19 (I) "Petitioner" means an adult or a minor
20 prosecuted as an adult who has applied for relief under
21 this Section.

22 (J) "Qualified probation" means an order of
23 probation under Section 10 of the Cannabis Control Act,
24 Section 410 of the Illinois Controlled Substances Act,
25 Section 70 of the Methamphetamine Control and
26 Community Protection Act, Section 5-6-3.3 or 5-6-3.4

1 of the Unified Code of Corrections, Section
2 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as
3 those provisions existed before their deletion by
4 Public Act 89-313), Section 10-102 of the Illinois
5 Alcoholism and Other Drug Dependency Act, Section
6 40-10 of the Substance Use Disorder Act, or Section 10
7 of the Steroid Control Act. For the purpose of this
8 Section, "successful completion" of an order of
9 qualified probation under Section 10-102 of the
10 Illinois Alcoholism and Other Drug Dependency Act and
11 Section 40-10 of the Substance Use Disorder Act means
12 that the probation was terminated satisfactorily and
13 the judgment of conviction was vacated.

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

24 (L) "Sexual offense committed against a minor"
25 includes but is not limited to the offenses of indecent
26 solicitation of a child or criminal sexual abuse when

1 the victim of such offense is under 18 years of age.

2 (M) "Terminate" as it relates to a sentence or
3 order of supervision or qualified probation includes
4 either satisfactory or unsatisfactory termination of
5 the sentence, unless otherwise specified in this
6 Section. A sentence is terminated notwithstanding any
7 outstanding financial legal obligation.

8 (2) Minor Traffic Offenses. Orders of supervision or
9 convictions for minor traffic offenses shall not affect a
10 petitioner's eligibility to expunge or seal records
11 pursuant to this Section.

12 (2.5) Commencing 180 days after July 29, 2016 (the
13 effective date of Public Act 99-697), the law enforcement
14 agency issuing the citation shall automatically expunge,
15 on or before January 1 and July 1 of each year, the law
16 enforcement records of a person found to have committed a
17 civil law violation of subsection (a) of Section 4 of the
18 Cannabis Control Act or subsection (c) of Section 3.5 of
19 the Drug Paraphernalia Control Act in the law enforcement
20 agency's possession or control and which contains the final
21 satisfactory disposition which pertain to the person
22 issued a citation for that offense. The law enforcement
23 agency shall provide by rule the process for access,
24 review, and to confirm the automatic expungement by the law
25 enforcement agency issuing the citation. Commencing 180
26 days after July 29, 2016 (the effective date of Public Act

1 99-697), the clerk of the circuit court shall expunge, upon
2 order of the court, or in the absence of a court order on
3 or before January 1 and July 1 of each year, the court
4 records of a person found in the circuit court to have
5 committed a civil law violation of subsection (a) of
6 Section 4 of the Cannabis Control Act or subsection (c) of
7 Section 3.5 of the Drug Paraphernalia Control Act in the
8 clerk's possession or control and which contains the final
9 satisfactory disposition which pertain to the person
10 issued a citation for any of those offenses.

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

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

1 11-503 of the Illinois Vehicle Code or a similar
2 provision of a local ordinance.

3 (B) the sealing or expungement of records of minor
4 traffic offenses (as defined in subsection (a)(1)(G)),
5 unless the petitioner was arrested and released
6 without charging.

7 (C) the sealing of the records of arrests or
8 charges not initiated by arrest which result in an
9 order of supervision or a conviction for the following
10 offenses:

11 (i) offenses included in Article 11 of the
12 Criminal Code of 1961 or the Criminal Code of 2012
13 or a similar provision of a local ordinance, except
14 Section 11-14 and a misdemeanor violation of
15 Section 11-30 of the Criminal Code of 1961 or the
16 Criminal Code of 2012, or a similar provision of a
17 local ordinance;

18 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
19 26-5, or 48-1 of the Criminal Code of 1961 or the
20 Criminal Code of 2012, or a similar provision of a
21 local ordinance;

22 (iii) Sections 12-3.1 or 12-3.2 of the
23 Criminal Code of 1961 or the Criminal Code of 2012,
24 or Section 125 of the Stalking No Contact Order
25 Act, or Section 219 of the Civil No Contact Order
26 Act, or a similar provision of a local ordinance;

1 (iv) Class A misdemeanors or felony offenses
2 under the Humane Care for Animals Act; or

3 (v) any offense or attempted offense that
4 would subject a person to registration under the
5 Sex Offender Registration Act.

6 (D) (blank).

7 (b) Expungement.

8 (1) A petitioner may petition the circuit court to
9 expunge the records of his or her arrests and charges not
10 initiated by arrest when each arrest or charge not
11 initiated by arrest sought to be expunged resulted in: (i)
12 acquittal, dismissal, or the petitioner's release without
13 charging, unless excluded by subsection (a)(3)(B); (ii) a
14 conviction which was vacated or reversed, unless excluded
15 by subsection (a)(3)(B); (iii) an order of supervision and
16 such supervision was successfully completed by the
17 petitioner, unless excluded by subsection (a)(3)(A) or
18 (a)(3)(B); or (iv) an order of qualified probation (as
19 defined in subsection (a)(1)(J)) and such probation was
20 successfully completed by the petitioner.

21 (1.5) When a petitioner seeks to have a record of
22 arrest expunged under this Section, and the offender has
23 been convicted of a criminal offense, the State's Attorney
24 may object to the expungement on the grounds that the
25 records contain specific relevant information aside from
26 the mere fact of the arrest.

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

2 (A) When the arrest or charge not initiated by
3 arrest sought to be expunged resulted in an acquittal,
4 dismissal, the petitioner's release without charging,
5 or the reversal or vacation of a conviction, there is
6 no waiting period to petition for the expungement of
7 such records.

8 (B) When the arrest or charge not initiated by
9 arrest sought to be expunged resulted in an order of
10 supervision, successfully completed by the petitioner,
11 the following time frames will apply:

12 (i) Those arrests or charges that resulted in
13 orders of supervision under Section 3-707, 3-708,
14 3-710, or 5-401.3 of the Illinois Vehicle Code or a
15 similar provision of a local ordinance, or under
16 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
17 Code of 1961 or the Criminal Code of 2012, or a
18 similar provision of a local ordinance, shall not
19 be eligible for expungement until 5 years have
20 passed following the satisfactory termination of
21 the supervision.

22 (i-5) Those arrests or charges that resulted
23 in orders of supervision for a misdemeanor
24 violation of subsection (a) of Section 11-503 of
25 the Illinois Vehicle Code or a similar provision of
26 a local ordinance, that occurred prior to the

1 offender reaching the age of 25 years and the
2 offender has no other conviction for violating
3 Section 11-501 or 11-503 of the Illinois Vehicle
4 Code or a similar provision of a local ordinance
5 shall not be eligible for expungement until the
6 petitioner has reached the age of 25 years.

7 (ii) Those arrests or charges that resulted in
8 orders of supervision for any other offenses shall
9 not be eligible for expungement until 2 years have
10 passed following the satisfactory termination of
11 the supervision.

12 (C) When the arrest or charge not initiated by
13 arrest sought to be expunged resulted in an order of
14 qualified probation, successfully completed by the
15 petitioner, such records shall not be eligible for
16 expungement until 5 years have passed following the
17 satisfactory termination of the probation.

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

22 (4) Whenever a person has been arrested for or
23 convicted of any offense, in the name of a person whose
24 identity he or she has stolen or otherwise come into
25 possession of, the aggrieved person from whom the identity
26 was stolen or otherwise obtained without authorization,

1 upon learning of the person having been arrested using his
2 or her identity, may, upon verified petition to the chief
3 judge of the circuit wherein the arrest was made, have a
4 court order entered nunc pro tunc by the Chief Judge to
5 correct the arrest record, conviction record, if any, and
6 all official records of the arresting authority, the
7 Department, other criminal justice agencies, the
8 prosecutor, and the trial court concerning such arrest, if
9 any, by removing his or her name from all such records in
10 connection with the arrest and conviction, if any, and by
11 inserting in the records the name of the offender, if known
12 or ascertainable, in lieu of the aggrieved's name. The
13 records of the circuit court clerk shall be sealed until
14 further order of the court upon good cause shown and the
15 name of the aggrieved person obliterated on the official
16 index required to be kept by the circuit court clerk under
17 Section 16 of the Clerks of Courts Act, but the order shall
18 not affect any index issued by the circuit court clerk
19 before the entry of the order. Nothing in this Section
20 shall limit the Department of State Police or other
21 criminal justice agencies or prosecutors from listing
22 under an offender's name the false names he or she has
23 used.

24 (5) Whenever a person has been convicted of criminal
25 sexual assault, aggravated criminal sexual assault,
26 predatory criminal sexual assault of a child, criminal

1 sexual abuse, or aggravated criminal sexual abuse, the
2 victim of that offense may request that the State's
3 Attorney of the county in which the conviction occurred
4 file a verified petition with the presiding trial judge at
5 the petitioner's trial to have a court order entered to
6 seal the records of the circuit court clerk in connection
7 with the proceedings of the trial court concerning that
8 offense. However, the records of the arresting authority
9 and the Department of State Police concerning the offense
10 shall not be sealed. The court, upon good cause shown,
11 shall make the records of the circuit court clerk in
12 connection with the proceedings of the trial court
13 concerning the offense available for public inspection.

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

22 (7) Nothing in this Section shall prevent the
23 Department of State Police from maintaining all records of
24 any person who is admitted to probation upon terms and
25 conditions and who fulfills those terms and conditions
26 pursuant to Section 10 of the Cannabis Control Act, Section

1 410 of the Illinois Controlled Substances Act, Section 70
2 of the Methamphetamine Control and Community Protection
3 Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
4 Corrections, Section 12-4.3 or subdivision (b)(1) of
5 Section 12-3.05 of the Criminal Code of 1961 or the
6 Criminal Code of 2012, Section 10-102 of the Illinois
7 Alcoholism and Other Drug Dependency Act, Section 40-10 of
8 the Substance Use Disorder Act, or Section 10 of the
9 Steroid Control Act.

10 (8) If the petitioner has been granted a certificate of
11 innocence under Section 2-702 of the Code of Civil
12 Procedure, the court that grants the certificate of
13 innocence shall also enter an order expunging the
14 conviction for which the petitioner has been determined to
15 be innocent as provided in subsection (h) of Section 2-702
16 of the Code of Civil Procedure.

17 (c) Sealing.

18 (1) Applicability. Notwithstanding any other provision
19 of this Act to the contrary, and cumulative with any rights
20 to expungement of criminal records, this subsection
21 authorizes the sealing of criminal records of adults and of
22 minors prosecuted as adults. Subsection (g) of this Section
23 provides for immediate sealing of certain records.

24 (2) Eligible Records. The following records may be
25 sealed:

26 (A) All arrests resulting in release without

1 charging;

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

6 (C) Arrests or charges not initiated by arrest
7 resulting in orders of supervision, including orders
8 of supervision for municipal ordinance violations,
9 successfully completed by the petitioner, unless
10 excluded by subsection (a) (3);

11 (D) Arrests or charges not initiated by arrest
12 resulting in convictions, including convictions on
13 municipal ordinance violations, unless excluded by
14 subsection (a) (3);

15 (E) Arrests or charges not initiated by arrest
16 resulting in orders of first offender probation under
17 Section 10 of the Cannabis Control Act, Section 410 of
18 the Illinois Controlled Substances Act, Section 70 of
19 the Methamphetamine Control and Community Protection
20 Act, or Section 5-6-3.3 of the Unified Code of
21 Corrections; and

22 (F) Arrests or charges not initiated by arrest
23 resulting in felony convictions unless otherwise
24 excluded by subsection (a) paragraph (3) of this
25 Section.

26 (3) When Records Are Eligible to Be Sealed. Records

1 identified as eligible under subsection (c)(2) may be
2 sealed as follows:

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

6 (B) Except as otherwise provided in subparagraph
7 (E) of this paragraph (3), records identified as
8 eligible under subsection (c)(2)(C) may be sealed 2
9 years after the termination of petitioner's last
10 sentence (as defined in subsection (a)(1)(F)).

11 (C) Except as otherwise provided in subparagraph
12 (E) of this paragraph (3), records identified as
13 eligible under subsections (c)(2)(D), (c)(2)(E), and
14 (c)(2)(F) may be sealed 3 years after the termination
15 of the petitioner's last sentence (as defined in
16 subsection (a)(1)(F)). Convictions requiring public
17 registration under the Arsonist Registration Act, the
18 Sex Offender Registration Act, or the Murderer and
19 Violent Offender Against Youth Registration Act may
20 not be sealed until the petitioner is no longer
21 required to register under that relevant Act.

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

25 (E) Records identified as eligible under
26 subsections (c)(2)(C), (c)(2)(D), (c)(2)(E), or

1 (c) (2) (F) may be sealed upon termination of the
2 petitioner's last sentence if the petitioner earned a
3 high school diploma, associate's degree, career
4 certificate, vocational technical certification, or
5 bachelor's degree, or passed the high school level Test
6 of General Educational Development, during the period
7 of his or her sentence, aftercare release, or mandatory
8 supervised release. This subparagraph shall apply only
9 to a petitioner who has not completed the same
10 educational goal prior to the period of his or her
11 sentence, aftercare release, or mandatory supervised
12 release. If a petition for sealing eligible records
13 filed under this subparagraph is denied by the court,
14 the time periods under subparagraph (B) or (C) shall
15 apply to any subsequent petition for sealing filed by
16 the petitioner.

17 (4) Subsequent felony convictions. A person may not
18 have subsequent felony conviction records sealed as
19 provided in this subsection (c) if he or she is convicted
20 of any felony offense after the date of the sealing of
21 prior felony convictions as provided in this subsection
22 (c). The court may, upon conviction for a subsequent felony
23 offense, order the unsealing of prior felony conviction
24 records previously ordered sealed by the court.

25 (5) Notice of eligibility for sealing. Upon entry of a
26 disposition for an eligible record under this subsection

1 (c), the petitioner shall be informed by the court of the
2 right to have the records sealed and the procedures for the
3 sealing of the records.

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

7 (1) Filing the petition. Upon becoming eligible to
8 petition for the expungement or sealing of records under
9 this Section, the petitioner shall file a petition
10 requesting the expungement or sealing of records with the
11 clerk of the court where the arrests occurred or the
12 charges were brought, or both. If arrests occurred or
13 charges were brought in multiple jurisdictions, a petition
14 must be filed in each such jurisdiction. The petitioner
15 shall pay the applicable fee, except no fee shall be
16 required if the petitioner has obtained a court order
17 waiving fees under Supreme Court Rule 298 or it is
18 otherwise waived.

19 (1.5) County fee waiver pilot program. In a county of
20 3,000,000 or more inhabitants, no fee shall be required to
21 be paid by a petitioner if the records sought to be
22 expunged or sealed were arrests resulting in release
23 without charging or arrests or charges not initiated by
24 arrest resulting in acquittal, dismissal, or conviction
25 when the conviction was reversed or vacated, unless
26 excluded by subsection (a) (3) (B). The provisions of this

1 paragraph (1.5), other than this sentence, are inoperative
2 on and after January 1, 2019.

3 (2) Contents of petition. The petition shall be
4 verified and shall contain the petitioner's name, date of
5 birth, current address and, for each arrest or charge not
6 initiated by arrest sought to be sealed or expunged, the
7 case number, the date of arrest (if any), the identity of
8 the arresting authority, and such other information as the
9 court may require. During the pendency of the proceeding,
10 the petitioner shall promptly notify the circuit court
11 clerk of any change of his or her address. If the
12 petitioner has received a certificate of eligibility for
13 sealing from the Prisoner Review Board under paragraph (10)
14 of subsection (a) of Section 3-3-2 of the Unified Code of
15 Corrections, the certificate shall be attached to the
16 petition.

17 (3) Drug test. The petitioner must attach to the
18 petition proof that the petitioner has passed a test taken
19 within 30 days before the filing of the petition showing
20 the absence within his or her body of all illegal
21 substances as defined by the Illinois Controlled
22 Substances Act, the Methamphetamine Control and Community
23 Protection Act, and the Cannabis Control Act if he or she
24 is petitioning to:

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

26 (B) seal felony records for a violation of the

1 Illinois Controlled Substances Act, the
2 Methamphetamine Control and Community Protection Act,
3 or the Cannabis Control Act under clause (c) (2) (F);

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

5 (D) expunge felony records of a qualified
6 probation under clause (b) (1) (iv).

7 (4) Service of petition. The circuit court clerk shall
8 promptly serve a copy of the petition and documentation to
9 support the petition under subsection (e-5) or (e-6) on the
10 State's Attorney or prosecutor charged with the duty of
11 prosecuting the offense, the Department of State Police,
12 the arresting agency and the chief legal officer of the
13 unit of local government effecting the arrest.

14 (5) Objections.

15 (A) Any party entitled to notice of the petition
16 may file an objection to the petition. All objections
17 shall be in writing, shall be filed with the circuit
18 court clerk, and shall state with specificity the basis
19 of the objection. Whenever a person who has been
20 convicted of an offense is granted a pardon by the
21 Governor which specifically authorizes expungement, an
22 objection to the petition may not be filed.

23 (B) Objections to a petition to expunge or seal
24 must be filed within 60 days of the date of service of
25 the petition.

26 (6) Entry of order.

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

8 (B) Unless the State's Attorney or prosecutor, the
9 Department of State Police, the arresting agency, or
10 the chief legal officer files an objection to the
11 petition to expunge or seal within 60 days from the
12 date of service of the petition, the court shall enter
13 an order granting or denying the petition.

14 (C) Notwithstanding any other provision of law,
15 the court shall not deny a petition for sealing under
16 this Section because the petitioner has not satisfied
17 an outstanding legal financial obligation established,
18 imposed, or originated by a court, law enforcement
19 agency, or a municipal, State, county, or other unit of
20 local government, including, but not limited to, any
21 cost, assessment, fine, or fee. An outstanding legal
22 financial obligation does not include any court
23 ordered restitution to a victim under Section 5-5-6 of
24 the Unified Code of Corrections, unless the
25 restitution has been converted to a civil judgment.
26 Nothing in this subparagraph (C) waives, rescinds, or

1 abrogates a legal financial obligation or otherwise
2 eliminates or affects the right of the holder of any
3 financial obligation to pursue collection under
4 applicable federal, State, or local law.

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

17 (A) the strength of the evidence supporting the
18 defendant's conviction;

19 (B) the reasons for retention of the conviction
20 records by the State;

21 (C) the petitioner's age, criminal record history,
22 and employment history;

23 (D) the period of time between the petitioner's
24 arrest on the charge resulting in the conviction and
25 the filing of the petition under this Section; and

26 (E) the specific adverse consequences the

1 petitioner may be subject to if the petition is denied.

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

11 (9) Implementation of order.

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

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

21 (ii) the records of the circuit court clerk
22 shall be impounded until further order of the court
23 upon good cause shown and the name of the
24 petitioner obliterated on the official index
25 required to be kept by the circuit court clerk
26 under Section 16 of the Clerks of Courts Act, but

1 the order shall not affect any index issued by the
2 circuit court clerk before the entry of the order;
3 and

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

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

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

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

26 (iii) the records shall be impounded by the

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

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

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

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

22 (i) the records shall be expunged (as defined
23 in subsection (a)(1)(E)) by the arresting agency
24 and any other agency as ordered by the court,
25 within 60 days of the date of service of the order,
26 unless a motion to vacate, modify, or reconsider

1 the order is filed under paragraph (12) of
2 subsection (d) of this Section;

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

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

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

25 (v) in response to an inquiry for these records
26 from anyone not authorized by law to access the

1 records, the court, the Department, or the agency
2 receiving the inquiry shall reply as it does in
3 response to inquiries when no records ever
4 existed.

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

14 (D) The Department shall send written notice to the
15 petitioner of its compliance with each order to expunge
16 or seal records within 60 days of the date of service
17 of that order or, if a motion to vacate, modify, or
18 reconsider is filed, within 60 days of service of the
19 order resolving the motion, if that order requires the
20 Department to expunge or seal records. In the event of
21 an appeal from the circuit court order, the Department
22 shall send written notice to the petitioner of its
23 compliance with an Appellate Court or Supreme Court
24 judgment to expunge or seal records within 60 days of
25 the issuance of the court's mandate. The notice is not
26 required while any motion to vacate, modify, or

1 reconsider, or any appeal or petition for
2 discretionary appellate review, is pending.

3 (E) Upon motion, the court may order that a sealed
4 judgment or other court record necessary to
5 demonstrate the amount of any legal financial
6 obligation due and owing be made available for the
7 limited purpose of collecting any legal financial
8 obligations owed by the petitioner that were
9 established, imposed, or originated in the criminal
10 proceeding for which those records have been sealed.
11 The records made available under this subparagraph (E)
12 shall not be entered into the official index required
13 to be kept by the circuit court clerk under Section 16
14 of the Clerks of Courts Act and shall be immediately
15 re-impounded upon the collection of the outstanding
16 financial obligations.

17 (F) Notwithstanding any other provision of this
18 Section, a circuit court clerk may access a sealed
19 record for the limited purpose of collecting payment
20 for any legal financial obligations that were
21 established, imposed, or originated in the criminal
22 proceedings for which those records have been sealed.

23 (10) Fees. The Department may charge the petitioner a
24 fee equivalent to the cost of processing any order to
25 expunge or seal records. Notwithstanding any provision of
26 the Clerks of Courts Act to the contrary, the circuit court

1 clerk may charge a fee equivalent to the cost associated
2 with the sealing or expungement of records by the circuit
3 court clerk. From the total filing fee collected for the
4 petition to seal or expunge, the circuit court clerk shall
5 deposit \$10 into the Circuit Court Clerk Operation and
6 Administrative Fund, to be used to offset the costs
7 incurred by the circuit court clerk in performing the
8 additional duties required to serve the petition to seal or
9 expunge on all parties. The circuit court clerk shall
10 collect and forward the Department of State Police portion
11 of the fee to the Department and it shall be deposited in
12 the State Police Services Fund. If the record brought under
13 an expungement petition was previously sealed under this
14 Section, the fee for the expungement petition for that same
15 record shall be waived.

16 (11) Final Order. No court order issued under the
17 expungement or sealing provisions of this Section shall
18 become final for purposes of appeal until 30 days after
19 service of the order on the petitioner and all parties
20 entitled to notice of the petition.

21 (12) Motion to Vacate, Modify, or Reconsider. Under
22 Section 2-1203 of the Code of Civil Procedure, the
23 petitioner or any party entitled to notice may file a
24 motion to vacate, modify, or reconsider the order granting
25 or denying the petition to expunge or seal within 60 days
26 of service of the order. If filed more than 60 days after

1 service of the order, a petition to vacate, modify, or
2 reconsider shall comply with subsection (c) of Section
3 2-1401 of the Code of Civil Procedure. Upon filing of a
4 motion to vacate, modify, or reconsider, notice of the
5 motion shall be served upon the petitioner and all parties
6 entitled to notice of the petition.

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

16 (14) Compliance with Order Granting Petition to Seal
17 Records. Unless a court has entered a stay of an order
18 granting a petition to seal, all parties entitled to notice
19 of the petition must fully comply with the terms of the
20 order within 60 days of service of the order even if a
21 party is seeking relief from the order through a motion
22 filed under paragraph (12) of this subsection (d) or is
23 appealing the order.

24 (15) Compliance with Order Granting Petition to
25 Expunge Records. While a party is seeking relief from the
26 order granting the petition to expunge through a motion

1 filed under paragraph (12) of this subsection (d) or is
2 appealing the order, and unless a court has entered a stay
3 of that order, the parties entitled to notice of the
4 petition must seal, but need not expunge, the records until
5 there is a final order on the motion for relief or, in the
6 case of an appeal, the issuance of that court's mandate.

7 (16) The changes to this subsection (d) made by Public
8 Act 98-163 apply to all petitions pending on August 5, 2013
9 (the effective date of Public Act 98-163) and to all orders
10 ruling on a petition to expunge or seal on or after August
11 5, 2013 (the effective date of Public Act 98-163).

12 (e) Whenever a person who has been convicted of an offense
13 is granted a pardon by the Governor which specifically
14 authorizes expungement, he or she may, upon verified petition
15 to the Chief Judge of the circuit where the person had been
16 convicted, any judge of the circuit designated by the Chief
17 Judge, or in counties of less than 3,000,000 inhabitants, the
18 presiding trial judge at the defendant's trial, have a court
19 order entered expunging the record of arrest from the official
20 records of the arresting authority and order that the records
21 of the circuit court clerk and the Department be sealed until
22 further order of the court upon good cause shown or as
23 otherwise provided herein, and the name of the defendant
24 obliterated from the official index requested to be kept by the
25 circuit court clerk under Section 16 of the Clerks of Courts
26 Act in connection with the arrest and conviction for the

1 offense for which he or she had been pardoned but the order
2 shall not affect any index issued by the circuit court clerk
3 before the entry of the order. All records sealed by the
4 Department may be disseminated by the Department only to the
5 arresting authority, the State's Attorney, and the court upon a
6 later arrest for the same or similar offense or for the purpose
7 of sentencing for any subsequent felony. Upon conviction for
8 any subsequent offense, the Department of Corrections shall
9 have access to all sealed records of the Department pertaining
10 to that individual. Upon entry of the order of expungement, the
11 circuit court clerk shall promptly mail a copy of the order to
12 the person who was pardoned.

13 (e-5) Whenever a person who has been convicted of an
14 offense is granted a certificate of eligibility for sealing by
15 the Prisoner Review Board which specifically authorizes
16 sealing, he or she may, upon verified petition to the Chief
17 Judge of the circuit where the person had been convicted, any
18 judge of the circuit designated by the Chief Judge, or in
19 counties of less than 3,000,000 inhabitants, the presiding
20 trial judge at the petitioner's trial, have a court order
21 entered sealing the record of arrest from the official records
22 of the arresting authority and order that the records of the
23 circuit court clerk and the Department be sealed until further
24 order of the court upon good cause shown or as otherwise
25 provided herein, and the name of the petitioner obliterated
26 from the official index requested to be kept by the circuit

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

17 (e-6) Whenever a person who has been convicted of an
18 offense is granted a certificate of eligibility for expungement
19 by the Prisoner Review Board which specifically authorizes
20 expungement, he or she may, upon verified petition to the Chief
21 Judge of the circuit where the person had been convicted, any
22 judge of the circuit designated by the Chief Judge, or in
23 counties of less than 3,000,000 inhabitants, the presiding
24 trial judge at the petitioner's trial, have a court order
25 entered expunging the record of arrest from the official
26 records of the arresting authority and order that the records

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

21 (f) Subject to available funding, the Illinois Department
22 of Corrections shall conduct a study of the impact of sealing,
23 especially on employment and recidivism rates, utilizing a
24 random sample of those who apply for the sealing of their
25 criminal records under Public Act 93-211. At the request of the
26 Illinois Department of Corrections, records of the Illinois

1 Department of Employment Security shall be utilized as
2 appropriate to assist in the study. The study shall not
3 disclose any data in a manner that would allow the
4 identification of any particular individual or employing unit.
5 The study shall be made available to the General Assembly no
6 later than September 1, 2010.

7 (g) Immediate Sealing.

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

13 (2) Eligible Records. Arrests or charges not initiated
14 by arrest resulting in acquittal or dismissal with
15 prejudice, except as excluded by subsection (a)(3)(B),
16 that occur on or after January 1, 2018 (the effective date
17 of Public Act 100-282), may be sealed immediately if the
18 petition is filed with the circuit court clerk on the same
19 day and during the same hearing in which the case is
20 disposed.

21 (3) When Records are Eligible to be Immediately Sealed.
22 Eligible records under paragraph (2) of this subsection (g)
23 may be sealed immediately after entry of the final
24 disposition of a case, notwithstanding the disposition of
25 other charges in the same case.

26 (4) Notice of Eligibility for Immediate Sealing. Upon

1 entry of a disposition for an eligible record under this
2 subsection (g), the defendant shall be informed by the
3 court of his or her right to have eligible records
4 immediately sealed and the procedure for the immediate
5 sealing of these records.

6 (5) Procedure. The following procedures apply to
7 immediate sealing under this subsection (g).

8 (A) Filing the Petition. Upon entry of the final
9 disposition of the case, the defendant's attorney may
10 immediately petition the court, on behalf of the
11 defendant, for immediate sealing of eligible records
12 under paragraph (2) of this subsection (g) that are
13 entered on or after January 1, 2018 (the effective date
14 of Public Act 100-282). The immediate sealing petition
15 may be filed with the circuit court clerk during the
16 hearing in which the final disposition of the case is
17 entered. If the defendant's attorney does not file the
18 petition for immediate sealing during the hearing, the
19 defendant may file a petition for sealing at any time
20 as authorized under subsection (c) (3) (A).

21 (B) Contents of Petition. The immediate sealing
22 petition shall be verified and shall contain the
23 petitioner's name, date of birth, current address, and
24 for each eligible record, the case number, the date of
25 arrest if applicable, the identity of the arresting
26 authority if applicable, and other information as the

1 court may require.

2 (C) Drug Test. The petitioner shall not be required
3 to attach proof that he or she has passed a drug test.

4 (D) Service of Petition. A copy of the petition
5 shall be served on the State's Attorney in open court.
6 The petitioner shall not be required to serve a copy of
7 the petition on any other agency.

8 (E) Entry of Order. The presiding trial judge shall
9 enter an order granting or denying the petition for
10 immediate sealing during the hearing in which it is
11 filed. Petitions for immediate sealing shall be ruled
12 on in the same hearing in which the final disposition
13 of the case is entered.

14 (F) Hearings. The court shall hear the petition for
15 immediate sealing on the same day and during the same
16 hearing in which the disposition is rendered.

17 (G) Service of Order. An order to immediately seal
18 eligible records shall be served in conformance with
19 subsection (d) (8).

20 (H) Implementation of Order. An order to
21 immediately seal records shall be implemented in
22 conformance with subsections (d) (9) (C) and (d) (9) (D).

23 (I) Fees. The fee imposed by the circuit court
24 clerk and the Department of State Police shall comply
25 with paragraph (1) of subsection (d) of this Section.

26 (J) Final Order. No court order issued under this

1 subsection (g) shall become final for purposes of
2 appeal until 30 days after service of the order on the
3 petitioner and all parties entitled to service of the
4 order in conformance with subsection (d) (8).

5 (K) Motion to Vacate, Modify, or Reconsider. Under
6 Section 2-1203 of the Code of Civil Procedure, the
7 petitioner, State's Attorney, or the Department of
8 State Police may file a motion to vacate, modify, or
9 reconsider the order denying the petition to
10 immediately seal within 60 days of service of the
11 order. If filed more than 60 days after service of the
12 order, a petition to vacate, modify, or reconsider
13 shall comply with subsection (c) of Section 2-1401 of
14 the Code of Civil Procedure.

15 (L) Effect of Order. An order granting an immediate
16 sealing petition shall not be considered void because
17 it fails to comply with the provisions of this Section
18 or because of an error asserted in a motion to vacate,
19 modify, or reconsider. The circuit court retains
20 jurisdiction to determine whether the order is
21 voidable, and to vacate, modify, or reconsider its
22 terms based on a motion filed under subparagraph (L) of
23 this subsection (g).

24 (M) Compliance with Order Granting Petition to
25 Seal Records. Unless a court has entered a stay of an
26 order granting a petition to immediately seal, all

1 parties entitled to service of the order must fully
2 comply with the terms of the order within 60 days of
3 service of the order.

4 (h) Sealing; trafficking victims.

5 (1) A trafficking victim as defined by paragraph (10)
6 of subsection (a) of Section 10-9 of the Criminal Code of
7 2012 shall be eligible to petition for immediate sealing of
8 his or her criminal record upon the completion of his or
9 her last sentence if his or her participation in the
10 underlying offense was a direct result of human trafficking
11 under Section 10-9 of the Criminal Code of 2012 or a severe
12 form of trafficking under the federal Trafficking Victims
13 Protection Act.

14 (2) A petitioner under this subsection (h), in addition
15 to the requirements provided under paragraph (4) of
16 subsection (d) of this Section, shall include in his or her
17 petition a clear and concise statement that: (A) he or she
18 was a victim of human trafficking at the time of the
19 offense; and (B) that his or her participation in the
20 offense was a direct result of human trafficking under
21 Section 10-9 of the Criminal Code of 2012 or a severe form
22 of trafficking under the federal Trafficking Victims
23 Protection Act.

24 (3) If an objection is filed alleging that the
25 petitioner is not entitled to immediate sealing under this
26 subsection (h), the court shall conduct a hearing under

1 paragraph (7) of subsection (d) of this Section and the
2 court shall determine whether the petitioner is entitled to
3 immediate sealing under this subsection (h). A petitioner
4 is eligible for immediate relief under this subsection (h)
5 if he or she shows, by a preponderance of the evidence,
6 that: (A) he or she was a victim of human trafficking at
7 the time of the offense; and (B) that his or her
8 participation in the offense was a direct result of human
9 trafficking under Section 10-9 of the Criminal Code of 2012
10 or a severe form of trafficking under the federal
11 Trafficking Victims Protection Act.

12 (Source: P.A. 99-78, eff. 7-20-15; 99-378, eff. 1-1-16; 99-385,
13 eff. 1-1-16; 99-642, eff. 7-28-16; 99-697, eff. 7-29-16;
14 99-881, eff. 1-1-17; 100-201, eff. 8-18-17; 100-282, eff.
15 1-1-18; 100-284, eff. 8-24-17; 100-287, eff. 8-24-17; 100-692,
16 eff. 8-3-18; 100-759, eff. 1-1-19; 100-776, eff. 8-10-18;
17 100-863, eff. 8-14-18; revised 8-30-18.)

18 Section 170. The State Fire Marshal Act is amended by
19 changing Section 2.5 as follows:

20 (20 ILCS 2905/2.5)

21 Sec. 2.5. Equipment exchange program.

22 (a) The Office shall create and maintain an equipment
23 exchange program under which fire departments, fire protection
24 districts, and township fire departments can donate or sell

1 equipment to, trade equipment with, or buy equipment from each
2 other.

3 (b) Under this program, the Office, in consultation with
4 the Department of Innovation and Technology, shall maintain a
5 website that allows fire departments, fire protection
6 districts, and township fire departments to post information
7 and photographs about needed equipment and equipment that is
8 available for trade, donation, or sale. This website must be
9 separate from, and not a part of, the Office's main website;
10 however, the Office must post a hyperlink on its main website
11 that points to the website established under this subsection
12 (b).

13 (c) The Office or a fire department, fire protection
14 district, or township fire department that donates, trades, or
15 sells fire protection equipment to another fire department,
16 fire protection district, or township fire department under
17 this Section is not liable for any damage or injury caused by
18 the donated, traded, or sold fire protection equipment, except
19 for damage or injury caused by its willful and wanton
20 misconduct, if it discloses in writing to the recipient at the
21 time of the donation, trade, or sale any known damage to or
22 deficiencies in the equipment.

23 This Section does not relieve any fire department, fire
24 protection district, or township fire department from
25 liability, unless otherwise provided by law, for any damage or
26 injury caused by donated, traded, or sold fire protection

1 equipment that was received through the equipment exchange
2 program.

3 (d) The Office must promote the program to encourage the
4 efficient exchange of equipment among local government
5 entities.

6 (e) The Office must implement the changes to the equipment
7 exchange program required under Public Act 94-175 ~~this~~
8 ~~amendatory Act of the 94th General Assembly~~ no later than July
9 1, 2006.

10 (Source: P.A. 100-611, eff. 7-20-18; revised 9-27-18.)

11 Section 175. The Historic Preservation Act is amended by
12 changing Sections 3.1 and 4.5 and by adding Section 28 as
13 follows:

14 (20 ILCS 3405/3.1)

15 Sec. 3.1. Agency abolished; functions transferred.

16 (a) On August 3, 2018 (the effective date of Public Act
17 100-695) ~~this amendatory Act of the 100th General Assembly~~, the
18 Historic Preservation Agency, including the Board of Trustees,
19 is hereby abolished and all powers, duties, rights, and
20 responsibilities of the Historic Preservation Agency, except
21 those functions relating to the Abraham Lincoln Presidential
22 Library and Museum, shall be transferred to the Department of
23 Natural Resources. The powers, duties, rights, and
24 responsibilities related to the functions of the Historic

1 Preservation Agency transferred under Public Act 100-695 ~~this~~
2 ~~this amendatory Act of the 100th General Assembly~~ shall be
3 vested in and shall be exercised by the Department of Natural
4 Resources. Each act done in the exercise of those powers,
5 duties, rights, and responsibilities shall have the same legal
6 effect as if done by the Historic Preservation Agency or its
7 divisions, officers, or employees.

8 (b) The personnel and positions within the Historic
9 Preservation Agency shall be transferred to the Department of
10 Natural Resources and shall continue their service within the
11 Department of Natural Resources. The status and rights of those
12 employees under the Personnel Code shall not be affected by
13 Public Act 100-695 ~~this amendatory Act of the 100th General~~
14 ~~Assembly~~. The status and rights of the employees and the State
15 of Illinois and its agencies under the Personnel Code, the
16 Illinois Public Labor Relations Act, and applicable collective
17 bargaining agreements or under any pension, retirement, or
18 annuity plan, shall not be affected by Public Act 100-695 ~~this~~
19 ~~amendatory Act of the 100th General Assembly~~.

20 (c) All books, records, papers, documents, property (real
21 and personal), contracts, causes of action, and pending
22 business pertaining to the powers, duties, rights, and
23 responsibilities transferred by Public Act 100-695 ~~this~~
24 ~~amendatory Act of the 100th General Assembly~~ from the Historic
25 Preservation Agency to the Department of Natural Resources,
26 including, but not limited to, material in electronic or

1 magnetic format and necessary computer hardware and software,
2 shall be transferred to the Department of Natural Resources.

3 (d) With respect to the functions of the Historic
4 Preservation Agency transferred under Public Act 100-695 ~~this~~
5 ~~amendatory Act of the 100th General Assembly~~, the Department of
6 Natural Resources is the successor agency to the Historic
7 Preservation Agency under the Successor Agency Act and Section
8 9b of the State Finance Act. All unexpended appropriations and
9 balances and other funds available for use by the Historic
10 Preservation Agency shall, under the direction of the Governor,
11 be transferred for use by the Department of Natural Resources
12 in accordance with Public Act 100-695 ~~this amendatory Act of~~
13 ~~the 100th General Assembly~~. Unexpended balances so transferred
14 shall be expended by the Department of Natural Resources only
15 for the purpose for which the appropriations were originally
16 made.

17 (e) The manner in which any official is appointed, except
18 that when any provision of an Executive Order or Act provides
19 for the membership of the Historic Preservation Agency on any
20 council, commission, board, or other entity, the Director of
21 Natural Resources or his or her designee shall serve in that
22 place; if more than one person is required by law to serve on
23 any council, commission, board, or other entity, then an
24 equivalent number of representatives of the Department of
25 Natural Resources shall so serve.

26 (f) Whenever reports or notices are required to be made or

1 given or papers or documents furnished or served by any person
2 to or upon the Historic Preservation Agency in connection with
3 any of the powers, duties, rights, or responsibilities
4 transferred by Public Act 100-695 ~~this amendatory Act of the~~
5 ~~100th General Assembly~~, the same shall be made, given,
6 furnished, or served in the same manner to or upon the
7 Department of Natural Resources.

8 (g) Any rules of the Historic Preservation Agency that
9 relate to its powers, duties, rights, and responsibilities and
10 are in full force on August 3, 2018 (the effective date of
11 Public Act 100-695) ~~this amendatory Act of the 100th General~~
12 ~~Assembly~~ shall become the rules of the Department of Natural
13 Resources. Public Act 100-695 ~~This amendatory Act of the 100th~~
14 ~~General Assembly~~ does not affect the legality of any of those
15 rules in the Illinois Administrative Code. Any proposed rule
16 filed with the Secretary of State by the Historic Preservation
17 Agency that is pending in the rulemaking process on August 3,
18 2018 (the effective date of Public Act 100-695) ~~this amendatory~~
19 ~~Act of the 100th General Assembly~~ and pertain to the powers,
20 duties, rights, and responsibilities transferred, shall be
21 deemed to have been filed by the Department of Natural
22 Resources. As soon as practicable hereafter, the Department of
23 Natural Resources shall revise and clarify the rules
24 transferred to it under Public Act 100-695 ~~this amendatory Act~~
25 ~~of the 100th General Assembly~~ to reflect the reorganization of
26 powers, duties, rights, and responsibilities affected by

1 ~~Public Act 100-695 this amendatory Act of the 100th General~~
2 ~~Assembly~~, using the procedures for recodification of rules
3 available under the Illinois Administrative Procedure Act,
4 except that existing title, part, and section numbering for the
5 affected rules may be retained. On and after August 3, 2018
6 ~~(the effective date of Public Act 100-695) this amendatory Act~~
7 ~~of the 100th General Assembly~~, the Department of Natural
8 Resources may propose and adopt, under the Illinois
9 Administrative Procedure Act, any other rules that relate to
10 the functions of the Historic Preservation Agency transferred
11 to and that will now be administered by the Department of
12 Natural Resources.

13 (h) The transfer of powers, duties, rights, and
14 responsibilities to the Department of Natural Resources under
15 Public Act 100-695 ~~this amendatory Act of the 100th General~~
16 ~~Assembly~~ does not affect any person's rights, obligations, or
17 duties, including any civil or criminal penalties applicable,
18 arising out of those transferred powers, duties, rights, and
19 responsibilities.

20 (i) Public Act 100-695 ~~This amendatory Act of the 100th~~
21 ~~General Assembly~~ does not affect any act done, ratified, or
22 canceled, or any right occurring or established, or any action
23 or proceeding had or commenced in an administrative, civil, or
24 criminal cause by the Historic Preservation Agency before
25 August 3, 2018 ~~(the effective date of Public Act 100-695) this~~
26 ~~amendatory Act of the 100th General Assembly~~; those actions or

1 proceedings may be defended, prosecuted, or continued by the
2 Department of Natural Resources.

3 (j) Public Act 100-695 ~~This amendatory Act of the 100th~~
4 ~~General Assembly~~ does not contravene, and shall not be
5 construed to contravene, any State statute except as provided
6 in this Section or federal law.

7 (Source: P.A. 100-695, eff. 8-3-18; revised 10-2-18.)

8 (20 ILCS 3405/4.5)

9 Sec. 4.5. Division of Historic Preservation. On and after
10 August 3, 2018 (the effective date of Public Act 100-695) ~~this~~
11 ~~amendatory Act of the 100th General Assembly~~, the Division of
12 Historic Preservation of the Department of Natural Resources
13 Office of Land Management shall exercise all rights, powers,
14 and duties vested in the Historic Sites and Preservation
15 Division. The head of the Division shall be known as the
16 Division Manager of Historic Preservation. The Department of
17 Natural Resources may employ or retain other persons to assist
18 in the discharge of its functions under this Act, subject to
19 the Personnel Code and any other applicable Department
20 policies.

21 (Source: P.A. 100-695, eff. 8-3-18; revised 10-2-18.)

22 (20 ILCS 3405/28 new)

23 Sec. 28. Illinois Historic Sites Fund. All monies received
24 for historic preservation programs administered by the

1 Department, including grants, direct and indirect cost
2 reimbursements, income from marketing activities, gifts,
3 donations and bequests, from private organizations,
4 individuals, other State agencies or federal agencies, monies
5 received from publications, and copying and certification fees
6 related to such programs, and all income from fees generated
7 from admissions, special events, parking, camping, concession
8 and property rental, shall be deposited into a special fund in
9 the State treasury, to be known as the Illinois Historic Sites
10 Fund, which is hereby created. Subject to appropriation, the
11 monies in such fund shall be used by the Department for
12 historic preservation purposes only.

13 The Illinois Historic Sites Fund is not subject to
14 administrative charges or charge-backs, including but not
15 limited to those authorized under Section 8h of the State
16 Finance Act.

17 Section 180. The Illinois Historic Preservation Act is
18 amended by changing Section 1 as follows:

19 (20 ILCS 3410/1) (from Ch. 127, par. 133d1)

20 Sec. 1. This Act shall be known as the "Illinois Historic
21 Sites Advisory Council Preservation Act".

22 (Source: P.A. 79-1383.)

23 (20 ILCS 3410/15 rep.)

1 Section 185. The Illinois Historic Preservation Act is
2 amended by repealing Section 15.

3 Section 195. The Illinois Finance Authority Act is amended
4 by changing Sections 805-15, 830-30, 830-35, 830-55, and 845-75
5 as follows:

6 (20 ILCS 3501/805-15)

7 Sec. 805-15. Industrial Project Insurance Fund. There is
8 created the Industrial Project Insurance Fund, hereafter
9 referred to in Sections 805-15 through 805-50 of this Act as
10 the "Fund". The Treasurer shall have custody of the Fund, which
11 shall be held outside of the State treasury, except that
12 custody may be transferred to and held by any bank, trust
13 company or other fiduciary with whom the Authority executes a
14 trust agreement as authorized by paragraph (h) of Section
15 805-20 of this Act. Any portion of the Fund against which a
16 charge has been made, shall be held for the benefit of the
17 holders of the loans or bonds insured under Section 805-20 of
18 this Act or the holders of State Guarantees under Article 830
19 of this Act. There shall be deposited in the Fund such amounts,
20 including but not limited to:

21 (a) All receipts of bond and loan insurance premiums;

22 (b) All proceeds of assets of whatever nature received
23 by the Authority as a result of default or delinquency with
24 respect to insured loans or bonds or State Guarantees with

1 respect to which payments from the Fund have been made,
2 including proceeds from the sale, disposal, lease or rental
3 of real or personal property which the Authority may
4 receive under the provisions of this Article but excluding
5 the proceeds of insurance hereunder;

6 (c) All receipts from any applicable contract or
7 agreement entered into by the Authority under paragraph (b)
8 of Section 805-20 of this Act;

9 (d) Any State appropriations, transfers of
10 appropriations, or transfers of general obligation bond
11 proceeds or other monies made available to the Fund.
12 Amounts in the Fund shall be used in accordance with the
13 provisions of this Article to satisfy any valid insurance
14 claim payable therefrom and may be used for any other
15 purpose determined by the Authority in accordance with
16 insurance contract or contracts with financial
17 institutions entered into pursuant to this Act, including
18 without limitation protecting the interest of the
19 Authority in industrial projects during periods of loan
20 delinquency or upon loan default through the purchase of
21 industrial projects in foreclosure proceedings or in lieu
22 of foreclosure or through any other means. Such amounts may
23 also be used to pay administrative costs and expenses
24 reasonably allocable to the activities in connection with
25 the Fund and to pay taxes, maintenance, insurance, security
26 and any other costs and expenses of bidding for, acquiring,

1 owning, carrying and disposing of industrial projects or
2 PACE Projects, which were financed with the proceeds of
3 loans or insured bonds, including loans or loan
4 participations made under subsection ~~subsections~~ (i) or
5 (r) of Section 801-40. In the case of a default in payment
6 with respect to any loan, mortgage or other agreement so
7 insured or otherwise representing possible loss to the
8 Authority, the amount of the default shall immediately, and
9 at all times during the continuance of such default, and to
10 the extent provided in any applicable agreement,
11 constitute a charge on the Fund. Any amounts in the Fund
12 not currently needed to meet the obligations of the Fund
13 may be invested as provided by law in obligations
14 designated by the Authority, or used to make direct loans
15 or purchase loan participations under subsection
16 ~~subsections~~ (i) or (r) of Section 801-40. All income from
17 such investments shall become part of the Fund. All income
18 from direct loans or loan participations made under
19 subsection ~~subsections~~ (i) or (r) of Section 801-40 shall
20 become funds of the Authority. In making such investments,
21 the Authority shall act with the care, skill, diligence and
22 prudence under the circumstances of a prudent person acting
23 in a like capacity in the conduct of an enterprise of like
24 character and with like aims. It shall diversify such
25 investments of the Authority so as to minimize the risk of
26 large losses, unless under the circumstances it is clearly

1 not prudent to do so. Amounts in the Fund may also be used
2 to satisfy State Guarantees under Article 830 of this Act.
3 (Source: P.A. 100-919, eff. 8-17-18; revised 10-11-18.)

4 (20 ILCS 3501/830-30)

5 Sec. 830-30. State Guarantees for existing debt.

6 (a) The Authority is authorized to issue State Guarantees
7 for farmers' existing debts held by a lender. For the purposes
8 of this Section, a farmer shall be a resident of Illinois, who
9 is a principal operator of a farm or land, at least 50% of
10 whose annual gross income is derived from farming and whose
11 debt to asset ratio shall not be less than 40%, except in those
12 cases where the applicant has previously used the guarantee
13 program there shall be no debt to asset ratio or income
14 restriction. For the purposes of this Section, debt to asset
15 ratio shall mean the current outstanding liabilities of the
16 farmer divided by the current outstanding assets of the farmer.
17 The Authority shall establish the maximum permissible debt to
18 asset ratio based on criteria established by the Authority.
19 Lenders shall apply for the State Guarantees on forms provided
20 by the Authority and certify that the application and any other
21 documents submitted are true and correct. The lender or
22 borrower, or both in combination, shall pay an administrative
23 fee as determined by the Authority. The applicant shall be
24 responsible for paying any fees or charges involved in
25 recording mortgages, releases, financing statements, insurance

1 for secondary market issues and any other similar fees or
2 charges as the Authority may require. The application shall at
3 a minimum contain the farmer's name, address, present credit
4 and financial information, including cash flow statements,
5 financial statements, balance sheets, and any other
6 information pertinent to the application, and the collateral to
7 be used to secure the State Guarantee. In addition, the lender
8 must agree to bring the farmer's debt to a current status at
9 the time the State Guarantee is provided and must also agree to
10 charge a fixed or adjustable interest rate which the Authority
11 determines to be below the market rate of interest generally
12 available to the borrower. If both the lender and applicant
13 agree, the interest rate on the State Guarantee Loan can be
14 converted to a fixed interest rate at any time during the term
15 of the loan. Any State Guarantees provided under this Section
16 (i) shall not exceed \$500,000 per farmer, (ii) shall be set up
17 on a payment schedule not to exceed 30 years, and shall be no
18 longer than 30 years in duration, and (iii) shall be subject to
19 an annual review and renewal by the lender and the Authority;
20 provided that only one such State Guarantee shall be
21 outstanding per farmer at any one time. No State Guarantee
22 shall be revoked by the Authority without a 90-day notice, in
23 writing, to all parties. In those cases where the borrower has
24 not previously used the guarantee program, the lender shall not
25 call due any loan during the first 3 years for any reason
26 except for lack of performance or insufficient collateral. The

1 lender can review and withdraw or continue with the State
2 Guarantee on an annual basis after the first 3 years of the
3 loan, provided a 90-day notice, in writing, to all parties has
4 been given.

5 (b) The Authority shall provide or renew a State Guarantee
6 to a lender if:

7 (i) A fee equal to 25 basis points on the loan is paid
8 to the Authority on an annual basis by the lender.

9 (ii) The application provides collateral acceptable to
10 the Authority that is at least equal to the State's portion
11 of the Guarantee to be provided.

12 (iii) The lender assumes all responsibility and costs
13 for pursuing legal action on collecting any loan that is
14 delinquent or in default.

15 (iv) The lender is responsible for the first 15% of the
16 outstanding principal of the note for which the State
17 Guarantee has been applied.

18 (c) There is hereby created outside of the State treasury a
19 special fund to be known as the Illinois Agricultural Loan
20 Guarantee Fund. The State Treasurer shall be custodian of this
21 Fund. Any amounts in the Illinois Agricultural Loan Guarantee
22 Fund not currently needed to meet the obligations of the Fund
23 shall be invested as provided by law or used by the Authority
24 to make direct loans or originate or purchase loan
25 participations under subsection ~~subsections~~ (i) or (r) of
26 Section 801-40. All interest earned from these investments

1 shall be deposited into the Fund until the Fund reaches the
2 maximum amount authorized in this Act; thereafter, interest
3 earned shall be deposited into the General Revenue Fund. After
4 September 1, 1989, annual investment earnings equal to 1.5% of
5 the Fund shall remain in the Fund to be used for the purposes
6 established in Section 830-40 of this Act. All earnings on
7 direct loans or loan participations made by the Authority under
8 subsection ~~subsections~~ (i) or (r) of Section 801-40 with
9 amounts in this Fund shall become funds of the Authority. The
10 Authority is authorized to transfer to the Fund such amounts as
11 are necessary to satisfy claims during the duration of the
12 State Guarantee program to secure State Guarantees issued under
13 this Section, provided that amounts to be paid from the
14 Industrial Project Insurance Fund created under Article 805 of
15 this Act may be paid by the Authority directly to satisfy
16 claims and need not be deposited first into the Illinois
17 Agricultural Loan Guarantee Fund. If for any reason the General
18 Assembly fails to make an appropriation sufficient to meet
19 these obligations, this Act shall constitute an irrevocable and
20 continuing appropriation of an amount necessary to secure
21 guarantees as defaults occur and the irrevocable and continuing
22 authority for, and direction to, the State Treasurer and the
23 Comptroller to make the necessary transfers to the Illinois
24 Agricultural Loan Guarantee Fund, as directed by the Governor,
25 out of the General Revenue Fund. Within 30 days after November
26 15, 1985, the Authority may transfer up to \$7,000,000 from

1 available appropriations into the Illinois Agricultural Loan
2 Guarantee Fund for the purposes of this Act. Thereafter, the
3 Authority may transfer additional amounts into the Illinois
4 Agricultural Loan Guarantee Fund to secure guarantees for
5 defaults as defaults occur. In the event of default by the
6 farmer, the lender shall be entitled to, and the Authority
7 shall direct payment on, the State Guarantee after 90 days of
8 delinquency. All payments by the Authority to satisfy claims
9 against the State Guarantee shall be made, in whole or in part,
10 from any of the following funds in such order and in such
11 amounts as the Authority shall determine: (1) the Industrial
12 Project Insurance Fund created under Article 805 of this Act
13 (if the Authority exercises its discretion under subsection (j)
14 of Section 805-20); (2) the Illinois Agricultural Loan
15 Guarantee Fund; or (3) the Illinois Farmer and Agribusiness
16 Loan Guarantee Fund. The Illinois Agricultural Loan Guarantee
17 Fund shall guarantee receipt of payment of the 85% of the
18 principal and interest owed on the State Guarantee Loan by the
19 farmer to the guarantee holder, provided that payments by the
20 Authority to satisfy claims against the State Guarantee shall
21 be made in accordance with the preceding sentence. It shall be
22 the responsibility of the lender to proceed with the collecting
23 and disposing of collateral on the State Guarantee under this
24 Section, Section 830-35, Section 830-45, Section 830-50,
25 Section 830-55, or Article 835 within 14 months of the time the
26 State Guarantee is declared delinquent; provided, however,

1 that the lender shall not collect or dispose of collateral on
2 the State Guarantee without the express written prior approval
3 of the Authority. If the lender does not dispose of the
4 collateral within 14 months, the lender shall be liable to
5 repay to the State interest on the State Guarantee equal to the
6 same rate which the lender charges on the State Guarantee;
7 provided, however, that the Authority may extend the 14-month
8 period for a lender in the case of bankruptcy or extenuating
9 circumstances. The Fund from which a payment is made shall be
10 reimbursed for any amounts paid from that Fund under this
11 Section, Section 830-35, Section 830-45, Section 830-50,
12 Section 830-55, or Article 835 upon liquidation of the
13 collateral. The Authority, by resolution of the Board, may
14 borrow sums from the Fund and provide for repayment as soon as
15 may be practical upon receipt of payments of principal and
16 interest by a farmer. Money may be borrowed from the Fund by
17 the Authority for the sole purpose of paying certain interest
18 costs for farmers associated with selling a loan subject to a
19 State Guarantee in a secondary market as may be deemed
20 reasonable and necessary by the Authority.

21 (d) Notwithstanding the provisions of this Section 830-30
22 with respect to the farmers and lenders who may obtain State
23 Guarantees, the Authority may promulgate rules establishing
24 the eligibility of farmers and lenders to participate in the
25 State guarantee program and the terms, standards, and
26 procedures that will apply, when the Authority finds that

1 emergency conditions in Illinois agriculture have created the
2 need for State Guarantees pursuant to terms, standards, and
3 procedures other than those specified in this Section.

4 (Source: P.A. 99-509, eff. 6-24-16; 100-919, eff. 8-17-18;
5 revised 10-11-18.)

6 (20 ILCS 3501/830-35)

7 Sec. 830-35. State Guarantees for loans to farmers and
8 agribusiness; eligibility.

9 (a) The Authority is authorized to issue State Guarantees
10 to lenders for loans to eligible farmers and agribusinesses for
11 purposes set forth in this Section. For purposes of this
12 Section, an eligible farmer shall be a resident of Illinois (i)
13 who is principal operator of a farm or land, at least 50% of
14 whose annual gross income is derived from farming, (ii) whose
15 annual total sales of agricultural products, commodities, or
16 livestock exceeds \$20,000, and (iii) whose net worth does not
17 exceed \$500,000. An eligible agribusiness shall be that as
18 defined in Section 801-10 of this Act. The Authority may
19 approve applications by farmers and agribusinesses that
20 promote diversification of the farm economy of this State
21 through the growth and development of new crops or livestock
22 not customarily grown or produced in this State or that
23 emphasize a vertical integration of grain or livestock produced
24 or raised in this State into a finished agricultural product
25 for consumption or use. "New crops or livestock not customarily

1 grown or produced in this State" shall not include corn,
2 soybeans, wheat, swine, or beef or dairy cattle. "Vertical
3 integration of grain or livestock produced or raised in this
4 State" shall include any new or existing grain or livestock
5 grown or produced in this State. Lenders shall apply for the
6 State Guarantees on forms provided by the Authority, certify
7 that the application and any other documents submitted are true
8 and correct, and pay an administrative fee as determined by the
9 Authority. The applicant shall be responsible for paying any
10 fees or charges involved in recording mortgages, releases,
11 financing statements, insurance for secondary market issues
12 and any other similar fees or charges as the Authority may
13 require. The application shall at a minimum contain the
14 farmer's or agribusiness' name, address, present credit and
15 financial information, including cash flow statements,
16 financial statements, balance sheets, and any other
17 information pertinent to the application, and the collateral to
18 be used to secure the State Guarantee. In addition, the lender
19 must agree to charge an interest rate, which may vary, on the
20 loan that the Authority determines to be below the market rate
21 of interest generally available to the borrower. If both the
22 lender and applicant agree, the interest rate on the State
23 Guarantee Loan can be converted to a fixed interest rate at any
24 time during the term of the loan. Any State Guarantees provided
25 under this Section (i) shall not exceed \$500,000 per farmer or
26 an amount as determined by the Authority on a case-by-case

1 basis for an agribusiness, (ii) shall not exceed a term of 15
2 years, and (iii) shall be subject to an annual review and
3 renewal by the lender and the Authority; provided that only one
4 such State Guarantee shall be made per farmer or agribusiness,
5 except that additional State Guarantees may be made for
6 purposes of expansion of projects financed in part by a
7 previously issued State Guarantee. No State Guarantee shall be
8 revoked by the Authority without a 90-day notice, in writing,
9 to all parties. The lender shall not call due any loan for any
10 reason except for lack of performance, insufficient
11 collateral, or maturity. A lender may review and withdraw or
12 continue with a State Guarantee on an annual basis after the
13 first 5 years following closing of the loan application if the
14 loan contract provides for an interest rate that shall not
15 vary. A lender shall not withdraw a State Guarantee if the loan
16 contract provides for an interest rate that may vary, except
17 for reasons set forth herein.

18 (b) The Authority shall provide or renew a State Guarantee
19 to a lender if:

20 (i) A fee equal to 25 basis points on the loan is paid
21 to the Authority on an annual basis by the lender.

22 (ii) The application provides collateral acceptable to
23 the Authority that is at least equal to the State's portion
24 of the Guarantee to be provided.

25 (iii) The lender assumes all responsibility and costs
26 for pursuing legal action on collecting any loan that is

1 delinquent or in default.

2 (iv) The lender is responsible for the first 15% of the
3 outstanding principal of the note for which the State
4 Guarantee has been applied.

5 (c) There is hereby created outside of the State treasury a
6 special fund to be known as the Illinois Farmer and
7 Agribusiness Loan Guarantee Fund. The State Treasurer shall be
8 custodian of this Fund. Any amounts in the Fund not currently
9 needed to meet the obligations of the Fund shall be invested as
10 provided by law, or used by the Authority to make direct loans
11 or originate or purchase loan participations under subsection
12 ~~subsections~~ (i) or (r) of Section 801-40. All interest earned
13 from these investments shall be deposited into the Fund until
14 the Fund reaches the maximum amounts authorized in this Act;
15 thereafter, interest earned shall be deposited into the General
16 Revenue Fund. After September 1, 1989, annual investment
17 earnings equal to 1.5% of the Fund shall remain in the Fund to
18 be used for the purposes established in Section 830-40 of this
19 Act. All earnings on direct loans or loan participations made
20 by the Authority under subsection ~~subsections~~ (i) or (r) of
21 Section 801-40 with amounts in this Fund shall become funds of
22 the Authority. The Authority is authorized to transfer such
23 amounts as are necessary to satisfy claims from available
24 appropriations and from fund balances of the Farm Emergency
25 Assistance Fund as of June 30 of each year to the Illinois
26 Farmer and Agribusiness Loan Guarantee Fund to secure State

1 Guarantees issued under this Section, Sections 830-30, 830-45,
2 830-50, and 830-55, and Article 835 of this Act. Amounts to be
3 paid from the Industrial Project Insurance Fund created under
4 Article 805 of this Act may be paid by the Authority directly
5 to satisfy claims and need not be deposited first into the
6 Illinois Farmer and Agribusiness Loan Guarantee Fund. If for
7 any reason the General Assembly fails to make an appropriation
8 sufficient to meet these obligations, this Act shall constitute
9 an irrevocable and continuing appropriation of an amount
10 necessary to secure guarantees as defaults occur and the
11 irrevocable and continuing authority for, and direction to, the
12 State Treasurer and the Comptroller to make the necessary
13 transfers to the Illinois Farmer and Agribusiness Loan
14 Guarantee Fund, as directed by the Governor, out of the General
15 Revenue Fund. In the event of default by the borrower on State
16 Guarantee Loans under this Section, Section 830-45, Section
17 830-50, or Section 830-55, the lender shall be entitled to, and
18 the Authority shall direct payment on, the State Guarantee
19 after 90 days of delinquency. All payments by the Authority to
20 satisfy claims against the State Guarantee shall be made, in
21 whole or in part, from any of the following funds in such order
22 and in such amounts as the Authority shall determine: (1) the
23 Industrial Project Insurance Fund created under Article 805 of
24 this Act (if the Authority exercises its discretion under
25 subsection (j) of Section 805-20); (2) the Illinois Farmer and
26 Agribusiness Loan Guarantee Fund; or (3) the Illinois Farmer

1 and Agribusiness Loan Guarantee Fund. It shall be the
2 responsibility of the lender to proceed with the collecting and
3 disposing of collateral on the State Guarantee under this
4 Section, Section 830-45, Section 830-50, or Section 830-55
5 within 14 months of the time the State Guarantee is declared
6 delinquent. If the lender does not dispose of the collateral
7 within 14 months, the lender shall be liable to repay to the
8 State interest on the State Guarantee equal to the same rate
9 that the lender charges on the State Guarantee, provided that
10 the Authority shall have the authority to extend the 14-month
11 period for a lender in the case of bankruptcy or extenuating
12 circumstances. The Fund shall be reimbursed for any amounts
13 paid under this Section, Section 830-30, Section 830-45,
14 Section 830-50, Section 830-55, or Article 835 upon liquidation
15 of the collateral. The Authority, by resolution of the Board,
16 may borrow sums from the Fund and provide for repayment as soon
17 as may be practical upon receipt of payments of principal and
18 interest by a borrower on State Guarantee Loans under this
19 Section, Section 830-30, Section 830-45, Section 830-50,
20 Section 830-55, or Article 835. Money may be borrowed from the
21 Fund by the Authority for the sole purpose of paying certain
22 interest costs for borrowers associated with selling a loan
23 subject to a State Guarantee under this Section, Section
24 830-30, Section 830-45, Section 830-50, Section 830-55, or
25 Article 835 in a secondary market as may be deemed reasonable
26 and necessary by the Authority.

1 (d) Notwithstanding the provisions of this Section 830-35
2 with respect to the farmers, agribusinesses, and lenders who
3 may obtain State Guarantees, the Authority may promulgate rules
4 establishing the eligibility of farmers, agribusinesses, and
5 lenders to participate in the State Guarantee program and the
6 terms, standards, and procedures that will apply, when the
7 Authority finds that emergency conditions in Illinois
8 agriculture have created the need for State Guarantees pursuant
9 to terms, standards, and procedures other than those specified
10 in this Section.

11 (Source: P.A. 99-509, eff. 6-24-16; 100-919, eff. 8-17-18;
12 revised 10-11-18.)

13 (20 ILCS 3501/830-55)

14 Sec. 830-55. Working Capital Loan Guarantee Program.

15 (a) The Authority is authorized to issue State Guarantees
16 to lenders for loans to finance needed input costs related to
17 and in connection with planting and raising agricultural crops
18 and commodities in Illinois. Eligible input costs include, but
19 are not limited to, fertilizer, chemicals, feed, seed, fuel,
20 parts, and repairs. At the discretion of the Authority, the
21 farmer, producer, or agribusiness must be able to provide the
22 originating lender with a first lien on the proposed crop or
23 commodity to be raised and an assignment of Federal Crop
24 Insurance sufficient to secure the Working Capital Loan.
25 Additional collateral may be required as deemed necessary by

1 the lender and the Authority.

2 For the purposes of this Section, an eligible farmer,
3 producer, or agribusiness is a resident of Illinois who is at
4 least 18 years of age and who is a principal operator of a farm
5 or land, who derives at least 50% of annual gross income from
6 farming, and whose debt to asset ratio is not less than 40%.
7 For the purposes of this Section, debt to asset ratio means
8 current outstanding liabilities, including any debt to be
9 financed or refinanced under this Section 830-55, divided by
10 current outstanding assets. The Authority shall establish the
11 maximum permissible debt to asset ratio based on criteria
12 established by the Authority. Lenders shall apply for the State
13 Guarantees on forms provided by the Authority and certify that
14 the application and any other documents submitted are true and
15 correct. The lender or borrower, or both in combination, shall
16 pay an administrative fee as determined by the Authority. The
17 applicant shall be responsible for paying any fee or charge
18 involved in recording mortgages, releases, financing
19 statements, insurance for secondary market issues, and any
20 other similar fee or charge that the Authority may require. The
21 application shall at a minimum contain the borrower's name,
22 address, present credit and financial information, including
23 cash flow statements, financial statements, balance sheets,
24 and any other information pertinent to the application, and the
25 collateral to be used to secure the State Guarantee. In
26 addition, the borrower must certify to the Authority that, at

1 the time the State Guarantee is provided, the borrower will not
2 be delinquent in the repayment of any debt. The lender must
3 agree to charge a fixed or adjustable interest rate that the
4 Authority determines to be below the market rate of interest
5 generally available to the borrower. If both the lender and
6 applicant agree, the interest rate on the State guaranteed loan
7 can be converted to a fixed interest rate at any time during
8 the term of the loan. State Guarantees provided under this
9 Section (i) shall not exceed \$250,000 per borrower, (ii) shall
10 be repaid annually, and (iii) shall be subject to an annual
11 review and renewal by the lender and the Authority. The State
12 Guarantee may be renewed annually, for a period not to exceed 3
13 total years per State Guarantee, if the borrower meets
14 financial criteria and other conditions, as established by the
15 Authority. A farmer or agribusiness may use this program more
16 than once provided the aggregate principal amount of State
17 Guarantees under this Section to that farmer or agribusiness
18 does not exceed \$250,000 annually. No State Guarantee shall be
19 revoked by the Authority without a 90-day notice, in writing,
20 to all parties.

21 (b) The Authority shall provide a State Guarantee to a
22 lender if:

23 (i) The borrower pays to the Authority a fee equal to
24 100 basis points on the loan.

25 (ii) The application provides collateral acceptable to
26 the Authority that is at least equal to the State

1 Guarantee.

2 (iii) The lender assumes all responsibility and costs
3 for pursuing legal action on collecting any loan that is
4 delinquent or in default.

5 (iv) The lender is at risk for the first 15% of the
6 outstanding principal of the note for which the State
7 Guarantee is provided.

8 (c) The Illinois Agricultural Loan Guarantee Fund, the
9 Illinois Farmer and Agribusiness Loan Guarantee Fund, and the
10 Industrial Project Insurance Fund may be used to secure State
11 Guarantees issued under this Section as provided in Section
12 830-30, Section 830-35, and subsection (j) of Section 805-20,
13 respectively, or to make direct loans or purchase loan
14 participations under subsection ~~subsections~~ (i) or (r) of
15 Section 801-40. If the Authority exercises its discretion under
16 subsection (j) of Section 805-20 to secure a State Guarantee
17 with the Industrial Project Insurance Fund and also exercises
18 its discretion under this subsection to secure the same State
19 Guarantee with the Illinois Agricultural Loan Guarantee Fund,
20 the Illinois Farmer and Agribusiness Loan Guarantee Fund, or
21 both, all payments by the Authority to satisfy claims against
22 the State Guarantee shall be made from the Industrial Project
23 Insurance Fund, the Illinois Agricultural Loan Guarantee Fund,
24 or the Illinois Farmer and Agribusiness Loan Guarantee Fund, as
25 applicable, in such order and in such amounts as the Authority
26 shall determine.

1 (d) Notwithstanding the provisions of this Section 830-55
2 with respect to the borrowers and lenders who may obtain State
3 Guarantees, the Authority may promulgate rules establishing
4 the eligibility of borrowers and lenders to participate in the
5 State Guarantee program and the terms, standards, and
6 procedures that will apply, when the Authority finds that
7 emergency conditions in Illinois agriculture have created the
8 need for State Guarantees pursuant to terms, standards, and
9 procedures other than those specified in this Section.

10 (Source: P.A. 99-509, eff. 6-24-16; 100-919, eff. 8-17-18;
11 revised 10-11-18.)

12 (20 ILCS 3501/845-75)

13 Sec. 845-75. Transfer of functions from previously
14 existing authorities to the Illinois Finance Authority.

15 (a) The Illinois Finance Authority created by the Illinois
16 Finance Authority Act shall succeed to, assume and exercise all
17 rights, powers, duties and responsibilities formerly exercised
18 by the following Authorities and entities (herein called the
19 "Predecessor Authorities") prior to the abolition of the
20 Predecessor Authorities by this Act:

21 The Illinois Development Finance Authority

22 The Illinois Farm Development Authority

23 The Illinois Health Facilities Authority

24 The Illinois Educational Facilities Authority

25 The Illinois Community Development Finance Corporation

1 The Illinois Rural Bond Bank

2 The Illinois Research Park Authority

3 (b) All books, records, papers, documents and pending
4 business in any way pertaining to the Predecessor Authorities
5 are transferred to the Illinois Finance Authority, but any
6 rights or obligations of any person under any contract made by,
7 or under any rules, regulations, uniform standards, criteria
8 and guidelines established or approved by, such Predecessor
9 Authorities shall be unaffected thereby. All bonds, notes or
10 other evidences of indebtedness outstanding on the effective
11 date of this Act shall be unaffected by the transfer of
12 functions to the Illinois Finance Authority. No rule,
13 regulation, standard, criteria or guideline promulgated,
14 established or approved by the Predecessor Authorities
15 pursuant to an exercise of any right, power, duty or
16 responsibility assumed by and transferred to the Illinois
17 Finance Authority shall be affected by this Act, and all such
18 rules, regulations, standards, criteria and guidelines shall
19 become those of the Illinois Finance Authority until such time
20 as they are amended or repealed by the Illinois Finance
21 Authority.

22 (c) The Illinois Finance Authority may exercise all of the
23 rights, powers, duties, and responsibilities that were
24 provided for the Illinois Research Park Authority under the
25 provisions of the Illinois Research Park Authority Act, as the
26 text of that Act existed on December 31, 2003, notwithstanding

1 the fact that Public Act 88-669, which created the Illinois
2 Research Park Authority Act, has been held to be
3 unconstitutional as a violation of the single subject clause of
4 the Illinois Constitution in *People v. Olender*, Docket No.
5 98932, opinion filed December 15, 2005.

6 (d) The enactment of Public Act 100-919 ~~this amendatory Act~~
7 ~~of the 100th General Assembly~~ shall not affect any right
8 accrued or liability incurred prior to its enactment, including
9 the validity or enforceability of any prior action taken by the
10 Illinois Finance Authority with respect to loans made, or loan
11 participations purchased, by the Authority under subsection
12 ~~subsections~~ (i) or (r) of Section 801-40.

13 (Source: P.A. 100-919, eff. 8-17-18; revised 10-11-18.)

14 Section 200. The Illinois Power Agency Act is amended by
15 changing Section 1-75 as follows:

16 (20 ILCS 3855/1-75)

17 Sec. 1-75. Planning and Procurement Bureau. The Planning
18 and Procurement Bureau has the following duties and
19 responsibilities:

20 (a) The Planning and Procurement Bureau shall each year,
21 beginning in 2008, develop procurement plans and conduct
22 competitive procurement processes in accordance with the
23 requirements of Section 16-111.5 of the Public Utilities Act
24 for the eligible retail customers of electric utilities that on

1 December 31, 2005 provided electric service to at least 100,000
2 customers in Illinois. Beginning with the delivery year
3 commencing on June 1, 2017, the Planning and Procurement Bureau
4 shall develop plans and processes for the procurement of zero
5 emission credits from zero emission facilities in accordance
6 with the requirements of subsection (d-5) of this Section. The
7 Planning and Procurement Bureau shall also develop procurement
8 plans and conduct competitive procurement processes in
9 accordance with the requirements of Section 16-111.5 of the
10 Public Utilities Act for the eligible retail customers of small
11 multi-jurisdictional electric utilities that (i) on December
12 31, 2005 served less than 100,000 customers in Illinois and
13 (ii) request a procurement plan for their Illinois
14 jurisdictional load. This Section shall not apply to a small
15 multi-jurisdictional utility until such time as a small
16 multi-jurisdictional utility requests the Agency to prepare a
17 procurement plan for their Illinois jurisdictional load. For
18 the purposes of this Section, the term "eligible retail
19 customers" has the same definition as found in Section
20 16-111.5(a) of the Public Utilities Act.

21 Beginning with the plan or plans to be implemented in the
22 2017 delivery year, the Agency shall no longer include the
23 procurement of renewable energy resources in the annual
24 procurement plans required by this subsection (a), except as
25 provided in subsection (q) of Section 16-111.5 of the Public
26 Utilities Act, and shall instead develop a long-term renewable

1 resources procurement plan in accordance with subsection (c) of
2 this Section and Section 16-111.5 of the Public Utilities Act.

3 (1) The Agency shall each year, beginning in 2008, as
4 needed, issue a request for qualifications for experts or
5 expert consulting firms to develop the procurement plans in
6 accordance with Section 16-111.5 of the Public Utilities
7 Act. In order to qualify an expert or expert consulting
8 firm must have:

9 (A) direct previous experience assembling
10 large-scale power supply plans or portfolios for
11 end-use customers;

12 (B) an advanced degree in economics, mathematics,
13 engineering, risk management, or a related area of
14 study;

15 (C) 10 years of experience in the electricity
16 sector, including managing supply risk;

17 (D) expertise in wholesale electricity market
18 rules, including those established by the Federal
19 Energy Regulatory Commission and regional transmission
20 organizations;

21 (E) expertise in credit protocols and familiarity
22 with contract protocols;

23 (F) adequate resources to perform and fulfill the
24 required functions and responsibilities; and

25 (G) the absence of a conflict of interest and
26 inappropriate bias for or against potential bidders or

1 the affected electric utilities.

2 (2) The Agency shall each year, as needed, issue a
3 request for qualifications for a procurement administrator
4 to conduct the competitive procurement processes in
5 accordance with Section 16-111.5 of the Public Utilities
6 Act. In order to qualify an expert or expert consulting
7 firm must have:

8 (A) direct previous experience administering a
9 large-scale competitive procurement process;

10 (B) an advanced degree in economics, mathematics,
11 engineering, or a related area of study;

12 (C) 10 years of experience in the electricity
13 sector, including risk management experience;

14 (D) expertise in wholesale electricity market
15 rules, including those established by the Federal
16 Energy Regulatory Commission and regional transmission
17 organizations;

18 (E) expertise in credit and contract protocols;

19 (F) adequate resources to perform and fulfill the
20 required functions and responsibilities; and

21 (G) the absence of a conflict of interest and
22 inappropriate bias for or against potential bidders or
23 the affected electric utilities.

24 (3) The Agency shall provide affected utilities and
25 other interested parties with the lists of qualified
26 experts or expert consulting firms identified through the

1 request for qualifications processes that are under
2 consideration to develop the procurement plans and to serve
3 as the procurement administrator. The Agency shall also
4 provide each qualified expert's or expert consulting
5 firm's response to the request for qualifications. All
6 information provided under this subparagraph shall also be
7 provided to the Commission. The Agency may provide by rule
8 for fees associated with supplying the information to
9 utilities and other interested parties. These parties
10 shall, within 5 business days, notify the Agency in writing
11 if they object to any experts or expert consulting firms on
12 the lists. Objections shall be based on:

13 (A) failure to satisfy qualification criteria;

14 (B) identification of a conflict of interest; or

15 (C) evidence of inappropriate bias for or against
16 potential bidders or the affected utilities.

17 The Agency shall remove experts or expert consulting
18 firms from the lists within 10 days if there is a
19 reasonable basis for an objection and provide the updated
20 lists to the affected utilities and other interested
21 parties. If the Agency fails to remove an expert or expert
22 consulting firm from a list, an objecting party may seek
23 review by the Commission within 5 days thereafter by filing
24 a petition, and the Commission shall render a ruling on the
25 petition within 10 days. There is no right of appeal of the
26 Commission's ruling.

1 (4) The Agency shall issue requests for proposals to
2 the qualified experts or expert consulting firms to develop
3 a procurement plan for the affected utilities and to serve
4 as procurement administrator.

5 (5) The Agency shall select an expert or expert
6 consulting firm to develop procurement plans based on the
7 proposals submitted and shall award contracts of up to 5
8 years to those selected.

9 (6) The Agency shall select an expert or expert
10 consulting firm, with approval of the Commission, to serve
11 as procurement administrator based on the proposals
12 submitted. If the Commission rejects, within 5 days, the
13 Agency's selection, the Agency shall submit another
14 recommendation within 3 days based on the proposals
15 submitted. The Agency shall award a 5-year contract to the
16 expert or expert consulting firm so selected with
17 Commission approval.

18 (b) The experts or expert consulting firms retained by the
19 Agency shall, as appropriate, prepare procurement plans, and
20 conduct a competitive procurement process as prescribed in
21 Section 16-111.5 of the Public Utilities Act, to ensure
22 adequate, reliable, affordable, efficient, and environmentally
23 sustainable electric service at the lowest total cost over
24 time, taking into account any benefits of price stability, for
25 eligible retail customers of electric utilities that on
26 December 31, 2005 provided electric service to at least 100,000

1 customers in the State of Illinois, and for eligible Illinois
2 retail customers of small multi-jurisdictional electric
3 utilities that (i) on December 31, 2005 served less than
4 100,000 customers in Illinois and (ii) request a procurement
5 plan for their Illinois jurisdictional load.

6 (c) Renewable portfolio standard.

7 (1) (A) The Agency shall develop a long-term renewable
8 resources procurement plan that shall include procurement
9 programs and competitive procurement events necessary to
10 meet the goals set forth in this subsection (c). The
11 initial long-term renewable resources procurement plan
12 shall be released for comment no later than 160 days after
13 June 1, 2017 (the effective date of Public Act 99-906). The
14 Agency shall review, and may revise on an expedited basis,
15 the long-term renewable resources procurement plan at
16 least every 2 years, which shall be conducted in
17 conjunction with the procurement plan under Section
18 16-111.5 of the Public Utilities Act to the extent
19 practicable to minimize administrative expense. The
20 long-term renewable resources procurement plans shall be
21 subject to review and approval by the Commission under
22 Section 16-111.5 of the Public Utilities Act.

23 (B) Subject to subparagraph (F) of this paragraph (1),
24 the long-term renewable resources procurement plan shall
25 include the goals for procurement of renewable energy
26 credits to meet at least the following overall percentages:

1 13% by the 2017 delivery year; increasing by at least 1.5%
2 each delivery year thereafter to at least 25% by the 2025
3 delivery year; and continuing at no less than 25% for each
4 delivery year thereafter. In the event of a conflict
5 between these goals and the new wind and new photovoltaic
6 procurement requirements described in items (i) through
7 (iii) of subparagraph (C) of this paragraph (1), the
8 long-term plan shall prioritize compliance with the new
9 wind and new photovoltaic procurement requirements
10 described in items (i) through (iii) of subparagraph (C) of
11 this paragraph (1) over the annual percentage targets
12 described in this subparagraph (B).

13 For the delivery year beginning June 1, 2017, the
14 procurement plan shall include cost-effective renewable
15 energy resources equal to at least 13% of each utility's
16 load for eligible retail customers and 13% of the
17 applicable portion of each utility's load for retail
18 customers who are not eligible retail customers, which
19 applicable portion shall equal 50% of the utility's load
20 for retail customers who are not eligible retail customers
21 on February 28, 2017.

22 For the delivery year beginning June 1, 2018, the
23 procurement plan shall include cost-effective renewable
24 energy resources equal to at least 14.5% of each utility's
25 load for eligible retail customers and 14.5% of the
26 applicable portion of each utility's load for retail

1 customers who are not eligible retail customers, which
2 applicable portion shall equal 75% of the utility's load
3 for retail customers who are not eligible retail customers
4 on February 28, 2017.

5 For the delivery year beginning June 1, 2019, and for
6 each year thereafter, the procurement plans shall include
7 cost-effective renewable energy resources equal to a
8 minimum percentage of each utility's load for all retail
9 customers as follows: 16% by June 1, 2019; increasing by
10 1.5% each year thereafter to 25% by June 1, 2025; and 25%
11 by June 1, 2026 and each year thereafter.

12 For each delivery year, the Agency shall first
13 recognize each utility's obligations for that delivery
14 year under existing contracts. Any renewable energy
15 credits under existing contracts, including renewable
16 energy credits as part of renewable energy resources, shall
17 be used to meet the goals set forth in this subsection (c)
18 for the delivery year.

19 (C) Of the renewable energy credits procured under this
20 subsection (c), at least 75% shall come from wind and
21 photovoltaic projects. The long-term renewable resources
22 procurement plan described in subparagraph (A) of this
23 paragraph (1) shall include the procurement of renewable
24 energy credits in amounts equal to at least the following:

25 (i) By the end of the 2020 delivery year:

26 At least 2,000,000 renewable energy credits

1 for each delivery year shall come from new wind
2 projects; and

3 At least 2,000,000 renewable energy credits
4 for each delivery year shall come from new
5 photovoltaic projects; of that amount, to the
6 extent possible, the Agency shall procure: at
7 least 50% from solar photovoltaic projects using
8 the program outlined in subparagraph (K) of this
9 paragraph (1) from distributed renewable energy
10 generation devices or community renewable
11 generation projects; at least 40% from
12 utility-scale solar projects; at least 2% from
13 brownfield site photovoltaic projects that are not
14 community renewable generation projects; and the
15 remainder shall be determined through the
16 long-term planning process described in
17 subparagraph (A) of this paragraph (1).

18 (ii) By the end of the 2025 delivery year:

19 At least 3,000,000 renewable energy credits
20 for each delivery year shall come from new wind
21 projects; and

22 At least 3,000,000 renewable energy credits
23 for each delivery year shall come from new
24 photovoltaic projects; of that amount, to the
25 extent possible, the Agency shall procure: at
26 least 50% from solar photovoltaic projects using

1 the program outlined in subparagraph (K) of this
2 paragraph (1) from distributed renewable energy
3 devices or community renewable generation
4 projects; at least 40% from utility-scale solar
5 projects; at least 2% from brownfield site
6 photovoltaic projects that are not community
7 renewable generation projects; and the remainder
8 shall be determined through the long-term planning
9 process described in subparagraph (A) of this
10 paragraph (1).

11 (iii) By the end of the 2030 delivery year:

12 At least 4,000,000 renewable energy credits
13 for each delivery year shall come from new wind
14 projects; and

15 At least 4,000,000 renewable energy credits
16 for each delivery year shall come from new
17 photovoltaic projects; of that amount, to the
18 extent possible, the Agency shall procure: at
19 least 50% from solar photovoltaic projects using
20 the program outlined in subparagraph (K) of this
21 paragraph (1) from distributed renewable energy
22 devices or community renewable generation
23 projects; at least 40% from utility-scale solar
24 projects; at least 2% from brownfield site
25 photovoltaic projects that are not community
26 renewable generation projects; and the remainder

1 shall be determined through the long-term planning
2 process described in subparagraph (A) of this
3 paragraph (1).

4 For purposes of this Section:

5 "New wind projects" means wind renewable
6 energy facilities that are energized after June 1,
7 2017 for the delivery year commencing June 1, 2017
8 or within 3 years after the date the Commission
9 approves contracts for subsequent delivery years.

10 "New photovoltaic projects" means photovoltaic
11 renewable energy facilities that are energized
12 after June 1, 2017. Photovoltaic projects
13 developed under Section 1-56 of this Act shall not
14 apply towards the new photovoltaic project
15 requirements in this subparagraph (C).

16 (D) Renewable energy credits shall be cost effective.
17 For purposes of this subsection (c), "cost effective" means
18 that the costs of procuring renewable energy resources do
19 not cause the limit stated in subparagraph (E) of this
20 paragraph (1) to be exceeded and, for renewable energy
21 credits procured through a competitive procurement event,
22 do not exceed benchmarks based on market prices for like
23 products in the region. For purposes of this subsection
24 (c), "like products" means contracts for renewable energy
25 credits from the same or substantially similar technology,
26 same or substantially similar vintage (new or existing),

1 the same or substantially similar quantity, and the same or
2 substantially similar contract length and structure.
3 Benchmarks shall be developed by the procurement
4 administrator, in consultation with the Commission staff,
5 Agency staff, and the procurement monitor and shall be
6 subject to Commission review and approval. If price
7 benchmarks for like products in the region are not
8 available, the procurement administrator shall establish
9 price benchmarks based on publicly available data on
10 regional technology costs and expected current and future
11 regional energy prices. The benchmarks in this Section
12 shall not be used to curtail or otherwise reduce
13 contractual obligations entered into by or through the
14 Agency prior to June 1, 2017 (the effective date of Public
15 Act 99-906).

16 (E) For purposes of this subsection (c), the required
17 procurement of cost-effective renewable energy resources
18 for a particular year commencing prior to June 1, 2017
19 shall be measured as a percentage of the actual amount of
20 electricity (megawatt-hours) supplied by the electric
21 utility to eligible retail customers in the delivery year
22 ending immediately prior to the procurement, and, for
23 delivery years commencing on and after June 1, 2017, the
24 required procurement of cost-effective renewable energy
25 resources for a particular year shall be measured as a
26 percentage of the actual amount of electricity

1 (megawatt-hours) delivered by the electric utility in the
2 delivery year ending immediately prior to the procurement,
3 to all retail customers in its service territory. For
4 purposes of this subsection (c), the amount paid per
5 kilowatthour means the total amount paid for electric
6 service expressed on a per kilowatthour basis. For purposes
7 of this subsection (c), the total amount paid for electric
8 service includes without limitation amounts paid for
9 supply, transmission, distribution, surcharges, and add-on
10 taxes.

11 Notwithstanding the requirements of this subsection
12 (c), the total of renewable energy resources procured under
13 the procurement plan for any single year shall be subject
14 to the limitations of this subparagraph (E). Such
15 procurement shall be reduced for all retail customers based
16 on the amount necessary to limit the annual estimated
17 average net increase due to the costs of these resources
18 included in the amounts paid by eligible retail customers
19 in connection with electric service to no more than the
20 greater of 2.015% of the amount paid per kilowatthour by
21 those customers during the year ending May 31, 2007 or the
22 incremental amount per kilowatthour paid for these
23 resources in 2011. To arrive at a maximum dollar amount of
24 renewable energy resources to be procured for the
25 particular delivery year, the resulting per kilowatthour
26 amount shall be applied to the actual amount of

1 kilowatthours of electricity delivered, or applicable
2 portion of such amount as specified in paragraph (1) of
3 this subsection (c), as applicable, by the electric utility
4 in the delivery year immediately prior to the procurement
5 to all retail customers in its service territory. The
6 calculations required by this subparagraph (E) shall be
7 made only once for each delivery year at the time that the
8 renewable energy resources are procured. Once the
9 determination as to the amount of renewable energy
10 resources to procure is made based on the calculations set
11 forth in this subparagraph (E) and the contracts procuring
12 those amounts are executed, no subsequent rate impact
13 determinations shall be made and no adjustments to those
14 contract amounts shall be allowed. All costs incurred under
15 such contracts shall be fully recoverable by the electric
16 utility as provided in this Section.

17 (F) If the limitation on the amount of renewable energy
18 resources procured in subparagraph (E) of this paragraph
19 (1) prevents the Agency from meeting all of the goals in
20 this subsection (c), the Agency's long-term plan shall
21 prioritize compliance with the requirements of this
22 subsection (c) regarding renewable energy credits in the
23 following order:

24 (i) renewable energy credits under existing
25 contractual obligations;

26 (i-5) funding for the Illinois Solar for All

1 Program, as described in subparagraph (O) of this
2 paragraph (1);

3 (ii) renewable energy credits necessary to comply
4 with the new wind and new photovoltaic procurement
5 requirements described in items (i) through (iii) of
6 subparagraph (C) of this paragraph (1); and

7 (iii) renewable energy credits necessary to meet
8 the remaining requirements of this subsection (c).

9 (G) The following provisions shall apply to the
10 Agency's procurement of renewable energy credits under
11 this subsection (c):

12 (i) Notwithstanding whether a long-term renewable
13 resources procurement plan has been approved, the
14 Agency shall conduct an initial forward procurement
15 for renewable energy credits from new utility-scale
16 wind projects within 160 days after June 1, 2017 (the
17 effective date of Public Act 99-906). For the purposes
18 of this initial forward procurement, the Agency shall
19 solicit 15-year contracts for delivery of 1,000,000
20 renewable energy credits delivered annually from new
21 utility-scale wind projects to begin delivery on June
22 1, 2019, if available, but not later than June 1, 2021.
23 Payments to suppliers of renewable energy credits
24 shall commence upon delivery. Renewable energy credits
25 procured under this initial procurement shall be
26 included in the Agency's long-term plan and shall apply

1 to all renewable energy goals in this subsection (c).

2 (ii) Notwithstanding whether a long-term renewable
3 resources procurement plan has been approved, the
4 Agency shall conduct an initial forward procurement
5 for renewable energy credits from new utility-scale
6 solar projects and brownfield site photovoltaic
7 projects within one year after June 1, 2017 (the
8 effective date of Public Act 99-906). For the purposes
9 of this initial forward procurement, the Agency shall
10 solicit 15-year contracts for delivery of 1,000,000
11 renewable energy credits delivered annually from new
12 utility-scale solar projects and brownfield site
13 photovoltaic projects to begin delivery on June 1,
14 2019, if available, but not later than June 1, 2021.
15 The Agency may structure this initial procurement in
16 one or more discrete procurement events. Payments to
17 suppliers of renewable energy credits shall commence
18 upon delivery. Renewable energy credits procured under
19 this initial procurement shall be included in the
20 Agency's long-term plan and shall apply to all
21 renewable energy goals in this subsection (c).

22 (iii) Subsequent forward procurements for
23 utility-scale wind projects shall solicit at least
24 1,000,000 renewable energy credits delivered annually
25 per procurement event and shall be planned, scheduled,
26 and designed such that the cumulative amount of

1 renewable energy credits delivered from all new wind
2 projects in each delivery year shall not exceed the
3 Agency's projection of the cumulative amount of
4 renewable energy credits that will be delivered from
5 all new photovoltaic projects, including utility-scale
6 and distributed photovoltaic devices, in the same
7 delivery year at the time scheduled for wind contract
8 delivery.

9 (iv) If, at any time after the time set for
10 delivery of renewable energy credits pursuant to the
11 initial procurements in items (i) and (ii) of this
12 subparagraph (G), the cumulative amount of renewable
13 energy credits projected to be delivered from all new
14 wind projects in a given delivery year exceeds the
15 cumulative amount of renewable energy credits
16 projected to be delivered from all new photovoltaic
17 projects in that delivery year by 200,000 or more
18 renewable energy credits, then the Agency shall within
19 60 days adjust the procurement programs in the
20 long-term renewable resources procurement plan to
21 ensure that the projected cumulative amount of
22 renewable energy credits to be delivered from all new
23 wind projects does not exceed the projected cumulative
24 amount of renewable energy credits to be delivered from
25 all new photovoltaic projects by 200,000 or more
26 renewable energy credits, provided that nothing in

1 this Section shall preclude the projected cumulative
2 amount of renewable energy credits to be delivered from
3 all new photovoltaic projects from exceeding the
4 projected cumulative amount of renewable energy
5 credits to be delivered from all new wind projects in
6 each delivery year and provided further that nothing in
7 this item (iv) shall require the curtailment of an
8 executed contract. The Agency shall update, on a
9 quarterly basis, its projection of the renewable
10 energy credits to be delivered from all projects in
11 each delivery year. Notwithstanding anything to the
12 contrary, the Agency may adjust the timing of
13 procurement events conducted under this subparagraph
14 (G). The long-term renewable resources procurement
15 plan shall set forth the process by which the
16 adjustments may be made.

17 (v) All procurements under this subparagraph (G)
18 shall comply with the geographic requirements in
19 subparagraph (I) of this paragraph (1) and shall follow
20 the procurement processes and procedures described in
21 this Section and Section 16-111.5 of the Public
22 Utilities Act to the extent practicable, and these
23 processes and procedures may be expedited to
24 accommodate the schedule established by this
25 subparagraph (G).

26 (H) The procurement of renewable energy resources for a

1 given delivery year shall be reduced as described in this
2 subparagraph (H) if an alternative retail electric
3 supplier meets the requirements described in this
4 subparagraph (H).

5 (i) Within 45 days after June 1, 2017 (the
6 effective date of Public Act 99-906), an alternative
7 retail electric supplier or its successor shall submit
8 an informational filing to the Illinois Commerce
9 Commission certifying that, as of December 31, 2015,
10 the alternative retail electric supplier owned one or
11 more electric generating facilities that generates
12 renewable energy resources as defined in Section 1-10
13 of this Act, provided that such facilities are not
14 powered by wind or photovoltaics, and the facilities
15 generate one renewable energy credit for each
16 megawatthour of energy produced from the facility.

17 The informational filing shall identify each
18 facility that was eligible to satisfy the alternative
19 retail electric supplier's obligations under Section
20 16-115D of the Public Utilities Act as described in
21 this item (i).

22 (ii) For a given delivery year, the alternative
23 retail electric supplier may elect to supply its retail
24 customers with renewable energy credits from the
25 facility or facilities described in item (i) of this
26 subparagraph (H) that continue to be owned by the

1 alternative retail electric supplier.

2 (iii) The alternative retail electric supplier
3 shall notify the Agency and the applicable utility, no
4 later than February 28 of the year preceding the
5 applicable delivery year or 15 days after June 1, 2017
6 (the effective date of Public Act 99-906), whichever is
7 later, of its election under item (ii) of this
8 subparagraph (H) to supply renewable energy credits to
9 retail customers of the utility. Such election shall
10 identify the amount of renewable energy credits to be
11 supplied by the alternative retail electric supplier
12 to the utility's retail customers and the source of the
13 renewable energy credits identified in the
14 informational filing as described in item (i) of this
15 subparagraph (H), subject to the following
16 limitations:

17 For the delivery year beginning June 1, 2018,
18 the maximum amount of renewable energy credits to
19 be supplied by an alternative retail electric
20 supplier under this subparagraph (H) shall be 68%
21 multiplied by 25% multiplied by 14.5% multiplied
22 by the amount of metered electricity
23 (megawatt-hours) delivered by the alternative
24 retail electric supplier to Illinois retail
25 customers during the delivery year ending May 31,
26 2016.

1 For delivery years beginning June 1, 2019 and
2 each year thereafter, the maximum amount of
3 renewable energy credits to be supplied by an
4 alternative retail electric supplier under this
5 subparagraph (H) shall be 68% multiplied by 50%
6 multiplied by 16% multiplied by the amount of
7 metered electricity (megawatt-hours) delivered by
8 the alternative retail electric supplier to
9 Illinois retail customers during the delivery year
10 ending May 31, 2016, provided that the 16% value
11 shall increase by 1.5% each delivery year
12 thereafter to 25% by the delivery year beginning
13 June 1, 2025, and thereafter the 25% value shall
14 apply to each delivery year.

15 For each delivery year, the total amount of
16 renewable energy credits supplied by all alternative
17 retail electric suppliers under this subparagraph (H)
18 shall not exceed 9% of the Illinois target renewable
19 energy credit quantity. The Illinois target renewable
20 energy credit quantity for the delivery year beginning
21 June 1, 2018 is 14.5% multiplied by the total amount of
22 metered electricity (megawatt-hours) delivered in the
23 delivery year immediately preceding that delivery
24 year, provided that the 14.5% shall increase by 1.5%
25 each delivery year thereafter to 25% by the delivery
26 year beginning June 1, 2025, and thereafter the 25%

1 value shall apply to each delivery year.

2 If the requirements set forth in items (i) through
3 (iii) of this subparagraph (H) are met, the charges
4 that would otherwise be applicable to the retail
5 customers of the alternative retail electric supplier
6 under paragraph (6) of this subsection (c) for the
7 applicable delivery year shall be reduced by the ratio
8 of the quantity of renewable energy credits supplied by
9 the alternative retail electric supplier compared to
10 that supplier's target renewable energy credit
11 quantity. The supplier's target renewable energy
12 credit quantity for the delivery year beginning June 1,
13 2018 is 14.5% multiplied by the total amount of metered
14 electricity (megawatt-hours) delivered by the
15 alternative retail supplier in that delivery year,
16 provided that the 14.5% shall increase by 1.5% each
17 delivery year thereafter to 25% by the delivery year
18 beginning June 1, 2025, and thereafter the 25% value
19 shall apply to each delivery year.

20 On or before April 1 of each year, the Agency shall
21 annually publish a report on its website that
22 identifies the aggregate amount of renewable energy
23 credits supplied by alternative retail electric
24 suppliers under this subparagraph (H).

25 (I) The Agency shall design its long-term renewable
26 energy procurement plan to maximize the State's interest in

1 the health, safety, and welfare of its residents, including
2 but not limited to minimizing sulfur dioxide, nitrogen
3 oxide, particulate matter and other pollution that
4 adversely affects public health in this State, increasing
5 fuel and resource diversity in this State, enhancing the
6 reliability and resiliency of the electricity distribution
7 system in this State, meeting goals to limit carbon dioxide
8 emissions under federal or State law, and contributing to a
9 cleaner and healthier environment for the citizens of this
10 State. In order to further these legislative purposes,
11 renewable energy credits shall be eligible to be counted
12 toward the renewable energy requirements of this
13 subsection (c) if they are generated from facilities
14 located in this State. The Agency may qualify renewable
15 energy credits from facilities located in states adjacent
16 to Illinois if the generator demonstrates and the Agency
17 determines that the operation of such facility or
18 facilities will help promote the State's interest in the
19 health, safety, and welfare of its residents based on the
20 public interest criteria described above. To ensure that
21 the public interest criteria are applied to the procurement
22 and given full effect, the Agency's long-term procurement
23 plan shall describe in detail how each public interest
24 factor shall be considered and weighted for facilities
25 located in states adjacent to Illinois.

26 (J) In order to promote the competitive development of

1 renewable energy resources in furtherance of the State's
2 interest in the health, safety, and welfare of its
3 residents, renewable energy credits shall not be eligible
4 to be counted toward the renewable energy requirements of
5 this subsection (c) if they are sourced from a generating
6 unit whose costs were being recovered through rates
7 regulated by this State or any other state or states on or
8 after January 1, 2017. Each contract executed to purchase
9 renewable energy credits under this subsection (c) shall
10 provide for the contract's termination if the costs of the
11 generating unit supplying the renewable energy credits
12 subsequently begin to be recovered through rates regulated
13 by this State or any other state or states; and each
14 contract shall further provide that, in that event, the
15 supplier of the credits must return 110% of all payments
16 received under the contract. Amounts returned under the
17 requirements of this subparagraph (J) shall be retained by
18 the utility and all of these amounts shall be used for the
19 procurement of additional renewable energy credits from
20 new wind or new photovoltaic resources as defined in this
21 subsection (c). The long-term plan shall provide that these
22 renewable energy credits shall be procured in the next
23 procurement event.

24 Notwithstanding the limitations of this subparagraph
25 (J), renewable energy credits sourced from generating
26 units that are constructed, purchased, owned, or leased by

1 an electric utility as part of an approved project,
2 program, or pilot under Section 1-56 of this Act shall be
3 eligible to be counted toward the renewable energy
4 requirements of this subsection (c), regardless of how the
5 costs of these units are recovered.

6 (K) The long-term renewable resources procurement plan
7 developed by the Agency in accordance with subparagraph (A)
8 of this paragraph (1) shall include an Adjustable Block
9 program for the procurement of renewable energy credits
10 from new photovoltaic projects that are distributed
11 renewable energy generation devices or new photovoltaic
12 community renewable generation projects. The Adjustable
13 Block program shall be designed to provide a transparent
14 schedule of prices and quantities to enable the
15 photovoltaic market to scale up and for renewable energy
16 credit prices to adjust at a predictable rate over time.
17 The prices set by the Adjustable Block program can be
18 reflected as a set value or as the product of a formula.

19 The Adjustable Block program shall include for each
20 category of eligible projects: a schedule of standard block
21 purchase prices to be offered; a series of steps, with
22 associated nameplate capacity and purchase prices that
23 adjust from step to step; and automatic opening of the next
24 step as soon as the nameplate capacity and available
25 purchase prices for an open step are fully committed or
26 reserved. Only projects energized on or after June 1, 2017

1 shall be eligible for the Adjustable Block program. For
2 each block group the Agency shall determine the number of
3 blocks, the amount of generation capacity in each block,
4 and the purchase price for each block, provided that the
5 purchase price provided and the total amount of generation
6 in all blocks for all block groups shall be sufficient to
7 meet the goals in this subsection (c). The Agency may
8 periodically review its prior decisions establishing the
9 number of blocks, the amount of generation capacity in each
10 block, and the purchase price for each block, and may
11 propose, on an expedited basis, changes to these previously
12 set values, including but not limited to redistributing
13 these amounts and the available funds as necessary and
14 appropriate, subject to Commission approval as part of the
15 periodic plan revision process described in Section
16 16-111.5 of the Public Utilities Act. The Agency may define
17 different block sizes, purchase prices, or other distinct
18 terms and conditions for projects located in different
19 utility service territories if the Agency deems it
20 necessary to meet the goals in this subsection (c).

21 The Adjustable Block program shall include at least the
22 following block groups in at least the following amounts,
23 which may be adjusted upon review by the Agency and
24 approval by the Commission as described in this
25 subparagraph (K):

26 (i) At least 25% from distributed renewable energy

1 generation devices with a nameplate capacity of no more
2 than 10 kilowatts.

3 (ii) At least 25% from distributed renewable
4 energy generation devices with a nameplate capacity of
5 more than 10 kilowatts and no more than 2,000
6 kilowatts. The Agency may create sub-categories within
7 this category to account for the differences between
8 projects for small commercial customers, large
9 commercial customers, and public or non-profit
10 customers.

11 (iii) At least 25% from photovoltaic community
12 renewable generation projects.

13 (iv) The remaining 25% shall be allocated as
14 specified by the Agency in the long-term renewable
15 resources procurement plan.

16 The Adjustable Block program shall be designed to
17 ensure that renewable energy credits are procured from
18 photovoltaic distributed renewable energy generation
19 devices and new photovoltaic community renewable energy
20 generation projects in diverse locations and are not
21 concentrated in a few geographic areas.

22 (L) The procurement of photovoltaic renewable energy
23 credits under items (i) through (iv) of subparagraph (K) of
24 this paragraph (1) shall be subject to the following
25 contract and payment terms:

26 (i) The Agency shall procure contracts of at least

1 15 years in length.

2 (ii) For those renewable energy credits that
3 qualify and are procured under item (i) of subparagraph
4 (K) of this paragraph (1), the renewable energy credit
5 purchase price shall be paid in full by the contracting
6 utilities at the time that the facility producing the
7 renewable energy credits is interconnected at the
8 distribution system level of the utility and
9 energized. The electric utility shall receive and
10 retire all renewable energy credits generated by the
11 project for the first 15 years of operation.

12 (iii) For those renewable energy credits that
13 qualify and are procured under item (ii) and (iii) of
14 subparagraph (K) of this paragraph (1) and any
15 additional categories of distributed generation
16 included in the long-term renewable resources
17 procurement plan and approved by the Commission, 20
18 percent of the renewable energy credit purchase price
19 shall be paid by the contracting utilities at the time
20 that the facility producing the renewable energy
21 credits is interconnected at the distribution system
22 level of the utility and energized. The remaining
23 portion shall be paid ratably over the subsequent
24 4-year period. The electric utility shall receive and
25 retire all renewable energy credits generated by the
26 project for the first 15 years of operation.

1 (iv) Each contract shall include provisions to
2 ensure the delivery of the renewable energy credits for
3 the full term of the contract.

4 (v) The utility shall be the counterparty to the
5 contracts executed under this subparagraph (L) that
6 are approved by the Commission under the process
7 described in Section 16-111.5 of the Public Utilities
8 Act. No contract shall be executed for an amount that
9 is less than one renewable energy credit per year.

10 (vi) If, at any time, approved applications for the
11 Adjustable Block program exceed funds collected by the
12 electric utility or would cause the Agency to exceed
13 the limitation described in subparagraph (E) of this
14 paragraph (1) on the amount of renewable energy
15 resources that may be procured, then the Agency shall
16 consider future uncommitted funds to be reserved for
17 these contracts on a first-come, first-served basis,
18 with the delivery of renewable energy credits required
19 beginning at the time that the reserved funds become
20 available.

21 (vii) Nothing in this Section shall require the
22 utility to advance any payment or pay any amounts that
23 exceed the actual amount of revenues collected by the
24 utility under paragraph (6) of this subsection (c) and
25 subsection (k) of Section 16-108 of the Public
26 Utilities Act, and contracts executed under this

1 Section shall expressly incorporate this limitation.

2 (M) The Agency shall be authorized to retain one or
3 more experts or expert consulting firms to develop,
4 administer, implement, operate, and evaluate the
5 Adjustable Block program described in subparagraph (K) of
6 this paragraph (1), and the Agency shall retain the
7 consultant or consultants in the same manner, to the extent
8 practicable, as the Agency retains others to administer
9 provisions of this Act, including, but not limited to, the
10 procurement administrator. The selection of experts and
11 expert consulting firms and the procurement process
12 described in this subparagraph (M) are exempt from the
13 requirements of Section 20-10 of the Illinois Procurement
14 Code, under Section 20-10 of that Code. The Agency shall
15 strive to minimize administrative expenses in the
16 implementation of the Adjustable Block program.

17 The Agency and its consultant or consultants shall
18 monitor block activity, share program activity with
19 stakeholders and conduct regularly scheduled meetings to
20 discuss program activity and market conditions. If
21 necessary, the Agency may make prospective administrative
22 adjustments to the Adjustable Block program design, such as
23 redistributing available funds or making adjustments to
24 purchase prices as necessary to achieve the goals of this
25 subsection (c). Program modifications to any price,
26 capacity block, or other program element that do not

1 deviate from the Commission's approved value by more than
2 25% shall take effect immediately and are not subject to
3 Commission review and approval. Program modifications to
4 any price, capacity block, or other program element that
5 deviate more than 25% from the Commission's approved value
6 must be approved by the Commission as a long-term plan
7 amendment under Section 16-111.5 of the Public Utilities
8 Act. The Agency shall consider stakeholder feedback when
9 making adjustments to the Adjustable Block design and shall
10 notify stakeholders in advance of any planned changes.

11 (N) The long-term renewable resources procurement plan
12 required by this subsection (c) shall include a community
13 renewable generation program. The Agency shall establish
14 the terms, conditions, and program requirements for
15 community renewable generation projects with a goal to
16 expand renewable energy generating facility access to a
17 broader group of energy consumers, to ensure robust
18 participation opportunities for residential and small
19 commercial customers and those who cannot install
20 renewable energy on their own properties. Any plan approved
21 by the Commission shall allow subscriptions to community
22 renewable generation projects to be portable and
23 transferable. For purposes of this subparagraph (N),
24 "portable" means that subscriptions may be retained by the
25 subscriber even if the subscriber relocates or changes its
26 address within the same utility service territory; and

1 "transferable" means that a subscriber may assign or sell
2 subscriptions to another person within the same utility
3 service territory.

4 Electric utilities shall provide a monetary credit to a
5 subscriber's subsequent bill for service for the
6 proportional output of a community renewable generation
7 project attributable to that subscriber as specified in
8 Section 16-107.5 of the Public Utilities Act.

9 The Agency shall purchase renewable energy credits
10 from subscribed shares of photovoltaic community renewable
11 generation projects through the Adjustable Block program
12 described in subparagraph (K) of this paragraph (1) or
13 through the Illinois Solar for All Program described in
14 Section 1-56 of this Act. The electric utility shall
15 purchase any unsubscribed energy from community renewable
16 generation projects that are Qualifying Facilities ("QF")
17 under the electric utility's tariff for purchasing the
18 output from QFs under Public Utilities Regulatory Policies
19 Act of 1978.

20 The owners of and any subscribers to a community
21 renewable generation project shall not be considered
22 public utilities or alternative retail electricity
23 suppliers under the Public Utilities Act solely as a result
24 of their interest in or subscription to a community
25 renewable generation project and shall not be required to
26 become an alternative retail electric supplier by

1 participating in a community renewable generation project
2 with a public utility.

3 (O) For the delivery year beginning June 1, 2018, the
4 long-term renewable resources procurement plan required by
5 this subsection (c) shall provide for the Agency to procure
6 contracts to continue offering the Illinois Solar for All
7 Program described in subsection (b) of Section 1-56 of this
8 Act, and the contracts approved by the Commission shall be
9 executed by the utilities that are subject to this
10 subsection (c). The long-term renewable resources
11 procurement plan shall allocate 5% of the funds available
12 under the plan for the applicable delivery year, or
13 \$10,000,000 per delivery year, whichever is greater, to
14 fund the programs, and the plan shall determine the amount
15 of funding to be apportioned to the programs identified in
16 subsection (b) of Section 1-56 of this Act; provided that
17 for the delivery years beginning June 1, 2017, June 1,
18 2021, and June 1, 2025, the long-term renewable resources
19 procurement plan shall allocate 10% of the funds available
20 under the plan for the applicable delivery year, or
21 \$20,000,000 per delivery year, whichever is greater, and
22 \$10,000,000 of such funds in such year shall be used by an
23 electric utility that serves more than 3,000,000 retail
24 customers in the State to implement a Commission-approved
25 plan under Section 16-108.12 of the Public Utilities Act.
26 In making the determinations required under this

1 subparagraph (O), the Commission shall consider the
2 experience and performance under the programs and any
3 evaluation reports. The Commission shall also provide for
4 an independent evaluation of those programs on a periodic
5 basis that are funded under this subparagraph (O).

6 (2) (Blank).

7 (3) (Blank).

8 (4) The electric utility shall retire all renewable
9 energy credits used to comply with the standard.

10 (5) Beginning with the 2010 delivery year and ending
11 June 1, 2017, an electric utility subject to this
12 subsection (c) shall apply the lesser of the maximum
13 alternative compliance payment rate or the most recent
14 estimated alternative compliance payment rate for its
15 service territory for the corresponding compliance period,
16 established pursuant to subsection (d) of Section 16-115D
17 of the Public Utilities Act to its retail customers that
18 take service pursuant to the electric utility's hourly
19 pricing tariff or tariffs. The electric utility shall
20 retain all amounts collected as a result of the application
21 of the alternative compliance payment rate or rates to such
22 customers, and, beginning in 2011, the utility shall
23 include in the information provided under item (1) of
24 subsection (d) of Section 16-111.5 of the Public Utilities
25 Act the amounts collected under the alternative compliance
26 payment rate or rates for the prior year ending May 31.

1 Notwithstanding any limitation on the procurement of
2 renewable energy resources imposed by item (2) of this
3 subsection (c), the Agency shall increase its spending on
4 the purchase of renewable energy resources to be procured
5 by the electric utility for the next plan year by an amount
6 equal to the amounts collected by the utility under the
7 alternative compliance payment rate or rates in the prior
8 year ending May 31.

9 (6) The electric utility shall be entitled to recover
10 all of its costs associated with the procurement of
11 renewable energy credits under plans approved under this
12 Section and Section 16-111.5 of the Public Utilities Act.
13 These costs shall include associated reasonable expenses
14 for implementing the procurement programs, including, but
15 not limited to, the costs of administering and evaluating
16 the Adjustable Block program, through an automatic
17 adjustment clause tariff in accordance with subsection (k)
18 of Section 16-108 of the Public Utilities Act.

19 (7) Renewable energy credits procured from new
20 photovoltaic projects or new distributed renewable energy
21 generation devices under this Section after June 1, 2017
22 (the effective date of Public Act 99-906) must be procured
23 from devices installed by a qualified person in compliance
24 with the requirements of Section 16-128A of the Public
25 Utilities Act and any rules or regulations adopted
26 thereunder.

1 In meeting the renewable energy requirements of this
2 subsection (c), to the extent feasible and consistent with
3 State and federal law, the renewable energy credit
4 procurements, Adjustable Block solar program, and
5 community renewable generation program shall provide
6 employment opportunities for all segments of the
7 population and workforce, including minority-owned and
8 female-owned business enterprises, and shall not,
9 consistent with State and federal law, discriminate based
10 on race or socioeconomic status.

11 (d) Clean coal portfolio standard.

12 (1) The procurement plans shall include electricity
13 generated using clean coal. Each utility shall enter into
14 one or more sourcing agreements with the initial clean coal
15 facility, as provided in paragraph (3) of this subsection
16 (d), covering electricity generated by the initial clean
17 coal facility representing at least 5% of each utility's
18 total supply to serve the load of eligible retail customers
19 in 2015 and each year thereafter, as described in paragraph
20 (3) of this subsection (d), subject to the limits specified
21 in paragraph (2) of this subsection (d). It is the goal of
22 the State that by January 1, 2025, 25% of the electricity
23 used in the State shall be generated by cost-effective
24 clean coal facilities. For purposes of this subsection (d),
25 "cost-effective" means that the expenditures pursuant to
26 such sourcing agreements do not cause the limit stated in

1 paragraph (2) of this subsection (d) to be exceeded and do
2 not exceed cost-based benchmarks, which shall be developed
3 to assess all expenditures pursuant to such sourcing
4 agreements covering electricity generated by clean coal
5 facilities, other than the initial clean coal facility, by
6 the procurement administrator, in consultation with the
7 Commission staff, Agency staff, and the procurement
8 monitor and shall be subject to Commission review and
9 approval.

10 A utility party to a sourcing agreement shall
11 immediately retire any emission credits that it receives in
12 connection with the electricity covered by such agreement.

13 Utilities shall maintain adequate records documenting
14 the purchases under the sourcing agreement to comply with
15 this subsection (d) and shall file an accounting with the
16 load forecast that must be filed with the Agency by July 15
17 of each year, in accordance with subsection (d) of Section
18 16-111.5 of the Public Utilities Act.

19 A utility shall be deemed to have complied with the
20 clean coal portfolio standard specified in this subsection
21 (d) if the utility enters into a sourcing agreement as
22 required by this subsection (d).

23 (2) For purposes of this subsection (d), the required
24 execution of sourcing agreements with the initial clean
25 coal facility for a particular year shall be measured as a
26 percentage of the actual amount of electricity

1 (megawatt-hours) supplied by the electric utility to
2 eligible retail customers in the planning year ending
3 immediately prior to the agreement's execution. For
4 purposes of this subsection (d), the amount paid per
5 kilowatthour means the total amount paid for electric
6 service expressed on a per kilowatthour basis. For purposes
7 of this subsection (d), the total amount paid for electric
8 service includes without limitation amounts paid for
9 supply, transmission, distribution, surcharges and add-on
10 taxes.

11 Notwithstanding the requirements of this subsection
12 (d), the total amount paid under sourcing agreements with
13 clean coal facilities pursuant to the procurement plan for
14 any given year shall be reduced by an amount necessary to
15 limit the annual estimated average net increase due to the
16 costs of these resources included in the amounts paid by
17 eligible retail customers in connection with electric
18 service to:

19 (A) in 2010, no more than 0.5% of the amount paid
20 per kilowatthour by those customers during the year
21 ending May 31, 2009;

22 (B) in 2011, the greater of an additional 0.5% of
23 the amount paid per kilowatthour by those customers
24 during the year ending May 31, 2010 or 1% of the amount
25 paid per kilowatthour by those customers during the
26 year ending May 31, 2009;

1 (C) in 2012, the greater of an additional 0.5% of
2 the amount paid per kilowatthour by those customers
3 during the year ending May 31, 2011 or 1.5% of the
4 amount paid per kilowatthour by those customers during
5 the year ending May 31, 2009;

6 (D) in 2013, the greater of an additional 0.5% of
7 the amount paid per kilowatthour by those customers
8 during the year ending May 31, 2012 or 2% of the amount
9 paid per kilowatthour by those customers during the
10 year ending May 31, 2009; and

11 (E) thereafter, the total amount paid under
12 sourcing agreements with clean coal facilities
13 pursuant to the procurement plan for any single year
14 shall be reduced by an amount necessary to limit the
15 estimated average net increase due to the cost of these
16 resources included in the amounts paid by eligible
17 retail customers in connection with electric service
18 to no more than the greater of (i) 2.015% of the amount
19 paid per kilowatthour by those customers during the
20 year ending May 31, 2009 or (ii) the incremental amount
21 per kilowatthour paid for these resources in 2013.
22 These requirements may be altered only as provided by
23 statute.

24 No later than June 30, 2015, the Commission shall
25 review the limitation on the total amount paid under
26 sourcing agreements, if any, with clean coal facilities

1 pursuant to this subsection (d) and report to the General
2 Assembly its findings as to whether that limitation unduly
3 constrains the amount of electricity generated by
4 cost-effective clean coal facilities that is covered by
5 sourcing agreements.

6 (3) Initial clean coal facility. In order to promote
7 development of clean coal facilities in Illinois, each
8 electric utility subject to this Section shall execute a
9 sourcing agreement to source electricity from a proposed
10 clean coal facility in Illinois (the "initial clean coal
11 facility") that will have a nameplate capacity of at least
12 500 MW when commercial operation commences, that has a
13 final Clean Air Act permit on June 1, 2009 (the effective
14 date of Public Act 95-1027), and that will meet the
15 definition of clean coal facility in Section 1-10 of this
16 Act when commercial operation commences. The sourcing
17 agreements with this initial clean coal facility shall be
18 subject to both approval of the initial clean coal facility
19 by the General Assembly and satisfaction of the
20 requirements of paragraph (4) of this subsection (d) and
21 shall be executed within 90 days after any such approval by
22 the General Assembly. The Agency and the Commission shall
23 have authority to inspect all books and records associated
24 with the initial clean coal facility during the term of
25 such a sourcing agreement. A utility's sourcing agreement
26 for electricity produced by the initial clean coal facility

1 shall include:

2 (A) a formula contractual price (the "contract
3 price") approved pursuant to paragraph (4) of this
4 subsection (d), which shall:

5 (i) be determined using a cost of service
6 methodology employing either a level or deferred
7 capital recovery component, based on a capital
8 structure consisting of 45% equity and 55% debt,
9 and a return on equity as may be approved by the
10 Federal Energy Regulatory Commission, which in any
11 case may not exceed the lower of 11.5% or the rate
12 of return approved by the General Assembly
13 pursuant to paragraph (4) of this subsection (d);
14 and

15 (ii) provide that all miscellaneous net
16 revenue, including but not limited to net revenue
17 from the sale of emission allowances, if any,
18 substitute natural gas, if any, grants or other
19 support provided by the State of Illinois or the
20 United States Government, firm transmission
21 rights, if any, by-products produced by the
22 facility, energy or capacity derived from the
23 facility and not covered by a sourcing agreement
24 pursuant to paragraph (3) of this subsection (d) or
25 item (5) of subsection (d) of Section 16-115 of the
26 Public Utilities Act, whether generated from the

1 synthesis gas derived from coal, from SNG, or from
2 natural gas, shall be credited against the revenue
3 requirement for this initial clean coal facility;

4 (B) power purchase provisions, which shall:

5 (i) provide that the utility party to such
6 sourcing agreement shall pay the contract price
7 for electricity delivered under such sourcing
8 agreement;

9 (ii) require delivery of electricity to the
10 regional transmission organization market of the
11 utility that is party to such sourcing agreement;

12 (iii) require the utility party to such
13 sourcing agreement to buy from the initial clean
14 coal facility in each hour an amount of energy
15 equal to all clean coal energy made available from
16 the initial clean coal facility during such hour
17 times a fraction, the numerator of which is such
18 utility's retail market sales of electricity
19 (expressed in kilowatthours sold) in the State
20 during the prior calendar month and the
21 denominator of which is the total retail market
22 sales of electricity (expressed in kilowatthours
23 sold) in the State by utilities during such prior
24 month and the sales of electricity (expressed in
25 kilowatthours sold) in the State by alternative
26 retail electric suppliers during such prior month

1 that are subject to the requirements of this
2 subsection (d) and paragraph (5) of subsection (d)
3 of Section 16-115 of the Public Utilities Act,
4 provided that the amount purchased by the utility
5 in any year will be limited by paragraph (2) of
6 this subsection (d); and

7 (iv) be considered pre-existing contracts in
8 such utility's procurement plans for eligible
9 retail customers;

10 (C) contract for differences provisions, which
11 shall:

12 (i) require the utility party to such sourcing
13 agreement to contract with the initial clean coal
14 facility in each hour with respect to an amount of
15 energy equal to all clean coal energy made
16 available from the initial clean coal facility
17 during such hour times a fraction, the numerator of
18 which is such utility's retail market sales of
19 electricity (expressed in kilowatthours sold) in
20 the utility's service territory in the State
21 during the prior calendar month and the
22 denominator of which is the total retail market
23 sales of electricity (expressed in kilowatthours
24 sold) in the State by utilities during such prior
25 month and the sales of electricity (expressed in
26 kilowatthours sold) in the State by alternative

1 retail electric suppliers during such prior month
2 that are subject to the requirements of this
3 subsection (d) and paragraph (5) of subsection (d)
4 of Section 16-115 of the Public Utilities Act,
5 provided that the amount paid by the utility in any
6 year will be limited by paragraph (2) of this
7 subsection (d);

8 (ii) provide that the utility's payment
9 obligation in respect of the quantity of
10 electricity determined pursuant to the preceding
11 clause (i) shall be limited to an amount equal to
12 (1) the difference between the contract price
13 determined pursuant to subparagraph (A) of
14 paragraph (3) of this subsection (d) and the
15 day-ahead price for electricity delivered to the
16 regional transmission organization market of the
17 utility that is party to such sourcing agreement
18 (or any successor delivery point at which such
19 utility's supply obligations are financially
20 settled on an hourly basis) (the "reference
21 price") on the day preceding the day on which the
22 electricity is delivered to the initial clean coal
23 facility busbar, multiplied by (2) the quantity of
24 electricity determined pursuant to the preceding
25 clause (i); and

26 (iii) not require the utility to take physical

1 delivery of the electricity produced by the
2 facility;

3 (D) general provisions, which shall:

4 (i) specify a term of no more than 30 years,
5 commencing on the commercial operation date of the
6 facility;

7 (ii) provide that utilities shall maintain
8 adequate records documenting purchases under the
9 sourcing agreements entered into to comply with
10 this subsection (d) and shall file an accounting
11 with the load forecast that must be filed with the
12 Agency by July 15 of each year, in accordance with
13 subsection (d) of Section 16-111.5 of the Public
14 Utilities Act;

15 (iii) provide that all costs associated with
16 the initial clean coal facility will be
17 periodically reported to the Federal Energy
18 Regulatory Commission and to purchasers in
19 accordance with applicable laws governing
20 cost-based wholesale power contracts;

21 (iv) permit the Illinois Power Agency to
22 assume ownership of the initial clean coal
23 facility, without monetary consideration and
24 otherwise on reasonable terms acceptable to the
25 Agency, if the Agency so requests no less than 3
26 years prior to the end of the stated contract term;

1 (v) require the owner of the initial clean coal
2 facility to provide documentation to the
3 Commission each year, starting in the facility's
4 first year of commercial operation, accurately
5 reporting the quantity of carbon emissions from
6 the facility that have been captured and
7 sequestered and report any quantities of carbon
8 released from the site or sites at which carbon
9 emissions were sequestered in prior years, based
10 on continuous monitoring of such sites. If, in any
11 year after the first year of commercial operation,
12 the owner of the facility fails to demonstrate that
13 the initial clean coal facility captured and
14 sequestered at least 50% of the total carbon
15 emissions that the facility would otherwise emit
16 or that sequestration of emissions from prior
17 years has failed, resulting in the release of
18 carbon dioxide into the atmosphere, the owner of
19 the facility must offset excess emissions. Any
20 such carbon offsets must be permanent, additional,
21 verifiable, real, located within the State of
22 Illinois, and legally and practicably enforceable.
23 The cost of such offsets for the facility that are
24 not recoverable shall not exceed \$15 million in any
25 given year. No costs of any such purchases of
26 carbon offsets may be recovered from a utility or

1 its customers. All carbon offsets purchased for
2 this purpose and any carbon emission credits
3 associated with sequestration of carbon from the
4 facility must be permanently retired. The initial
5 clean coal facility shall not forfeit its
6 designation as a clean coal facility if the
7 facility fails to fully comply with the applicable
8 carbon sequestration requirements in any given
9 year, provided the requisite offsets are
10 purchased. However, the Attorney General, on
11 behalf of the People of the State of Illinois, may
12 specifically enforce the facility's sequestration
13 requirement and the other terms of this contract
14 provision. Compliance with the sequestration
15 requirements and offset purchase requirements
16 specified in paragraph (3) of this subsection (d)
17 shall be reviewed annually by an independent
18 expert retained by the owner of the initial clean
19 coal facility, with the advance written approval
20 of the Attorney General. The Commission may, in the
21 course of the review specified in item (vii),
22 reduce the allowable return on equity for the
23 facility if the facility willfully fails to comply
24 with the carbon capture and sequestration
25 requirements set forth in this item (v);

26 (vi) include limits on, and accordingly

1 provide for modification of, the amount the
2 utility is required to source under the sourcing
3 agreement consistent with paragraph (2) of this
4 subsection (d);

5 (vii) require Commission review: (1) to
6 determine the justness, reasonableness, and
7 prudence of the inputs to the formula referenced in
8 subparagraphs (A) (i) through (A) (iii) of paragraph
9 (3) of this subsection (d), prior to an adjustment
10 in those inputs including, without limitation, the
11 capital structure and return on equity, fuel
12 costs, and other operations and maintenance costs
13 and (2) to approve the costs to be passed through
14 to customers under the sourcing agreement by which
15 the utility satisfies its statutory obligations.
16 Commission review shall occur no less than every 3
17 years, regardless of whether any adjustments have
18 been proposed, and shall be completed within 9
19 months;

20 (viii) limit the utility's obligation to such
21 amount as the utility is allowed to recover through
22 tariffs filed with the Commission, provided that
23 neither the clean coal facility nor the utility
24 waives any right to assert federal pre-emption or
25 any other argument in response to a purported
26 disallowance of recovery costs;

1 (ix) limit the utility's or alternative retail
2 electric supplier's obligation to incur any
3 liability until such time as the facility is in
4 commercial operation and generating power and
5 energy and such power and energy is being delivered
6 to the facility busbar;

7 (x) provide that the owner or owners of the
8 initial clean coal facility, which is the
9 counterparty to such sourcing agreement, shall
10 have the right from time to time to elect whether
11 the obligations of the utility party thereto shall
12 be governed by the power purchase provisions or the
13 contract for differences provisions;

14 (xi) append documentation showing that the
15 formula rate and contract, insofar as they relate
16 to the power purchase provisions, have been
17 approved by the Federal Energy Regulatory
18 Commission pursuant to Section 205 of the Federal
19 Power Act;

20 (xii) provide that any changes to the terms of
21 the contract, insofar as such changes relate to the
22 power purchase provisions, are subject to review
23 under the public interest standard applied by the
24 Federal Energy Regulatory Commission pursuant to
25 Sections 205 and 206 of the Federal Power Act; and

26 (xiii) conform with customary lender

1 requirements in power purchase agreements used as
2 the basis for financing non-utility generators.

3 (4) Effective date of sourcing agreements with the
4 initial clean coal facility. Any proposed sourcing
5 agreement with the initial clean coal facility shall not
6 become effective unless the following reports are prepared
7 and submitted and authorizations and approvals obtained:

8 (i) Facility cost report. The owner of the initial
9 clean coal facility shall submit to the Commission, the
10 Agency, and the General Assembly a front-end
11 engineering and design study, a facility cost report,
12 method of financing (including but not limited to
13 structure and associated costs), and an operating and
14 maintenance cost quote for the facility (collectively
15 "facility cost report"), which shall be prepared in
16 accordance with the requirements of this paragraph (4)
17 of subsection (d) of this Section, and shall provide
18 the Commission and the Agency access to the work
19 papers, relied upon documents, and any other backup
20 documentation related to the facility cost report.

21 (ii) Commission report. Within 6 months following
22 receipt of the facility cost report, the Commission, in
23 consultation with the Agency, shall submit a report to
24 the General Assembly setting forth its analysis of the
25 facility cost report. Such report shall include, but
26 not be limited to, a comparison of the costs associated

1 with electricity generated by the initial clean coal
2 facility to the costs associated with electricity
3 generated by other types of generation facilities, an
4 analysis of the rate impacts on residential and small
5 business customers over the life of the sourcing
6 agreements, and an analysis of the likelihood that the
7 initial clean coal facility will commence commercial
8 operation by and be delivering power to the facility's
9 busbar by 2016. To assist in the preparation of its
10 report, the Commission, in consultation with the
11 Agency, may hire one or more experts or consultants,
12 the costs of which shall be paid for by the owner of
13 the initial clean coal facility. The Commission and
14 Agency may begin the process of selecting such experts
15 or consultants prior to receipt of the facility cost
16 report.

17 (iii) General Assembly approval. The proposed
18 sourcing agreements shall not take effect unless,
19 based on the facility cost report and the Commission's
20 report, the General Assembly enacts authorizing
21 legislation approving (A) the projected price, stated
22 in cents per kilowatthour, to be charged for
23 electricity generated by the initial clean coal
24 facility, (B) the projected impact on residential and
25 small business customers' bills over the life of the
26 sourcing agreements, and (C) the maximum allowable

1 return on equity for the project; and

2 (iv) Commission review. If the General Assembly
3 enacts authorizing legislation pursuant to
4 subparagraph (iii) approving a sourcing agreement, the
5 Commission shall, within 90 days of such enactment,
6 complete a review of such sourcing agreement. During
7 such time period, the Commission shall implement any
8 directive of the General Assembly, resolve any
9 disputes between the parties to the sourcing agreement
10 concerning the terms of such agreement, approve the
11 form of such agreement, and issue an order finding that
12 the sourcing agreement is prudent and reasonable.

13 The facility cost report shall be prepared as follows:

14 (A) The facility cost report shall be prepared by
15 duly licensed engineering and construction firms
16 detailing the estimated capital costs payable to one or
17 more contractors or suppliers for the engineering,
18 procurement and construction of the components
19 comprising the initial clean coal facility and the
20 estimated costs of operation and maintenance of the
21 facility. The facility cost report shall include:

22 (i) an estimate of the capital cost of the core
23 plant based on one or more front end engineering
24 and design studies for the gasification island and
25 related facilities. The core plant shall include
26 all civil, structural, mechanical, electrical,

1 control, and safety systems.

2 (ii) an estimate of the capital cost of the
3 balance of the plant, including any capital costs
4 associated with sequestration of carbon dioxide
5 emissions and all interconnects and interfaces
6 required to operate the facility, such as
7 transmission of electricity, construction or
8 backfeed power supply, pipelines to transport
9 substitute natural gas or carbon dioxide, potable
10 water supply, natural gas supply, water supply,
11 water discharge, landfill, access roads, and coal
12 delivery.

13 The quoted construction costs shall be expressed
14 in nominal dollars as of the date that the quote is
15 prepared and shall include capitalized financing costs
16 during construction, taxes, insurance, and other
17 owner's costs, and an assumed escalation in materials
18 and labor beyond the date as of which the construction
19 cost quote is expressed.

20 (B) The front end engineering and design study for
21 the gasification island and the cost study for the
22 balance of plant shall include sufficient design work
23 to permit quantification of major categories of
24 materials, commodities and labor hours, and receipt of
25 quotes from vendors of major equipment required to
26 construct and operate the clean coal facility.

1 (C) The facility cost report shall also include an
2 operating and maintenance cost quote that will provide
3 the estimated cost of delivered fuel, personnel,
4 maintenance contracts, chemicals, catalysts,
5 consumables, spares, and other fixed and variable
6 operations and maintenance costs. The delivered fuel
7 cost estimate will be provided by a recognized third
8 party expert or experts in the fuel and transportation
9 industries. The balance of the operating and
10 maintenance cost quote, excluding delivered fuel
11 costs, will be developed based on the inputs provided
12 by duly licensed engineering and construction firms
13 performing the construction cost quote, potential
14 vendors under long-term service agreements and plant
15 operating agreements, or recognized third party plant
16 operator or operators.

17 The operating and maintenance cost quote
18 (including the cost of the front end engineering and
19 design study) shall be expressed in nominal dollars as
20 of the date that the quote is prepared and shall
21 include taxes, insurance, and other owner's costs, and
22 an assumed escalation in materials and labor beyond the
23 date as of which the operating and maintenance cost
24 quote is expressed.

25 (D) The facility cost report shall also include an
26 analysis of the initial clean coal facility's ability

1 to deliver power and energy into the applicable
2 regional transmission organization markets and an
3 analysis of the expected capacity factor for the
4 initial clean coal facility.

5 (E) Amounts paid to third parties unrelated to the
6 owner or owners of the initial clean coal facility to
7 prepare the core plant construction cost quote,
8 including the front end engineering and design study,
9 and the operating and maintenance cost quote will be
10 reimbursed through Coal Development Bonds.

11 (5) Re-powering and retrofitting coal-fired power
12 plants previously owned by Illinois utilities to qualify as
13 clean coal facilities. During the 2009 procurement
14 planning process and thereafter, the Agency and the
15 Commission shall consider sourcing agreements covering
16 electricity generated by power plants that were previously
17 owned by Illinois utilities and that have been or will be
18 converted into clean coal facilities, as defined by Section
19 1-10 of this Act. Pursuant to such procurement planning
20 process, the owners of such facilities may propose to the
21 Agency sourcing agreements with utilities and alternative
22 retail electric suppliers required to comply with
23 subsection (d) of this Section and item (5) of subsection
24 (d) of Section 16-115 of the Public Utilities Act, covering
25 electricity generated by such facilities. In the case of
26 sourcing agreements that are power purchase agreements,

1 the contract price for electricity sales shall be
2 established on a cost of service basis. In the case of
3 sourcing agreements that are contracts for differences,
4 the contract price from which the reference price is
5 subtracted shall be established on a cost of service basis.
6 The Agency and the Commission may approve any such utility
7 sourcing agreements that do not exceed cost-based
8 benchmarks developed by the procurement administrator, in
9 consultation with the Commission staff, Agency staff and
10 the procurement monitor, subject to Commission review and
11 approval. The Commission shall have authority to inspect
12 all books and records associated with these clean coal
13 facilities during the term of any such contract.

14 (6) Costs incurred under this subsection (d) or
15 pursuant to a contract entered into under this subsection
16 (d) shall be deemed prudently incurred and reasonable in
17 amount and the electric utility shall be entitled to full
18 cost recovery pursuant to the tariffs filed with the
19 Commission.

20 (d-5) Zero emission standard.

21 (1) Beginning with the delivery year commencing on June
22 1, 2017, the Agency shall, for electric utilities that
23 serve at least 100,000 retail customers in this State,
24 procure contracts with zero emission facilities that are
25 reasonably capable of generating cost-effective zero
26 emission credits in an amount approximately equal to 16% of

1 the actual amount of electricity delivered by each electric
2 utility to retail customers in the State during calendar
3 year 2014. For an electric utility serving fewer than
4 100,000 retail customers in this State that requested,
5 under Section 16-111.5 of the Public Utilities Act, that
6 the Agency procure power and energy for all or a portion of
7 the utility's Illinois load for the delivery year
8 commencing June 1, 2016, the Agency shall procure contracts
9 with zero emission facilities that are reasonably capable
10 of generating cost-effective zero emission credits in an
11 amount approximately equal to 16% of the portion of power
12 and energy to be procured by the Agency for the utility.
13 The duration of the contracts procured under this
14 subsection (d-5) shall be for a term of 10 years ending May
15 31, 2027. The quantity of zero emission credits to be
16 procured under the contracts shall be all of the zero
17 emission credits generated by the zero emission facility in
18 each delivery year; however, if the zero emission facility
19 is owned by more than one entity, then the quantity of zero
20 emission credits to be procured under the contracts shall
21 be the amount of zero emission credits that are generated
22 from the portion of the zero emission facility that is
23 owned by the winning supplier.

24 The 16% value identified in this paragraph (1) is the
25 average of the percentage targets in subparagraph (B) of
26 paragraph (1) of subsection (c) of this Section ~~1-75~~ of

1 ~~this Act~~ for the 5 delivery years beginning June 1, 2017.

2 The procurement process shall be subject to the
3 following provisions:

4 (A) Those zero emission facilities that intend to
5 participate in the procurement shall submit to the
6 Agency the following eligibility information for each
7 zero emission facility on or before the date
8 established by the Agency:

9 (i) the in-service date and remaining useful
10 life of the zero emission facility;

11 (ii) the amount of power generated annually
12 for each of the years 2005 through 2015, and the
13 projected zero emission credits to be generated
14 over the remaining useful life of the zero emission
15 facility, which shall be used to determine the
16 capability of each facility;

17 (iii) the annual zero emission facility cost
18 projections, expressed on a per megawatthour
19 basis, over the next 6 delivery years, which shall
20 include the following: operation and maintenance
21 expenses; fully allocated overhead costs, which
22 shall be allocated using the methodology developed
23 by the Institute for Nuclear Power Operations;
24 fuel expenditures; non-fuel capital expenditures;
25 spent fuel expenditures; a return on working
26 capital; the cost of operational and market risks

1 that could be avoided by ceasing operation; and any
2 other costs necessary for continued operations,
3 provided that "necessary" means, for purposes of
4 this item (iii), that the costs could reasonably be
5 avoided only by ceasing operations of the zero
6 emission facility; and

7 (iv) a commitment to continue operating, for
8 the duration of the contract or contracts executed
9 under the procurement held under this subsection
10 (d-5), the zero emission facility that produces
11 the zero emission credits to be procured in the
12 procurement.

13 The information described in item (iii) of this
14 subparagraph (A) may be submitted on a confidential
15 basis and shall be treated and maintained by the
16 Agency, the procurement administrator, and the
17 Commission as confidential and proprietary and exempt
18 from disclosure under subparagraphs (a) and (g) of
19 paragraph (1) of Section 7 of the Freedom of
20 Information Act. The Office of Attorney General shall
21 have access to, and maintain the confidentiality of,
22 such information pursuant to Section 6.5 of the
23 Attorney General Act.

24 (B) The price for each zero emission credit
25 procured under this subsection (d-5) for each delivery
26 year shall be in an amount that equals the Social Cost

1 of Carbon, expressed on a price per megawatthour basis.
2 However, to ensure that the procurement remains
3 affordable to retail customers in this State if
4 electricity prices increase, the price in an
5 applicable delivery year shall be reduced below the
6 Social Cost of Carbon by the amount ("Price
7 Adjustment") by which the market price index for the
8 applicable delivery year exceeds the baseline market
9 price index for the consecutive 12-month period ending
10 May 31, 2016. If the Price Adjustment is greater than
11 or equal to the Social Cost of Carbon in an applicable
12 delivery year, then no payments shall be due in that
13 delivery year. The components of this calculation are
14 defined as follows:

15 (i) Social Cost of Carbon: The Social Cost of
16 Carbon is \$16.50 per megawatthour, which is based
17 on the U.S. Interagency Working Group on Social
18 Cost of Carbon's price in the August 2016 Technical
19 Update using a 3% discount rate, adjusted for
20 inflation for each year of the program. Beginning
21 with the delivery year commencing June 1, 2023, the
22 price per megawatthour shall increase by \$1 per
23 megawatthour, and continue to increase by an
24 additional \$1 per megawatthour each delivery year
25 thereafter.

26 (ii) Baseline market price index: The baseline

1 market price index for the consecutive 12-month
2 period ending May 31, 2016 is \$31.40 per
3 megawatthour, which is based on the sum of (aa) the
4 average day-ahead energy price across all hours of
5 such 12-month period at the PJM Interconnection
6 LLC Northern Illinois Hub, (bb) 50% multiplied by
7 the Base Residual Auction, or its successor,
8 capacity price for the rest of the RTO zone group
9 determined by PJM Interconnection LLC, divided by
10 24 hours per day, and (cc) 50% multiplied by the
11 Planning Resource Auction, or its successor,
12 capacity price for Zone 4 determined by the
13 Midcontinent Independent System Operator, Inc.,
14 divided by 24 hours per day.

15 (iii) Market price index: The market price
16 index for a delivery year shall be the sum of
17 projected energy prices and projected capacity
18 prices determined as follows:

19 (aa) Projected energy prices: the
20 projected energy prices for the applicable
21 delivery year shall be calculated once for the
22 year using the forward market price for the PJM
23 Interconnection, LLC Northern Illinois Hub.
24 The forward market price shall be calculated as
25 follows: the energy forward prices for each
26 month of the applicable delivery year averaged

1 for each trade date during the calendar year
2 immediately preceding that delivery year to
3 produce a single energy forward price for the
4 delivery year. The forward market price
5 calculation shall use data published by the
6 Intercontinental Exchange, or its successor.

7 (bb) Projected capacity prices:

8 (I) For the delivery years commencing
9 June 1, 2017, June 1, 2018, and June 1,
10 2019, the projected capacity price shall
11 be equal to the sum of (1) 50% multiplied
12 by the Base Residual Auction, or its
13 successor, price for the rest of the RTO
14 zone group as determined by PJM
15 Interconnection LLC, divided by 24 hours
16 per day and, (2) 50% multiplied by the
17 resource auction price determined in the
18 resource auction administered by the
19 Midcontinent Independent System Operator,
20 Inc., in which the largest percentage of
21 load cleared for Local Resource Zone 4,
22 divided by 24 hours per day, and where such
23 price is determined by the Midcontinent
24 Independent System Operator, Inc.

25 (II) For the delivery year commencing
26 June 1, 2020, and each year thereafter, the

1 projected capacity price shall be equal to
2 the sum of (1) 50% multiplied by the Base
3 Residual Auction, or its successor, price
4 for the ComEd zone as determined by PJM
5 Interconnection LLC, divided by 24 hours
6 per day, and (2) 50% multiplied by the
7 resource auction price determined in the
8 resource auction administered by the
9 Midcontinent Independent System Operator,
10 Inc., in which the largest percentage of
11 load cleared for Local Resource Zone 4,
12 divided by 24 hours per day, and where such
13 price is determined by the Midcontinent
14 Independent System Operator, Inc.

15 For purposes of this subsection (d-5):

16 "Rest of the RTO" and "ComEd Zone" shall have
17 the meaning ascribed to them by PJM
18 Interconnection, LLC.

19 "RTO" means regional transmission
20 organization.

21 (C) No later than 45 days after June 1, 2017 (the
22 effective date of Public Act 99-906), the Agency shall
23 publish its proposed zero emission standard
24 procurement plan. The plan shall be consistent with the
25 provisions of this paragraph (1) and shall provide that
26 winning bids shall be selected based on public interest

1 criteria that include, but are not limited to,
2 minimizing carbon dioxide emissions that result from
3 electricity consumed in Illinois and minimizing sulfur
4 dioxide, nitrogen oxide, and particulate matter
5 emissions that adversely affect the citizens of this
6 State. In particular, the selection of winning bids
7 shall take into account the incremental environmental
8 benefits resulting from the procurement, such as any
9 existing environmental benefits that are preserved by
10 the procurements held under Public Act 99-906 and would
11 cease to exist if the procurements were not held,
12 including the preservation of zero emission
13 facilities. The plan shall also describe in detail how
14 each public interest factor shall be considered and
15 weighted in the bid selection process to ensure that
16 the public interest criteria are applied to the
17 procurement and given full effect.

18 For purposes of developing the plan, the Agency
19 shall consider any reports issued by a State agency,
20 board, or commission under House Resolution 1146 of the
21 98th General Assembly and paragraph (4) of subsection
22 (d) of this Section ~~1-75 of this Act~~, as well as
23 publicly available analyses and studies performed by
24 or for regional transmission organizations that serve
25 the State and their independent market monitors.

26 Upon publishing of the zero emission standard

1 procurement plan, copies of the plan shall be posted
2 and made publicly available on the Agency's website.
3 All interested parties shall have 10 days following the
4 date of posting to provide comment to the Agency on the
5 plan. All comments shall be posted to the Agency's
6 website. Following the end of the comment period, but
7 no more than 60 days later than June 1, 2017 (the
8 effective date of Public Act 99-906), the Agency shall
9 revise the plan as necessary based on the comments
10 received and file its zero emission standard
11 procurement plan with the Commission.

12 If the Commission determines that the plan will
13 result in the procurement of cost-effective zero
14 emission credits, then the Commission shall, after
15 notice and hearing, but no later than 45 days after the
16 Agency filed the plan, approve the plan or approve with
17 modification. For purposes of this subsection (d-5),
18 "cost effective" means the projected costs of
19 procuring zero emission credits from zero emission
20 facilities do not cause the limit stated in paragraph
21 (2) of this subsection to be exceeded.

22 (C-5) As part of the Commission's review and
23 acceptance or rejection of the procurement results,
24 the Commission shall, in its public notice of
25 successful bidders:

26 (i) identify how the winning bids satisfy the

1 public interest criteria described in subparagraph
2 (C) of this paragraph (1) of minimizing carbon
3 dioxide emissions that result from electricity
4 consumed in Illinois and minimizing sulfur
5 dioxide, nitrogen oxide, and particulate matter
6 emissions that adversely affect the citizens of
7 this State;

8 (ii) specifically address how the selection of
9 winning bids takes into account the incremental
10 environmental benefits resulting from the
11 procurement, including any existing environmental
12 benefits that are preserved by the procurements
13 held under Public Act 99-906 and would have ceased
14 to exist if the procurements had not been held,
15 such as the preservation of zero emission
16 facilities;

17 (iii) quantify the environmental benefit of
18 preserving the resources identified in item (ii)
19 of this subparagraph (C-5), including the
20 following:

21 (aa) the value of avoided greenhouse gas
22 emissions measured as the product of the zero
23 emission facilities' output over the contract
24 term multiplied by the U.S. Environmental
25 Protection Agency eGrid subregion carbon
26 dioxide emission rate and the U.S. Interagency

1 Working Group on Social Cost of Carbon's price
2 in the August 2016 Technical Update using a 3%
3 discount rate, adjusted for inflation for each
4 delivery year; and

5 (bb) the costs of replacement with other
6 zero carbon dioxide resources, including wind
7 and photovoltaic, based upon the simple
8 average of the following:

9 (I) the price, or if there is more than
10 one price, the average of the prices, paid
11 for renewable energy credits from new
12 utility-scale wind projects in the
13 procurement events specified in item (i)
14 of subparagraph (G) of paragraph (1) of
15 subsection (c) of this Section ~~1-75 of this~~
16 ~~Act~~; and

17 (II) the price, or if there is more
18 than one price, the average of the prices,
19 paid for renewable energy credits from new
20 utility-scale solar projects and
21 brownfield site photovoltaic projects in
22 the procurement events specified in item
23 (ii) of subparagraph (G) of paragraph (1)
24 of subsection (c) of this Section ~~1-75 of~~
25 ~~this Act~~ and, after January 1, 2015,
26 renewable energy credits from photovoltaic

1 distributed generation projects in
2 procurement events held under subsection
3 (c) of this Section ~~1-75 of this Act~~.

4 Each utility shall enter into binding contractual
5 arrangements with the winning suppliers.

6 The procurement described in this subsection
7 (d-5), including, but not limited to, the execution of
8 all contracts procured, shall be completed no later
9 than May 10, 2017. Based on the effective date of
10 Public Act 99-906, the Agency and Commission may, as
11 appropriate, modify the various dates and timelines
12 under this subparagraph and subparagraphs (C) and (D)
13 of this paragraph (1). The procurement and plan
14 approval processes required by this subsection (d-5)
15 shall be conducted in conjunction with the procurement
16 and plan approval processes required by subsection (c)
17 of this Section and Section 16-111.5 of the Public
18 Utilities Act, to the extent practicable.
19 Notwithstanding whether a procurement event is
20 conducted under Section 16-111.5 of the Public
21 Utilities Act, the Agency shall immediately initiate a
22 procurement process on June 1, 2017 (the effective date
23 of Public Act 99-906).

24 (D) Following the procurement event described in
25 this paragraph (1) and consistent with subparagraph
26 (B) of this paragraph (1), the Agency shall calculate

1 the payments to be made under each contract for the
2 next delivery year based on the market price index for
3 that delivery year. The Agency shall publish the
4 payment calculations no later than May 25, 2017 and
5 every May 25 thereafter.

6 (E) Notwithstanding the requirements of this
7 subsection (d-5), the contracts executed under this
8 subsection (d-5) shall provide that the zero emission
9 facility may, as applicable, suspend or terminate
10 performance under the contracts in the following
11 instances:

12 (i) A zero emission facility shall be excused
13 from its performance under the contract for any
14 cause beyond the control of the resource,
15 including, but not restricted to, acts of God,
16 flood, drought, earthquake, storm, fire,
17 lightning, epidemic, war, riot, civil disturbance
18 or disobedience, labor dispute, labor or material
19 shortage, sabotage, acts of public enemy,
20 explosions, orders, regulations or restrictions
21 imposed by governmental, military, or lawfully
22 established civilian authorities, which, in any of
23 the foregoing cases, by exercise of commercially
24 reasonable efforts the zero emission facility
25 could not reasonably have been expected to avoid,
26 and which, by the exercise of commercially

1 reasonable efforts, it has been unable to
2 overcome. In such event, the zero emission
3 facility shall be excused from performance for the
4 duration of the event, including, but not limited
5 to, delivery of zero emission credits, and no
6 payment shall be due to the zero emission facility
7 during the duration of the event.

8 (ii) A zero emission facility shall be
9 permitted to terminate the contract if legislation
10 is enacted into law by the General Assembly that
11 imposes or authorizes a new tax, special
12 assessment, or fee on the generation of
13 electricity, the ownership or leasehold of a
14 generating unit, or the privilege or occupation of
15 such generation, ownership, or leasehold of
16 generation units by a zero emission facility.
17 However, the provisions of this item (ii) do not
18 apply to any generally applicable tax, special
19 assessment or fee, or requirements imposed by
20 federal law.

21 (iii) A zero emission facility shall be
22 permitted to terminate the contract in the event
23 that the resource requires capital expenditures in
24 excess of \$40,000,000 that were neither known nor
25 reasonably foreseeable at the time it executed the
26 contract and that a prudent owner or operator of

1 such resource would not undertake.

2 (iv) A zero emission facility shall be
3 permitted to terminate the contract in the event
4 the Nuclear Regulatory Commission terminates the
5 resource's license.

6 (F) If the zero emission facility elects to
7 terminate a contract under ~~this~~ subparagraph (E)7 of
8 this paragraph (1), then the Commission shall reopen
9 the docket in which the Commission approved the zero
10 emission standard procurement plan under subparagraph
11 (C) of this paragraph (1) and, after notice and
12 hearing, enter an order acknowledging the contract
13 termination election if such termination is consistent
14 with the provisions of this subsection (d-5).

15 (2) For purposes of this subsection (d-5), the amount
16 paid per kilowatthour means the total amount paid for
17 electric service expressed on a per kilowatthour basis. For
18 purposes of this subsection (d-5), the total amount paid
19 for electric service includes, without limitation, amounts
20 paid for supply, transmission, distribution, surcharges,
21 and add-on taxes.

22 Notwithstanding the requirements of this subsection
23 (d-5), the contracts executed under this subsection (d-5)
24 shall provide that the total of zero emission credits
25 procured under a procurement plan shall be subject to the
26 limitations of this paragraph (2). For each delivery year,

1 the contractual volume receiving payments in such year
2 shall be reduced for all retail customers based on the
3 amount necessary to limit the net increase that delivery
4 year to the costs of those credits included in the amounts
5 paid by eligible retail customers in connection with
6 electric service to no more than 1.65% of the amount paid
7 per kilowatthour by eligible retail customers during the
8 year ending May 31, 2009. The result of this computation
9 shall apply to and reduce the procurement for all retail
10 customers, and all those customers shall pay the same
11 single, uniform cents per kilowatthour charge under
12 subsection (k) of Section 16-108 of the Public Utilities
13 Act. To arrive at a maximum dollar amount of zero emission
14 credits to be paid for the particular delivery year, the
15 resulting per kilowatthour amount shall be applied to the
16 actual amount of kilowatthours of electricity delivered by
17 the electric utility in the delivery year immediately prior
18 to the procurement, to all retail customers in its service
19 territory. Unpaid contractual volume for any delivery year
20 shall be paid in any subsequent delivery year in which such
21 payments can be made without exceeding the amount specified
22 in this paragraph (2). The calculations required by this
23 paragraph (2) shall be made only once for each procurement
24 plan year. Once the determination as to the amount of zero
25 emission credits to be paid is made based on the
26 calculations set forth in this paragraph (2), no subsequent

1 rate impact determinations shall be made and no adjustments
2 to those contract amounts shall be allowed. All costs
3 incurred under those contracts and in implementing this
4 subsection (d-5) shall be recovered by the electric utility
5 as provided in this Section.

6 No later than June 30, 2019, the Commission shall
7 review the limitation on the amount of zero emission
8 credits procured under this subsection (d-5) and report to
9 the General Assembly its findings as to whether that
10 limitation unduly constrains the procurement of
11 cost-effective zero emission credits.

12 (3) Six years after the execution of a contract under
13 this subsection (d-5), the Agency shall determine whether
14 the actual zero emission credit payments received by the
15 supplier over the 6-year period exceed the Average ZEC
16 Payment. In addition, at the end of the term of a contract
17 executed under this subsection (d-5), or at the time, if
18 any, a zero emission facility's contract is terminated
19 under subparagraph (E) of paragraph (1) of this subsection
20 (d-5), then the Agency shall determine whether the actual
21 zero emission credit payments received by the supplier over
22 the term of the contract exceed the Average ZEC Payment,
23 after taking into account any amounts previously credited
24 back to the utility under this paragraph (3). If the Agency
25 determines that the actual zero emission credit payments
26 received by the supplier over the relevant period exceed

1 the Average ZEC Payment, then the supplier shall credit the
2 difference back to the utility. The amount of the credit
3 shall be remitted to the applicable electric utility no
4 later than 120 days after the Agency's determination, which
5 the utility shall reflect as a credit on its retail
6 customer bills as soon as practicable; however, the credit
7 remitted to the utility shall not exceed the total amount
8 of payments received by the facility under its contract.

9 For purposes of this Section, the Average ZEC Payment
10 shall be calculated by multiplying the quantity of zero
11 emission credits delivered under the contract times the
12 average contract price. The average contract price shall be
13 determined by subtracting the amount calculated under
14 subparagraph (B) of this paragraph (3) from the amount
15 calculated under subparagraph (A) of this paragraph (3), as
16 follows:

17 (A) The average of the Social Cost of Carbon, as
18 defined in subparagraph (B) of paragraph (1) of this
19 subsection (d-5), during the term of the contract.

20 (B) The average of the market price indices, as
21 defined in subparagraph (B) of paragraph (1) of this
22 subsection (d-5), during the term of the contract,
23 minus the baseline market price index, as defined in
24 subparagraph (B) of paragraph (1) of this subsection
25 (d-5).

26 If the subtraction yields a negative number, then the

1 Average ZEC Payment shall be zero.

2 (4) Cost-effective zero emission credits procured from
3 zero emission facilities shall satisfy the applicable
4 definitions set forth in Section 1-10 of this Act.

5 (5) The electric utility shall retire all zero emission
6 credits used to comply with the requirements of this
7 subsection (d-5).

8 (6) Electric utilities shall be entitled to recover all
9 of the costs associated with the procurement of zero
10 emission credits through an automatic adjustment clause
11 tariff in accordance with subsection (k) and (m) of Section
12 16-108 of the Public Utilities Act, and the contracts
13 executed under this subsection (d-5) shall provide that the
14 utilities' payment obligations under such contracts shall
15 be reduced if an adjustment is required under subsection
16 (m) of Section 16-108 of the Public Utilities Act.

17 (7) This subsection (d-5) shall become inoperative on
18 January 1, 2028.

19 (e) The draft procurement plans are subject to public
20 comment, as required by Section 16-111.5 of the Public
21 Utilities Act.

22 (f) The Agency shall submit the final procurement plan to
23 the Commission. The Agency shall revise a procurement plan if
24 the Commission determines that it does not meet the standards
25 set forth in Section 16-111.5 of the Public Utilities Act.

26 (g) The Agency shall assess fees to each affected utility

1 to recover the costs incurred in preparation of the annual
2 procurement plan for the utility.

3 (h) The Agency shall assess fees to each bidder to recover
4 the costs incurred in connection with a competitive procurement
5 process.

6 (i) A renewable energy credit, carbon emission credit, or
7 zero emission credit can only be used once to comply with a
8 single portfolio or other standard as set forth in subsection
9 (c), subsection (d), or subsection (d-5) of this Section,
10 respectively. A renewable energy credit, carbon emission
11 credit, or zero emission credit cannot be used to satisfy the
12 requirements of more than one standard. If more than one type
13 of credit is issued for the same megawatt hour of energy, only
14 one credit can be used to satisfy the requirements of a single
15 standard. After such use, the credit must be retired together
16 with any other credits issued for the same megawatt hour of
17 energy.

18 (Source: P.A. 99-536, eff. 7-8-16; 99-906, eff. 6-1-17;
19 100-863, eff. 8-14-18; revised 10-18-18.)

20 Section 205. The Illinois Century Network Act is amended by
21 changing Section 15 as follows:

22 (20 ILCS 3921/15)

23 Sec. 15. Management of the Illinois Century Network. ~~(a)~~
24 The Department of Innovation and Technology shall govern the

1 staffing and contractual services necessary to support the
2 activities of the Illinois Century Network.

3 ~~(b) (Blank)~~.

4 (Source: P.A. 100-611, eff. 7-20-18; revised 10-11-18.)

5 Section 210. The Illinois Criminal Justice Information Act
6 is amended by changing Section 9.1 as follows:

7 (20 ILCS 3930/9.1)

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

9 Sec. 9.1. Criminal Justice Information Projects Fund. The
10 Criminal Justice Information Projects Fund is hereby created as
11 a special fund in the State Treasury. Grants and other moneys
12 obtained by the Authority from governmental entities (other
13 than the federal government), private sources, and
14 not-for-profit organizations for use in investigating criminal
15 justice issues or undertaking other criminal justice
16 information projects, or pursuant to the uses identified in
17 Section 21.10 of the Illinois Lottery Law, shall be deposited
18 into the Fund. Moneys in the Fund may be used by the Authority,
19 subject to appropriation, for undertaking such projects and for
20 the operating and other expenses of the Authority incidental to
21 those projects. Any interest earned on moneys in the Fund must
22 be deposited into the Fund.

23 (Source: P.A. 100-647, eff. 7-30-18.)

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

2 Sec. 9.1. Criminal Justice Information Projects Fund. The
3 Criminal Justice Information Projects Fund is hereby created as
4 a special fund in the State Treasury. Grants and other moneys
5 obtained by the Authority from governmental entities (other
6 than the federal government), private sources, and
7 not-for-profit organizations for use in investigating criminal
8 justice issues or undertaking other criminal justice
9 information projects, or pursuant to the uses identified in
10 Section 21.10 of the Illinois Lottery Law, shall be deposited
11 into the Fund. Moneys in the Fund may be used by the Authority,
12 subject to appropriation, for undertaking such projects and for
13 the operating and other expenses of the Authority incidental to
14 those projects, and for the costs associated with making grants
15 from the Prescription Pill and Drug Disposal Fund. The moneys
16 deposited into the Criminal Justice Information Projects Fund
17 under Sections 15-15 and 15-35 of the Criminal and Traffic
18 Assessment Act shall be appropriated to and administered by the
19 Illinois Criminal Justice Information Authority for
20 distribution to fund Department of State Police drug task
21 forces and Metropolitan Enforcement Groups by dividing the
22 funds equally by the total number of Department of State Police
23 drug task forces and Illinois Metropolitan Enforcement Groups.
24 Any interest earned on moneys in the Fund must be deposited
25 into the Fund.

26 (Source: P.A. 100-647, eff. 7-30-18; 100-987, eff. 7-1-19;

1 revised 9-25-18.)

2 Section 215. The Illinois Health Facilities Planning Act is
3 amended by changing Sections 3, 4.2, and 13 as follows:

4 (20 ILCS 3960/3) (from Ch. 111 1/2, par. 1153)

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

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

7 "Health care facilities" means and includes the following
8 facilities, organizations, and related persons:

9 (1) An ambulatory surgical treatment center required
10 to be licensed pursuant to the Ambulatory Surgical
11 Treatment Center Act.

12 (2) An institution, place, building, or agency
13 required to be licensed pursuant to the Hospital Licensing
14 Act.

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

17 (A) If a demonstration project under the Nursing
18 Home Care Act applies for a certificate of need to
19 convert to a nursing facility, it shall meet the
20 licensure and certificate of need requirements in
21 effect as of the date of application.

22 (B) Except as provided in item (A) of this
23 subsection, this Act does not apply to facilities
24 granted waivers under Section 3-102.2 of the Nursing

1 Home Care Act.

2 (3.5) Skilled and intermediate care facilities
3 licensed under the ID/DD Community Care Act or the MC/DD
4 Act. No permit or exemption is required for a facility
5 licensed under the ID/DD Community Care Act or the MC/DD
6 Act prior to the reduction of the number of beds at a
7 facility. If there is a total reduction of beds at a
8 facility licensed under the ID/DD Community Care Act or the
9 MC/DD Act, this is a discontinuation or closure of the
10 facility. If a facility licensed under the ID/DD Community
11 Care Act or the MC/DD Act reduces the number of beds or
12 discontinues the facility, that facility must notify the
13 Board as provided in Section 14.1 of this Act.

14 (3.7) Facilities licensed under the Specialized Mental
15 Health Rehabilitation Act of 2013.

16 (4) Hospitals, nursing homes, ambulatory surgical
17 treatment centers, or kidney disease treatment centers
18 maintained by the State or any department or agency
19 thereof.

20 (5) Kidney disease treatment centers, including a
21 free-standing hemodialysis unit required to meet the
22 requirements of 42 CFR 494 in order to be certified for
23 participation in Medicare and Medicaid under Titles XVIII
24 and XIX of the federal Social Security Act.

25 (A) This Act does not apply to a dialysis facility
26 that provides only dialysis training, support, and

1 related services to individuals with end stage renal
2 disease who have elected to receive home dialysis.

3 (B) This Act does not apply to a dialysis unit
4 located in a licensed nursing home that offers or
5 provides dialysis-related services to residents with
6 end stage renal disease who have elected to receive
7 home dialysis within the nursing home.

8 (C) The Board, however, may require dialysis
9 facilities and licensed nursing homes under items (A)
10 and (B) of this subsection to report statistical
11 information on a quarterly basis to the Board to be
12 used by the Board to conduct analyses on the need for
13 proposed kidney disease treatment centers.

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

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

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

26 "Health care facilities" does not include the following

1 entities or facility transactions:

2 (1) Federally-owned facilities.

3 (2) Facilities used solely for healing by prayer or
4 spiritual means.

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

11 (4) Facilities licensed under the Supportive
12 Residences Licensing Act or the Assisted Living and Shared
13 Housing Act.

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

18 (6) Facilities established and operating under the
19 Alternative Health Care Delivery Act as a children's
20 community-based health care center alternative health care
21 model demonstration program or as an Alzheimer's Disease
22 Management Center alternative health care model
23 demonstration program.

24 (7) The closure of an entity or a portion of an entity
25 licensed under the Nursing Home Care Act, the Specialized
26 Mental Health Rehabilitation Act of 2013, the ID/DD

1 Community Care Act, or the MC/DD Act, with the exception of
2 facilities operated by a county or Illinois Veterans Homes,
3 that elect to convert, in whole or in part, to an assisted
4 living or shared housing establishment licensed under the
5 Assisted Living and Shared Housing Act and with the
6 exception of a facility licensed under the Specialized
7 Mental Health Rehabilitation Act of 2013 in connection with
8 a proposal to close a facility and re-establish the
9 facility in another location.

10 (8) Any change of ownership of a health care facility
11 that is licensed under the Nursing Home Care Act, the
12 Specialized Mental Health Rehabilitation Act of 2013, the
13 ID/DD Community Care Act, or the MC/DD Act, with the
14 exception of facilities operated by a county or Illinois
15 Veterans Homes. Changes of ownership of facilities
16 licensed under the Nursing Home Care Act must meet the
17 requirements set forth in Sections 3-101 through 3-119 of
18 the Nursing Home Care Act.

19 (9) Any project the Department of Healthcare and Family
20 Services certifies was approved by the Hospital
21 Transformation Review Committee as a project subject to the
22 hospital's transformation under subsection (d-5) of
23 Section 14-12 of the Illinois Public Aid Code, provided the
24 hospital shall submit the certification to the Board.
25 Nothing in this paragraph excludes a health care facility
26 from the requirements of this Act after the approved

1 transformation project is complete. All other requirements
2 under this Act continue to apply. Hospitals that are not
3 subject to this Act under this paragraph shall notify the
4 Health Facilities and Services Review Board within 30 days
5 of the dates that bed changes or service changes occur.

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

1 for such action or attendant financial obligation.

2 "Person" means any one or more natural persons, legal
3 entities, governmental bodies other than federal, or any
4 combination thereof.

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

15 "State Board" or "Board" means the Health Facilities and
16 Services Review Board.

17 "Construction or modification" means the establishment,
18 erection, building, alteration, reconstruction, modernization,
19 improvement, extension, discontinuation, change of ownership,
20 of or by a health care facility, or the purchase or acquisition
21 by or through a health care facility of equipment or service
22 for diagnostic or therapeutic purposes or for facility
23 administration or operation, or any capital expenditure made by
24 or on behalf of a health care facility which exceeds the
25 capital expenditure minimum; however, any capital expenditure
26 made by or on behalf of a health care facility for (i) the

1 construction or modification of a facility licensed under the
2 Assisted Living and Shared Housing Act or (ii) a conversion
3 project undertaken in accordance with Section 30 of the Older
4 Adult Services Act shall be excluded from any obligations under
5 this Act.

6 "Establish" means the construction of a health care
7 facility or the replacement of an existing facility on another
8 site or the initiation of a category of service.

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

23 "Capital expenditure" means an expenditure: (A) made by or
24 on behalf of a health care facility (as such a facility is
25 defined in this Act); and (B) which under generally accepted
26 accounting principles is not properly chargeable as an expense

1 of operation and maintenance, or is made to obtain by lease or
2 comparable arrangement any facility or part thereof or any
3 equipment for a facility or part; and which exceeds the capital
4 expenditure minimum.

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

24 "Capital expenditure minimum" means \$11,500,000 for
25 projects by hospital applicants, \$6,500,000 for applicants for
26 projects related to skilled and intermediate care long-term

1 care facilities licensed under the Nursing Home Care Act, and
2 \$3,000,000 for projects by all other applicants, which shall be
3 annually adjusted to reflect the increase in construction costs
4 due to inflation, for major medical equipment and for all other
5 capital expenditures.

6 "Financial commitment" means the commitment of at least 33%
7 of total funds assigned to cover total project cost, which
8 occurs by the actual expenditure of 33% or more of the total
9 project cost or the commitment to expend 33% or more of the
10 total project cost by signed contracts or other legal means.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 "Charity care" means care provided by a health care
2 facility for which the provider does not expect to receive
3 payment from the patient or a third-party payer.

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

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

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

24 (Source: P.A. 99-78, eff. 7-20-15; 99-180, eff. 7-29-15;
25 99-527, eff. 1-1-17; 100-518, eff. 6-1-18; 100-581, eff.
26 3-12-18; 100-957, eff. 8-19-18; revised 12-13-18.)

1 (20 ILCS 3960/4.2)

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

3 Sec. 4.2. Ex parte communications.

4 (a) Except in the disposition of matters that agencies are
5 authorized by law to entertain or dispose of on an ex parte
6 basis including, but not limited to rulemaking ~~rule-making~~, the
7 State Board, any State Board member, employee, or a hearing
8 officer shall not engage in ex parte communication in
9 connection with the substance of any formally filed application
10 for a permit with any person or party or the representative of
11 any party. This subsection (a) applies when the Board, member,
12 employee, or hearing officer knows, or should know upon
13 reasonable inquiry, that the application or exemption has been
14 formally filed with the Board. Nothing in this Section shall
15 prohibit staff members from providing technical assistance to
16 applicants. Nothing in this Section shall prohibit staff from
17 verifying or clarifying an applicant's information as it
18 prepares the State Board Staff Report. Once an application for
19 permit or exemption is filed and deemed complete, a written
20 record of any communication between staff and an applicant
21 shall be prepared by staff and made part of the public record,
22 using a prescribed, standardized format, and shall be included
23 in the application file.

24 (b) A State Board member or employee may communicate with
25 other members or employees and any State Board member or

1 hearing officer may have the aid and advice of one or more
2 personal assistants.

3 (c) An ex parte communication received by the State Board,
4 any State Board member, employee, or a hearing officer shall be
5 made a part of the record of the matter, including all written
6 communications, all written responses to the communications,
7 and a memorandum stating the substance of all oral
8 communications and all responses made and the identity of each
9 person from whom the ex parte communication was received.

10 (d) "Ex parte communication" means a communication between
11 a person who is not a State Board member or employee and a
12 State Board member or employee that reflects on the substance
13 of a pending or impending State Board proceeding and that takes
14 place outside the record of the proceeding. Communications
15 regarding matters of procedure and practice, such as the format
16 of pleading, number of copies required, manner of service, and
17 status of proceedings, are not considered ex parte
18 communications. Technical assistance with respect to an
19 application, not intended to influence any decision on the
20 application, may be provided by employees to the applicant. Any
21 assistance shall be documented in writing by the applicant and
22 employees within 10 business days after the assistance is
23 provided.

24 (e) For purposes of this Section, "employee" means a person
25 the State Board or the Agency employs on a full-time,
26 part-time, contract, or intern basis.

1 (f) The State Board, State Board member, or hearing
2 examiner presiding over the proceeding, in the event of a
3 violation of this Section, must take whatever action is
4 necessary to ensure that the violation does not prejudice any
5 party or adversely affect the fairness of the proceedings.

6 (g) Nothing in this Section shall be construed to prevent
7 the State Board or any member of the State Board from
8 consulting with the attorney for the State Board.

9 (Source: P.A. 100-518, eff. 6-1-18; 100-681, eff. 8-3-18;
10 revised 12-13-18.)

11 (20 ILCS 3960/13) (from Ch. 111 1/2, par. 1163)

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

13 Sec. 13. Investigation of applications for permits. The
14 State Board shall make or cause to be made such investigations
15 as it deems necessary in connection with an application for a
16 permit, or in connection with a determination of whether or not
17 construction or modification that has been commenced is in
18 accord with the permit issued by the State Board, or whether
19 construction or modification has been commenced without a
20 permit having been obtained. The State Board may issue
21 subpoenas duces tecum requiring the production of records and
22 may administer oaths to such witnesses.

23 Any circuit court of this State, upon the application of
24 the State Board or upon the application of any party to such
25 proceedings, may, in its discretion, compel the attendance of

1 witnesses, the production of books, papers, records, or
2 memoranda and the giving of testimony before the State Board,
3 by a proceeding as for contempt, or otherwise, in the same
4 manner as production of evidence may be compelled before the
5 court.

6 The State Board shall require all health facilities
7 operating in this State to provide such reasonable reports at
8 such times and containing such information as is needed by it
9 to carry out the purposes and provisions of this Act. Prior to
10 collecting information from health facilities, the State Board
11 shall make reasonable efforts through a public process to
12 consult with health facilities and associations that represent
13 them to determine whether data and information requests will
14 result in useful information for health planning, whether
15 sufficient information is available from other sources, and
16 whether data requested is routinely collected by health
17 facilities and is available without retrospective record
18 review. Data and information requests shall not impose undue
19 paperwork burdens on health care facilities and personnel.
20 Health facilities not complying with this requirement shall be
21 reported to licensing, accrediting, certifying, or payment
22 agencies as being in violation of State law. Health care
23 facilities and other parties at interest shall have reasonable
24 access, under rules established by the State Board, to all
25 planning information submitted in accord with this Act
26 pertaining to their area.

1 Among the reports to be required by the State Board are
2 facility questionnaires for health care facilities licensed
3 under the Ambulatory Surgical Treatment Center Act, the
4 Hospital Licensing Act, the Nursing Home Care Act, the ID/DD
5 Community Care Act, the MC/DD Act, or the Specialized Mental
6 Health Rehabilitation Act of 2013 and health care facilities
7 that are required to meet the requirements of 42 CFR 494 in
8 order to be certified for participation in Medicare and
9 Medicaid under Titles XVIII and XIX of the federal Social
10 Security Act. These questionnaires shall be conducted on an
11 annual basis and compiled by the State Board. For health care
12 facilities licensed under the Nursing Home Care Act or the
13 Specialized Mental Health Rehabilitation Act of 2013, these
14 reports shall include, but not be limited to, the
15 identification of specialty services provided by the facility
16 to patients, residents, and the community at large. Annual
17 reports for facilities licensed under the ID/DD Community Care
18 Act and facilities licensed under the MC/DD Act shall be
19 different from the annual reports required of other health care
20 facilities and shall be specific to those facilities licensed
21 under the ID/DD Community Care Act or the MC/DD Act. The Health
22 Facilities and Services Review Board shall consult with
23 associations representing facilities licensed under the ID/DD
24 Community Care Act and associations representing facilities
25 licensed under the MC/DD Act when developing the information
26 requested in these annual reports. For health care facilities

1 that contain long term care beds, the reports shall also
2 include the number of staffed long term care beds, physical
3 capacity for long term care beds at the facility, and long term
4 care beds available for immediate occupancy. For purposes of
5 this paragraph, "long term care beds" means beds (i) licensed
6 under the Nursing Home Care Act, (ii) licensed under the ID/DD
7 Community Care Act, (iii) licensed under the MC/DD Act, (iv)
8 licensed under the Hospital Licensing Act, or (v) licensed
9 under the Specialized Mental Health Rehabilitation Act of 2013
10 and certified as skilled nursing or nursing facility beds under
11 Medicaid or Medicare.

12 (Source: P.A. 99-180, eff. 7-29-15; 100-681, eff. 8-3-18;
13 100-957, eff. 8-19-18; revised 12-13-18.)

14 Section 220. The Illinois Plain Language Task Force Act is
15 amended by changing Section 30 as follows:

16 (20 ILCS 4090/30)

17 Sec. 30. Plain language State government communications.
18 Recognizing the importance of plain language in communication
19 with the public:

20 (1) the General Assembly shall draft legislation and
21 other public-facing documents using plain language when
22 practicable; and

23 (2) the executive and judicial branches of State
24 government are advised to make all efforts to draft

1 executive orders, court documents, and other public-facing
2 ~~public-facing~~ documents using plain language.

3 (Source: P.A. 100-1108, eff. 8-27-18; revised 10-11-18.)

4 Section 225. The Illinois Route 66 Centennial Commission
5 Act is amended by changing Section 45 as follows:

6 (20 ILCS 5125/45)

7 (Section scheduled to be repealed on December 1, 2027)

8 Sec. 45. Dissolution of the Commission. No later than June
9 30, 2027, a final report on the Commission's activities shall
10 be delivered to the Governor. The Commission shall be dissolved
11 on June 30, 2027, and any assets remaining in the Illinois
12 Route 66 Centennial Commission Trust Fund shall be deposited
13 into ~~in to~~ the General Revenue Fund.

14 (Source: P.A. 100-649, eff. 1-1-19; revised 10-11-18.)

15 Section 230. The Illinois State Auditing Act is amended by
16 changing Section 2-16 as follows:

17 (30 ILCS 5/2-16)

18 Sec. 2-16. Contract aspirational goals. The Auditor
19 General shall establish aspirational goals for contract awards
20 substantially in accordance with the Business Enterprise for
21 Minorities, Women, and Persons with Disabilities Act, unless
22 otherwise governed by other law. The Auditor General shall not

1 be subject to the jurisdiction of the Business Enterprise
2 Council established under the Business Enterprise for
3 Minorities, Women, and Persons with Disabilities Act with
4 regard to steps taken to achieve aspirational goals. The
5 Auditor General shall annually post the Office's utilization of
6 businesses owned by minorities, women, and persons with
7 disabilities during the preceding fiscal year on the Office's
8 Internet websites.

9 (Source: P.A. 100-801, eff. 8-10-18; revised 9-27-18.)

10 Section 235. The State Finance Act is amended by setting
11 forth and renumbering multiple versions of Sections 5.886 and
12 6z-105 and by changing Sections 6p-1, 8.16a, 9.03, 9.04, and
13 13.2 as follows:

14 (30 ILCS 105/5.886)

15 Sec. 5.886. The VW Settlement Environmental Mitigation
16 Fund.

17 (Source: P.A. 100-587, eff. 6-4-18.)

18 (30 ILCS 105/5.887)

19 Sec. 5.887 ~~5.886~~. The High-Speed Rail Rolling Stock Fund.

20 (Source: P.A. 100-773, eff. 1-1-19; revised 9-12-18.)

21 (30 ILCS 105/5.888)

22 (This Section may contain text from a Public Act with a

1 delayed effective date)

2 Sec. 5.888 ~~5.886~~. The State Police Law Enforcement
3 Administration Fund.

4 (Source: P.A. 100-987, eff. 7-1-19; revised 9-12-18.)

5 (30 ILCS 105/5.889)

6 Sec. 5.889 ~~5.886~~. The Homelessness Prevention Revenue
7 Fund.

8 (Source: P.A. 100-1068, eff. 8-24-18; revised 9-12-18.)

9 (30 ILCS 105/5.890)

10 Sec. 5.890 ~~5.886~~. The Industrial Hemp Regulatory Fund.

11 (Source: P.A. 100-1091, eff. 8-26-18; revised 9-12-18.)

12 (30 ILCS 105/5.892)

13 Sec. 5.892 ~~5.886~~. The Firearm Dealer License Certification
14 Fund.

15 (Source: P.A. 100-1178, eff. 1-18-19; revised 1-26-19.)

16 (30 ILCS 105/6p-1) (from Ch. 127, par. 142p1)

17 Sec. 6p-1. The Technology Management Revolving Fund
18 (formerly known as the Statistical Services Revolving Fund)
19 shall be initially financed by a transfer of funds from the
20 General Revenue Fund. Thereafter, all fees and other monies
21 received by the Department of Innovation and Technology in
22 payment for information technology and related services

1 rendered pursuant to subsection (b) of Section 1-30 ~~30~~ of the
2 Department of Innovation and Technology Act shall be paid into
3 the Technology Management Revolving Fund. On and after July 1,
4 2017, or after sufficient moneys have been received in the
5 Communications Revolving Fund to pay all Fiscal Year 2017
6 obligations payable from the Fund, whichever is later, all fees
7 and other moneys received by the Department of Central
8 Management Services in payment for communications services
9 rendered pursuant to the Department of Central Management
10 Services Law of the Civil Administrative Code of Illinois or
11 sale of surplus State communications equipment shall be paid
12 into the Technology Management Revolving Fund. The money in
13 this fund shall be used by the Department of Innovation and
14 Technology as reimbursement for expenditures incurred in
15 rendering information technology and related services and,
16 beginning July 1, 2017, as reimbursement for expenditures
17 incurred in relation to communications services.

18 (Source: P.A. 100-23, eff. 7-6-17; 100-611, eff. 7-20-18;
19 revised 10-11-18.)

20 (30 ILCS 105/6z-105)

21 Sec. 6z-105. The VW Settlement Environmental Mitigation
22 Fund. The VW Settlement Environmental Mitigation Fund is
23 created as a special fund in the State Treasury to receive
24 moneys from the State Mitigation Trust established pursuant to
25 the Environmental Mitigation Trust Agreement for State

1 Beneficiaries ("Trust Agreement") pursuant to consent decrees
2 in In re: Volkswagen "Clean Diesel" Marketing, Sales Practices,
3 and Products Liability Litigation, MDL No. 2672 CRB (JSC) ("VW
4 Settlement"). All funds received by the State from the State
5 Mitigation Trust shall be deposited into the VW Settlement
6 Environmental Mitigation Fund to be used, subject to
7 appropriation by the General Assembly, by the Illinois
8 Environmental Protection Agency as designated lead agency for
9 the State of Illinois, to pay for costs of eligible mitigation
10 actions and related administrative expenditures as allowed
11 under the VW Settlement, the Trust Agreement, and the State's
12 Beneficiary Mitigation Plan.

13 (Source: P.A. 100-587, eff. 6-4-18.)

14 (30 ILCS 105/6z-106)

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

17 Sec. 6z-106 ~~6z-105~~. State Police Law Enforcement
18 Administration Fund.

19 (a) There is created in the State treasury a special fund
20 known as the State Police Law Enforcement Administration Fund.
21 The Fund shall receive revenue under subsection (c) of Section
22 10-5 of the Criminal and Traffic Assessment Act. The Fund may
23 also receive revenue from grants, donations, appropriations,
24 and any other legal source.

25 (b) The Department of State Police may use moneys in the

1 Fund to finance any of its lawful purposes or functions;
2 however, the primary purpose shall be to finance State Police
3 cadet classes in May and October of each year.

4 (c) Expenditures may be made from the Fund only as
5 appropriated by the General Assembly by law.

6 (d) Investment income that is attributable to the
7 investment of moneys in the Fund shall be retained in the Fund
8 for the uses specified in this Section.

9 (e) The State Police Law Enforcement Administration Fund
10 shall not be subject to administrative chargebacks.

11 (Source: P.A. 100-987, eff. 7-1-19; revised 10-8-18.)

12 (30 ILCS 105/8.16a) (from Ch. 127, par. 144.16a)

13 Sec. 8.16a. Appropriations for the procurement,
14 installation, retention, maintenance, and operation of
15 electronic data processing and information technology devices
16 and software used by State agencies subject to subsection (b)
17 of Section 1-30 ~~30~~ of the Department of Innovation and
18 Technology Act, the purchase of necessary supplies and
19 equipment and accessories thereto, and all other expenses
20 incident to the operation and maintenance of those electronic
21 data processing and information technology devices and
22 software are payable from the Technology Management Revolving
23 Fund. However, no contract shall be entered into or obligation
24 incurred for any expenditure from the Technology Management
25 Revolving Fund until after the purpose and amount has been

1 approved in writing by the Secretary of Innovation and
2 Technology. Until there are sufficient funds in the Technology
3 Management Revolving Fund (formerly known as the Statistical
4 Services Revolving Fund) to carry out the purposes of this
5 amendatory Act of 1965, however, the State agencies subject to
6 subsection (b) of Section 1-30 ~~30~~ of the Department of
7 Innovation and Technology Act shall, on written approval of the
8 Secretary of Innovation and Technology, pay the cost of
9 operating and maintaining electronic data processing systems
10 from current appropriations as classified and standardized in
11 the State Finance Act.

12 (Source: P.A. 100-23, eff. 7-6-17; 100-611, eff. 7-20-18;
13 revised 10-11-18.)

14 (30 ILCS 105/9.03) (from Ch. 127, par. 145d)

15 Sec. 9.03. The certification on every State payroll voucher
16 shall be as follows:

17 "I certify that the employees named, their respective
18 indicated positions and service times, and appropriation to be
19 charged, as shown on the accompanying payroll sheets are true,
20 complete, correct and according to the provisions of law; that
21 such employees are involved in decision making or have direct
22 line responsibility to a person who has decision making
23 authority concerning the objectives, functions, goals and
24 policies of the organizational unit for which the appropriation
25 was made; that the results of the work performed by these

1 employees and that substantially all of their working time is
 2 directly related to the objectives, functions, goals, and
 3 policies of the organizational unit for which the appropriation
 4 is made; that all working time was expended in the service of
 5 the State; and that the employees named are entitled to payment
 6 in the amounts indicated. If applicable, the reporting
 7 requirements of Section 5.1 of the Governor's Office of
 8 Management and Budget Act have been met.

9

10 (Date)

(Signature)"

11 For departments under the Civil Administrative Code of
 12 Illinois, the foregoing certification shall be executed by the
 13 Chief Executive Officer of the department from whose
 14 appropriation the payment will be made or his designee, in
 15 addition to any other certifications or approvals which may be
 16 required by law.

17 The foregoing certification shall not be required for
 18 expenditures from amounts appropriated to the Comptroller for
 19 payment of the salaries of State officers.

20 For appropriations for the Office of the Governor enacted
 21 after July 31, 2018 (the effective date of Public Act 100-655)
 22 ~~this amendatory Act of the 100th General Assembly~~, (1) the
 23 foregoing certification shall be required for expenditures
 24 from amounts appropriated to the Office of the Governor for
 25 payment of salaries of Governor's Office employees and executed
 26 by the Governor, or his or her designee, in addition to any

1 other certifications or approvals which may be required by law
2 to be made; and (2) in no event shall salaries of employees of
3 the Office of the Governor be paid from appropriations other
4 than those established for that purpose.

5 (Source: P.A. 100-655, eff. 7-31-18; revised 10-11-18.)

6 (30 ILCS 105/9.04) (from Ch. 127, par. 145e)

7 Sec. 9.04. The certification on behalf of the State agency
8 on every State voucher for goods and services other than a
9 payroll or travel voucher shall be as follows:

10 "I certify that the goods or services specified on this
11 voucher were for the use of this agency and that the
12 expenditure for such goods or services was authorized and
13 lawfully incurred; that such goods or services meet all the
14 required standards set forth in the purchase agreement or
15 contract to which this voucher relates; and that the amount
16 shown on this voucher is correct and is approved for payment.
17 If applicable, the reporting requirements of Section 5.1 of the
18 Governor's Office of Management and Budget Act have been met.

19

20 (Date)

(Signature) "

21 For departments under the Civil Administrative Code of
22 Illinois, the foregoing certification shall be executed by the
23 Chief Executive Officer of the department from whose
24 appropriation the payment will be made or his designee, in
25 addition to any other certifications or approvals which may be

1 required by law.

2 (Source: P.A. 94-793, eff. 5-19-06; revised 10-11-18.)

3 (30 ILCS 105/13.2) (from Ch. 127, par. 149.2)

4 Sec. 13.2. Transfers among line item appropriations.

5 (a) Transfers among line item appropriations from the same
6 treasury fund for the objects specified in this Section may be
7 made in the manner provided in this Section when the balance
8 remaining in one or more such line item appropriations is
9 insufficient for the purpose for which the appropriation was
10 made.

11 (a-1) No transfers may be made from one agency to another
12 agency, nor may transfers be made from one institution of
13 higher education to another institution of higher education
14 except as provided by subsection (a-4).

15 (a-2) Except as otherwise provided in this Section,
16 transfers may be made only among the objects of expenditure
17 enumerated in this Section, except that no funds may be
18 transferred from any appropriation for personal services, from
19 any appropriation for State contributions to the State
20 Employees' Retirement System, from any separate appropriation
21 for employee retirement contributions paid by the employer, nor
22 from any appropriation for State contribution for employee
23 group insurance. During State fiscal year 2005, an agency may
24 transfer amounts among its appropriations within the same
25 treasury fund for personal services, employee retirement

1 contributions paid by employer, and State Contributions to
2 retirement systems; notwithstanding and in addition to the
3 transfers authorized in subsection (c) of this Section, the
4 fiscal year 2005 transfers authorized in this sentence may be
5 made in an amount not to exceed 2% of the aggregate amount
6 appropriated to an agency within the same treasury fund. During
7 State fiscal year 2007, the Departments of Children and Family
8 Services, Corrections, Human Services, and Juvenile Justice
9 may transfer amounts among their respective appropriations
10 within the same treasury fund for personal services, employee
11 retirement contributions paid by employer, and State
12 contributions to retirement systems. During State fiscal year
13 2010, the Department of Transportation may transfer amounts
14 among their respective appropriations within the same treasury
15 fund for personal services, employee retirement contributions
16 paid by employer, and State contributions to retirement
17 systems. During State fiscal years 2010 and 2014 only, an
18 agency may transfer amounts among its respective
19 appropriations within the same treasury fund for personal
20 services, employee retirement contributions paid by employer,
21 and State contributions to retirement systems.
22 Notwithstanding, and in addition to, the transfers authorized
23 in subsection (c) of this Section, these transfers may be made
24 in an amount not to exceed 2% of the aggregate amount
25 appropriated to an agency within the same treasury fund.

26 (a-2.5) During State fiscal year 2015 only, the State's

1 Attorneys Appellate Prosecutor may transfer amounts among its
2 respective appropriations contained in operational line items
3 within the same treasury fund. Notwithstanding, and in addition
4 to, the transfers authorized in subsection (c) of this Section,
5 these transfers may be made in an amount not to exceed 4% of
6 the aggregate amount appropriated to the State's Attorneys
7 Appellate Prosecutor within the same treasury fund.

8 (a-3) Further, if an agency receives a separate
9 appropriation for employee retirement contributions paid by
10 the employer, any transfer by that agency into an appropriation
11 for personal services must be accompanied by a corresponding
12 transfer into the appropriation for employee retirement
13 contributions paid by the employer, in an amount sufficient to
14 meet the employer share of the employee contributions required
15 to be remitted to the retirement system.

16 (a-4) Long-Term Care Rebalancing. The Governor may
17 designate amounts set aside for institutional services
18 appropriated from the General Revenue Fund or any other State
19 fund that receives monies for long-term care services to be
20 transferred to all State agencies responsible for the
21 administration of community-based long-term care programs,
22 including, but not limited to, community-based long-term care
23 programs administered by the Department of Healthcare and
24 Family Services, the Department of Human Services, and the
25 Department on Aging, provided that the Director of Healthcare
26 and Family Services first certifies that the amounts being

1 transferred are necessary for the purpose of assisting persons
2 in or at risk of being in institutional care to transition to
3 community-based settings, including the financial data needed
4 to prove the need for the transfer of funds. The total amounts
5 transferred shall not exceed 4% in total of the amounts
6 appropriated from the General Revenue Fund or any other State
7 fund that receives monies for long-term care services for each
8 fiscal year. A notice of the fund transfer must be made to the
9 General Assembly and posted at a minimum on the Department of
10 Healthcare and Family Services website, the Governor's Office
11 of Management and Budget website, and any other website the
12 Governor sees fit. These postings shall serve as notice to the
13 General Assembly of the amounts to be transferred. Notice shall
14 be given at least 30 days prior to transfer.

15 (b) In addition to the general transfer authority provided
16 under subsection (c), the following agencies have the specific
17 transfer authority granted in this subsection:

18 The Department of Healthcare and Family Services is
19 authorized to make transfers representing savings attributable
20 to not increasing grants due to the births of additional
21 children from line items for payments of cash grants to line
22 items for payments for employment and social services for the
23 purposes outlined in subsection (f) of Section 4-2 of the
24 Illinois Public Aid Code.

25 The Department of Children and Family Services is
26 authorized to make transfers not exceeding 2% of the aggregate

1 amount appropriated to it within the same treasury fund for the
2 following line items among these same line items: Foster Home
3 and Specialized Foster Care and Prevention, Institutions and
4 Group Homes and Prevention, and Purchase of Adoption and
5 Guardianship Services.

6 The Department on Aging is authorized to make transfers not
7 exceeding 2% of the aggregate amount appropriated to it within
8 the same treasury fund for the following Community Care Program
9 line items among these same line items: purchase of services
10 covered by the Community Care Program and Comprehensive Case
11 Coordination.

12 The State Treasurer is authorized to make transfers among
13 line item appropriations from the Capital Litigation Trust
14 Fund, with respect to costs incurred in fiscal years 2002 and
15 2003 only, when the balance remaining in one or more such line
16 item appropriations is insufficient for the purpose for which
17 the appropriation was made, provided that no such transfer may
18 be made unless the amount transferred is no longer required for
19 the purpose for which that appropriation was made.

20 The State Board of Education is authorized to make
21 transfers from line item appropriations within the same
22 treasury fund for General State Aid, General State Aid - Hold
23 Harmless, and Evidence-Based Funding, provided that no such
24 transfer may be made unless the amount transferred is no longer
25 required for the purpose for which that appropriation was made,
26 to the line item appropriation for Transitional Assistance when

1 the balance remaining in such line item appropriation is
2 insufficient for the purpose for which the appropriation was
3 made.

4 The State Board of Education is authorized to make
5 transfers between the following line item appropriations
6 within the same treasury fund: Disabled Student
7 Services/Materials (Section 14-13.01 of the School Code),
8 Disabled Student Transportation Reimbursement (Section
9 14-13.01 of the School Code), Disabled Student Tuition -
10 Private Tuition (Section 14-7.02 of the School Code),
11 Extraordinary Special Education (Section 14-7.02b of the
12 School Code), Reimbursement for Free Lunch/Breakfast Program,
13 Summer School Payments (Section 18-4.3 of the School Code), and
14 Transportation - Regular/Vocational Reimbursement (Section
15 29-5 of the School Code). Such transfers shall be made only
16 when the balance remaining in one or more such line item
17 appropriations is insufficient for the purpose for which the
18 appropriation was made and provided that no such transfer may
19 be made unless the amount transferred is no longer required for
20 the purpose for which that appropriation was made.

21 The Department of Healthcare and Family Services is
22 authorized to make transfers not exceeding 4% of the aggregate
23 amount appropriated to it, within the same treasury fund, among
24 the various line items appropriated for Medical Assistance.

25 (c) The sum of such transfers for an agency in a fiscal
26 year shall not exceed 2% of the aggregate amount appropriated

1 to it within the same treasury fund for the following objects:
2 Personal Services; Extra Help; Student and Inmate
3 Compensation; State Contributions to Retirement Systems; State
4 Contributions to Social Security; State Contribution for
5 Employee Group Insurance; Contractual Services; Travel;
6 Commodities; Printing; Equipment; Electronic Data Processing;
7 Operation of Automotive Equipment; Telecommunications
8 Services; Travel and Allowance for Committed, Paroled and
9 Discharged Prisoners; Library Books; Federal Matching Grants
10 for Student Loans; Refunds; Workers' Compensation,
11 Occupational Disease, and Tort Claims; Late Interest Penalties
12 under the State Prompt Payment Act and Sections 368a and 370a
13 of the Illinois Insurance Code; and, in appropriations to
14 institutions of higher education, Awards and Grants.
15 Notwithstanding the above, any amounts appropriated for
16 payment of workers' compensation claims to an agency to which
17 the authority to evaluate, administer and pay such claims has
18 been delegated by the Department of Central Management Services
19 may be transferred to any other expenditure object where such
20 amounts exceed the amount necessary for the payment of such
21 claims.

22 (c-1) Special provisions for State fiscal year 2003.
23 Notwithstanding any other provision of this Section to the
24 contrary, for State fiscal year 2003 only, transfers among line
25 item appropriations to an agency from the same treasury fund
26 may be made provided that the sum of such transfers for an

1 agency in State fiscal year 2003 shall not exceed 3% of the
2 aggregate amount appropriated to that State agency for State
3 fiscal year 2003 for the following objects: personal services,
4 except that no transfer may be approved which reduces the
5 aggregate appropriations for personal services within an
6 agency; extra help; student and inmate compensation; State
7 contributions to retirement systems; State contributions to
8 social security; State contributions for employee group
9 insurance; contractual services; travel; commodities;
10 printing; equipment; electronic data processing; operation of
11 automotive equipment; telecommunications services; travel and
12 allowance for committed, paroled, and discharged prisoners;
13 library books; federal matching grants for student loans;
14 refunds; workers' compensation, occupational disease, and tort
15 claims; and, in appropriations to institutions of higher
16 education, awards and grants.

17 (c-2) Special provisions for State fiscal year 2005.
18 Notwithstanding subsections (a), (a-2), and (c), for State
19 fiscal year 2005 only, transfers may be made among any line
20 item appropriations from the same or any other treasury fund
21 for any objects or purposes, without limitation, when the
22 balance remaining in one or more such line item appropriations
23 is insufficient for the purpose for which the appropriation was
24 made, provided that the sum of those transfers by a State
25 agency shall not exceed 4% of the aggregate amount appropriated
26 to that State agency for fiscal year 2005.

1 (c-3) Special provisions for State fiscal year 2015.
2 Notwithstanding any other provision of this Section, for State
3 fiscal year 2015, transfers among line item appropriations to a
4 State agency from the same State treasury fund may be made for
5 operational or lump sum expenses only, provided that the sum of
6 such transfers for a State agency in State fiscal year 2015
7 shall not exceed 4% of the aggregate amount appropriated to
8 that State agency for operational or lump sum expenses for
9 State fiscal year 2015. For the purpose of this subsection,
10 "operational or lump sum expenses" includes the following
11 objects: personal services; extra help; student and inmate
12 compensation; State contributions to retirement systems; State
13 contributions to social security; State contributions for
14 employee group insurance; contractual services; travel;
15 commodities; printing; equipment; electronic data processing;
16 operation of automotive equipment; telecommunications
17 services; travel and allowance for committed, paroled, and
18 discharged prisoners; library books; federal matching grants
19 for student loans; refunds; workers' compensation,
20 occupational disease, and tort claims; lump sum and other
21 purposes; and lump sum operations. For the purpose of this
22 subsection (c-3), "State agency" does not include the Attorney
23 General, the Secretary of State, the Comptroller, the
24 Treasurer, or the legislative or judicial branches.

25 (c-4) Special provisions for State fiscal year 2018.
26 Notwithstanding any other provision of this Section, for State

1 fiscal year 2018, transfers among line item appropriations to a
2 State agency from the same State treasury fund may be made for
3 operational or lump sum expenses only, provided that the sum of
4 such transfers for a State agency in State fiscal year 2018
5 shall not exceed 4% of the aggregate amount appropriated to
6 that State agency for operational or lump sum expenses for
7 State fiscal year 2018. For the purpose of this subsection
8 (c-4), "operational or lump sum expenses" includes the
9 following objects: personal services; extra help; student and
10 inmate compensation; State contributions to retirement
11 systems; State contributions to social security; State
12 contributions for employee group insurance; contractual
13 services; travel; commodities; printing; equipment; electronic
14 data processing; operation of automotive equipment;
15 telecommunications services; travel and allowance for
16 committed, paroled, and discharged prisoners; library books;
17 federal matching grants for student loans; refunds; workers'
18 compensation, occupational disease, and tort claims; lump sum
19 and other purposes; and lump sum operations. For the purpose of
20 this subsection (c-4), "State agency" does not include the
21 Attorney General, the Secretary of State, the Comptroller, the
22 Treasurer, or the legislative or judicial branches.

23 (c-5) Special provisions for State fiscal year 2019.
24 Notwithstanding any other provision of this Section, for State
25 fiscal year 2019, transfers among line item appropriations to a
26 State agency from the same State treasury fund may be made for

1 operational or lump sum expenses only, provided that the sum of
2 such transfers for a State agency in State fiscal year 2019
3 shall not exceed 4% of the aggregate amount appropriated to
4 that State agency for operational or lump sum expenses for
5 State fiscal year 2019. For the purpose of this subsection
6 (c-5), "operational or lump sum expenses" includes the
7 following objects: personal services; extra help; student and
8 inmate compensation; State contributions to retirement
9 systems; State contributions to social security; State
10 contributions for employee group insurance; contractual
11 services; travel; commodities; printing; equipment; electronic
12 data processing; operation of automotive equipment;
13 telecommunications services; travel and allowance for
14 committed, paroled, and discharged prisoners; library books;
15 federal matching grants for student loans; refunds; workers'
16 compensation, occupational disease, and tort claims; lump sum
17 and other purposes; and lump sum operations. For the purpose of
18 this subsection (c-5), "State agency" does not include the
19 Attorney General, the Secretary of State, the Comptroller, the
20 Treasurer, or the legislative or judicial branches.

21 (d) Transfers among appropriations made to agencies of the
22 Legislative and Judicial departments and to the
23 constitutionally elected officers in the Executive branch
24 require the approval of the officer authorized in Section 10 of
25 this Act to approve and certify vouchers. Transfers among
26 appropriations made to the University of Illinois, Southern

1 Illinois University, Chicago State University, Eastern
2 Illinois University, Governors State University, Illinois
3 State University, Northeastern Illinois University, Northern
4 Illinois University, Western Illinois University, the Illinois
5 Mathematics and Science Academy and the Board of Higher
6 Education require the approval of the Board of Higher Education
7 and the Governor. Transfers among appropriations to all other
8 agencies require the approval of the Governor.

9 The officer responsible for approval shall certify that the
10 transfer is necessary to carry out the programs and purposes
11 for which the appropriations were made by the General Assembly
12 and shall transmit to the State Comptroller a certified copy of
13 the approval which shall set forth the specific amounts
14 transferred so that the Comptroller may change his records
15 accordingly. The Comptroller shall furnish the Governor with
16 information copies of all transfers approved for agencies of
17 the Legislative and Judicial departments and transfers
18 approved by the constitutionally elected officials of the
19 Executive branch other than the Governor, showing the amounts
20 transferred and indicating the dates such changes were entered
21 on the Comptroller's records.

22 (e) The State Board of Education, in consultation with the
23 State Comptroller, may transfer line item appropriations for
24 General State Aid or Evidence-Based Funding between the Common
25 School Fund and the Education Assistance Fund. With the advice
26 and consent of the Governor's Office of Management and Budget,

1 the State Board of Education, in consultation with the State
2 Comptroller, may transfer line item appropriations between the
3 General Revenue Fund and the Education Assistance Fund for the
4 following programs:

5 (1) Disabled Student Personnel Reimbursement (Section
6 14-13.01 of the School Code);

7 (2) Disabled Student Transportation Reimbursement
8 (subsection (b) of Section 14-13.01 of the School Code);

9 (3) Disabled Student Tuition - Private Tuition
10 (Section 14-7.02 of the School Code);

11 (4) Extraordinary Special Education (Section 14-7.02b
12 of the School Code);

13 (5) Reimbursement for Free Lunch/Breakfast Programs;

14 (6) Summer School Payments (Section 18-4.3 of the
15 School Code);

16 (7) Transportation - Regular/Vocational Reimbursement
17 (Section 29-5 of the School Code);

18 (8) Regular Education Reimbursement (Section 18-3 of
19 the School Code); and

20 (9) Special Education Reimbursement (Section 14-7.03
21 of the School Code).

22 (Source: P.A. 99-2, eff. 3-26-15; 100-23, eff. 7-6-17; 100-465,
23 eff. 8-31-17; 100-587, eff. 6-4-18; 100-863, eff. 8-14-18;
24 100-1064, eff. 8-24-18; revised 10-9-18.)

25 Section 240. The General Obligation Bond Act is amended by

1 changing Sections 9 and 11 as follows:

2 (30 ILCS 330/9) (from Ch. 127, par. 659)

3 Sec. 9. Conditions for issuance and sale of Bonds;
4 requirements for Bonds.

5 (a) Except as otherwise provided in this subsection,
6 subsection (h), and subsection (i), Bonds shall be issued and
7 sold from time to time, in one or more series, in such amounts
8 and at such prices as may be directed by the Governor, upon
9 recommendation by the Director of the Governor's Office of
10 Management and Budget. Bonds shall be in such form (either
11 coupon, registered or book entry), in such denominations,
12 payable within 25 years from their date, subject to such terms
13 of redemption with or without premium, bear interest payable at
14 such times and at such fixed or variable rate or rates, and be
15 dated as shall be fixed and determined by the Director of the
16 Governor's Office of Management and Budget in the order
17 authorizing the issuance and sale of any series of Bonds, which
18 order shall be approved by the Governor and is herein called a
19 "Bond Sale Order"; provided however, that interest payable at
20 fixed or variable rates shall not exceed that permitted in the
21 Bond Authorization Act, as now or hereafter amended. Bonds
22 shall be payable at such place or places, within or without the
23 State of Illinois, and may be made registrable as to either
24 principal or as to both principal and interest, as shall be
25 specified in the Bond Sale Order. Bonds may be callable or

1 subject to purchase and retirement or tender and remarketing as
2 fixed and determined in the Bond Sale Order. Bonds, other than
3 Bonds issued under Section 3 of this Act for the costs
4 associated with the purchase and implementation of information
5 technology, (i) except for refunding Bonds satisfying the
6 requirements of Section 16 of this Act and sold during fiscal
7 year 2009, 2010, 2011, 2017, 2018, or 2019 must be issued with
8 principal or mandatory redemption amounts in equal amounts,
9 with the first maturity issued occurring within the fiscal year
10 in which the Bonds are issued or within the next succeeding
11 fiscal year and (ii) must mature or be subject to mandatory
12 redemption each fiscal year thereafter up to 25 years, except
13 for refunding Bonds satisfying the requirements of Section 16
14 of this Act and sold during fiscal year 2009, 2010, or 2011
15 which must mature or be subject to mandatory redemption each
16 fiscal year thereafter up to 16 years. Bonds issued under
17 Section 3 of this Act for the costs associated with the
18 purchase and implementation of information technology must be
19 issued with principal or mandatory redemption amounts in equal
20 amounts, with the first maturity issued occurring with the
21 fiscal year in which the respective bonds are issued or with
22 the next succeeding fiscal year, with the respective bonds
23 issued maturing or subject to mandatory redemption each fiscal
24 year thereafter up to 10 years. Notwithstanding any provision
25 of this Act to the contrary, the Bonds authorized by Public Act
26 96-43 shall be payable within 5 years from their date and must

1 be issued with principal or mandatory redemption amounts in
2 equal amounts, with payment of principal or mandatory
3 redemption beginning in the first fiscal year following the
4 fiscal year in which the Bonds are issued.

5 Notwithstanding any provision of this Act to the contrary,
6 the Bonds authorized by Public Act 96-1497 shall be payable
7 within 8 years from their date and shall be issued with payment
8 of maturing principal or scheduled mandatory redemptions in
9 accordance with the following schedule, except the following
10 amounts shall be prorated if less than the total additional
11 amount of Bonds authorized by Public Act 96-1497 are issued:

12	Fiscal Year After Issuance	Amount
13	1-2	\$0
14	3	\$110,712,120
15	4	\$332,136,360
16	5	\$664,272,720
17	6-8	\$996,409,080

18 Notwithstanding any provision of this Act to the contrary,
19 Income Tax Proceed Bonds issued under Section 7.6 shall be
20 payable 12 years from the date of sale and shall be issued with
21 payment of principal or mandatory redemption.

22 In the case of any series of Bonds bearing interest at a
23 variable interest rate ("Variable Rate Bonds"), in lieu of
24 determining the rate or rates at which such series of Variable
25 Rate Bonds shall bear interest and the price or prices at which
26 such Variable Rate Bonds shall be initially sold or remarketed

1 (in the event of purchase and subsequent resale), the Bond Sale
2 Order may provide that such interest rates and prices may vary
3 from time to time depending on criteria established in such
4 Bond Sale Order, which criteria may include, without
5 limitation, references to indices or variations in interest
6 rates as may, in the judgment of a remarketing agent, be
7 necessary to cause Variable Rate Bonds of such series to be
8 remarketable from time to time at a price equal to their
9 principal amount, and may provide for appointment of a bank,
10 trust company, investment bank, or other financial institution
11 to serve as remarketing agent in that connection. The Bond Sale
12 Order may provide that alternative interest rates or provisions
13 for establishing alternative interest rates, different
14 security or claim priorities, or different call or amortization
15 provisions will apply during such times as Variable Rate Bonds
16 of any series are held by a person providing credit or
17 liquidity enhancement arrangements for such Bonds as
18 authorized in subsection (b) of this Section. The Bond Sale
19 Order may also provide for such variable interest rates to be
20 established pursuant to a process generally known as an auction
21 rate process and may provide for appointment of one or more
22 financial institutions to serve as auction agents and
23 broker-dealers in connection with the establishment of such
24 interest rates and the sale and remarketing of such Bonds.

25 (b) In connection with the issuance of any series of Bonds,
26 the State may enter into arrangements to provide additional

1 security and liquidity for such Bonds, including, without
2 limitation, bond or interest rate insurance or letters of
3 credit, lines of credit, bond purchase contracts, or other
4 arrangements whereby funds are made available to retire or
5 purchase Bonds, thereby assuring the ability of owners of the
6 Bonds to sell or redeem their Bonds. The State may enter into
7 contracts and may agree to pay fees to persons providing such
8 arrangements, but only under circumstances where the Director
9 of the Governor's Office of Management and Budget certifies
10 that he or she reasonably expects the total interest paid or to
11 be paid on the Bonds, together with the fees for the
12 arrangements (being treated as if interest), would not, taken
13 together, cause the Bonds to bear interest, calculated to their
14 stated maturity, at a rate in excess of the rate that the Bonds
15 would bear in the absence of such arrangements.

16 The State may, with respect to Bonds issued or anticipated
17 to be issued, participate in and enter into arrangements with
18 respect to interest rate protection or exchange agreements,
19 guarantees, or financial futures contracts for the purpose of
20 limiting, reducing, or managing interest rate exposure. The
21 authority granted under this paragraph, however, shall not
22 increase the principal amount of Bonds authorized to be issued
23 by law. The arrangements may be executed and delivered by the
24 Director of the Governor's Office of Management and Budget on
25 behalf of the State. Net payments for such arrangements shall
26 constitute interest on the Bonds and shall be paid from the

1 General Obligation Bond Retirement and Interest Fund. The
2 Director of the Governor's Office of Management and Budget
3 shall at least annually certify to the Governor and the State
4 Comptroller his or her estimate of the amounts of such net
5 payments to be included in the calculation of interest required
6 to be paid by the State.

7 (c) Prior to the issuance of any Variable Rate Bonds
8 pursuant to subsection (a), the Director of the Governor's
9 Office of Management and Budget shall adopt an interest rate
10 risk management policy providing that the amount of the State's
11 variable rate exposure with respect to Bonds shall not exceed
12 20%. This policy shall remain in effect while any Bonds are
13 outstanding and the issuance of Bonds shall be subject to the
14 terms of such policy. The terms of this policy may be amended
15 from time to time by the Director of the Governor's Office of
16 Management and Budget but in no event shall any amendment cause
17 the permitted level of the State's variable rate exposure with
18 respect to Bonds to exceed 20%.

19 (d) "Build America Bonds" in this Section means Bonds
20 authorized by Section 54AA of the Internal Revenue Code of
21 1986, as amended ("Internal Revenue Code"), and bonds issued
22 from time to time to refund or continue to refund "Build
23 America Bonds".

24 (e) Notwithstanding any other provision of this Section,
25 Qualified School Construction Bonds shall be issued and sold
26 from time to time, in one or more series, in such amounts and

1 at such prices as may be directed by the Governor, upon
2 recommendation by the Director of the Governor's Office of
3 Management and Budget. Qualified School Construction Bonds
4 shall be in such form (either coupon, registered or book
5 entry), in such denominations, payable within 25 years from
6 their date, subject to such terms of redemption with or without
7 premium, and if the Qualified School Construction Bonds are
8 issued with a supplemental coupon, bear interest payable at
9 such times and at such fixed or variable rate or rates, and be
10 dated as shall be fixed and determined by the Director of the
11 Governor's Office of Management and Budget in the order
12 authorizing the issuance and sale of any series of Qualified
13 School Construction Bonds, which order shall be approved by the
14 Governor and is herein called a "Bond Sale Order"; except that
15 interest payable at fixed or variable rates, if any, shall not
16 exceed that permitted in the Bond Authorization Act, as now or
17 hereafter amended. Qualified School Construction Bonds shall
18 be payable at such place or places, within or without the State
19 of Illinois, and may be made registrable as to either principal
20 or as to both principal and interest, as shall be specified in
21 the Bond Sale Order. Qualified School Construction Bonds may be
22 callable or subject to purchase and retirement or tender and
23 remarketing as fixed and determined in the Bond Sale Order.
24 Qualified School Construction Bonds must be issued with
25 principal or mandatory redemption amounts or sinking fund
26 payments into the General Obligation Bond Retirement and

1 Interest Fund (or subaccount therefor) in equal amounts, with
2 the first maturity issued, mandatory redemption payment or
3 sinking fund payment occurring within the fiscal year in which
4 the Qualified School Construction Bonds are issued or within
5 the next succeeding fiscal year, with Qualified School
6 Construction Bonds issued maturing or subject to mandatory
7 redemption or with sinking fund payments thereof deposited each
8 fiscal year thereafter up to 25 years. Sinking fund payments
9 set forth in this subsection shall be permitted only to the
10 extent authorized in Section 54F of the Internal Revenue Code
11 or as otherwise determined by the Director of the Governor's
12 Office of Management and Budget. "Qualified School
13 Construction Bonds" in this subsection means Bonds authorized
14 by Section 54F of the Internal Revenue Code and for bonds
15 issued from time to time to refund or continue to refund such
16 "Qualified School Construction Bonds".

17 (f) Beginning with the next issuance by the Governor's
18 Office of Management and Budget to the Procurement Policy Board
19 of a request for quotation for the purpose of formulating a new
20 pool of qualified underwriting banks list, all entities
21 responding to such a request for quotation for inclusion on
22 that list shall provide a written report to the Governor's
23 Office of Management and Budget and the Illinois Comptroller.
24 The written report submitted to the Comptroller shall (i) be
25 published on the Comptroller's Internet website and (ii) be
26 used by the Governor's Office of Management and Budget for the

1 purposes of scoring such a request for quotation. The written
2 report, at a minimum, shall:

3 (1) disclose whether, within the past 3 months,
4 pursuant to its credit default swap market-making
5 activities, the firm has entered into any State of Illinois
6 credit default swaps ("CDS");

7 (2) include, in the event of State of Illinois CDS
8 activity, disclosure of the firm's cumulative notional
9 volume of State of Illinois CDS trades and the firm's
10 outstanding gross and net notional amount of State of
11 Illinois CDS, as of the end of the current 3-month period;

12 (3) indicate, pursuant to the firm's proprietary
13 trading activities, disclosure of whether the firm, within
14 the past 3 months, has entered into any proprietary trades
15 for its own account in State of Illinois CDS;

16 (4) include, in the event of State of Illinois
17 proprietary trades, disclosure of the firm's outstanding
18 gross and net notional amount of proprietary State of
19 Illinois CDS and whether the net position is short or long
20 credit protection, as of the end of the current 3-month
21 period;

22 (5) list all time periods during the past 3 months
23 during which the firm held net long or net short State of
24 Illinois CDS proprietary credit protection positions, the
25 amount of such positions, and whether those positions were
26 net long or net short credit protection positions; and

1 (6) indicate whether, within the previous 3 months, the
2 firm released any publicly available research or marketing
3 reports that reference State of Illinois CDS and include
4 those research or marketing reports as attachments.

5 (g) All entities included on a Governor's Office of
6 Management and Budget's pool of qualified underwriting banks
7 list shall, as soon as possible after March 18, 2011 (the
8 effective date of Public Act 96-1554), but not later than
9 January 21, 2011, and on a quarterly fiscal basis thereafter,
10 provide a written report to the Governor's Office of Management
11 and Budget and the Illinois Comptroller. The written reports
12 submitted to the Comptroller shall be published on the
13 Comptroller's Internet website. The written reports, at a
14 minimum, shall:

15 (1) disclose whether, within the past 3 months,
16 pursuant to its credit default swap market-making
17 activities, the firm has entered into any State of Illinois
18 credit default swaps ("CDS");

19 (2) include, in the event of State of Illinois CDS
20 activity, disclosure of the firm's cumulative notional
21 volume of State of Illinois CDS trades and the firm's
22 outstanding gross and net notional amount of State of
23 Illinois CDS, as of the end of the current 3-month period;

24 (3) indicate, pursuant to the firm's proprietary
25 trading activities, disclosure of whether the firm, within
26 the past 3 months, has entered into any proprietary trades

1 for its own account in State of Illinois CDS;

2 (4) include, in the event of State of Illinois
3 proprietary trades, disclosure of the firm's outstanding
4 gross and net notional amount of proprietary State of
5 Illinois CDS and whether the net position is short or long
6 credit protection, as of the end of the current 3-month
7 period;

8 (5) list all time periods during the past 3 months
9 during which the firm held net long or net short State of
10 Illinois CDS proprietary credit protection positions, the
11 amount of such positions, and whether those positions were
12 net long or net short credit protection positions; and

13 (6) indicate whether, within the previous 3 months, the
14 firm released any publicly available research or marketing
15 reports that reference State of Illinois CDS and include
16 those research or marketing reports as attachments.

17 (h) Notwithstanding any other provision of this Section,
18 for purposes of maximizing market efficiencies and cost
19 savings, Income Tax Proceed Bonds may be issued and sold from
20 time to time, in one or more series, in such amounts and at
21 such prices as may be directed by the Governor, upon
22 recommendation by the Director of the Governor's Office of
23 Management and Budget. Income Tax Proceed Bonds shall be in
24 such form, either coupon, registered, or book entry, in such
25 denominations, shall bear interest payable at such times and at
26 such fixed or variable rate or rates, and be dated as shall be

1 fixed and determined by the Director of the Governor's Office
2 of Management and Budget in the order authorizing the issuance
3 and sale of any series of Income Tax Proceed Bonds, which order
4 shall be approved by the Governor and is herein called a "Bond
5 Sale Order"; provided, however, that interest payable at fixed
6 or variable rates shall not exceed that permitted in the Bond
7 Authorization Act. Income Tax Proceed Bonds shall be payable at
8 such place or places, within or without the State of Illinois,
9 and may be made registrable as to either principal or as to
10 both principal and interest, as shall be specified in the Bond
11 Sale Order. Income Tax Proceed Bonds may be callable or subject
12 to purchase and retirement or tender and remarketing as fixed
13 and determined in the Bond Sale Order.

14 (i) Notwithstanding any other provision of this Section,
15 for purposes of maximizing market efficiencies and cost
16 savings, State Pension Obligation Acceleration Bonds may be
17 issued and sold from time to time, in one or more series, in
18 such amounts and at such prices as may be directed by the
19 Governor, upon recommendation by the Director of the Governor's
20 Office of Management and Budget. State Pension Obligation
21 Acceleration Bonds shall be in such form, either coupon,
22 registered, or book entry, in such denominations, shall bear
23 interest payable at such times and at such fixed or variable
24 rate or rates, and be dated as shall be fixed and determined by
25 the Director of the Governor's Office of Management and Budget
26 in the order authorizing the issuance and sale of any series of

1 State Pension Obligation Acceleration Bonds, which order shall
2 be approved by the Governor and is herein called a "Bond Sale
3 Order"; provided, however, that interest payable at fixed or
4 variable rates shall not exceed that permitted in the Bond
5 Authorization Act. State Pension Obligation Acceleration Bonds
6 shall be payable at such place or places, within or without the
7 State of Illinois, and may be made registrable as to either
8 principal or as to both principal and interest, as shall be
9 specified in the Bond Sale Order. State Pension Obligation
10 Acceleration Bonds may be callable or subject to purchase and
11 retirement or tender and remarketing as fixed and determined in
12 the Bond Sale Order.

13 (Source: P.A. 99-523, eff. 6-30-16; 100-23, Article 25, Section
14 25-5, eff. 7-6-17; 100-23, Article 75, Section 75-10, eff.
15 7-6-17; 100-587, Article 60, Section 60-5, eff. 6-4-18;
16 100-587, Article 110, Section 110-15, eff. 6-4-18; 100-863,
17 eff. 8-14-18; revised 10-17-18.)

18 (30 ILCS 330/11) (from Ch. 127, par. 661)

19 Sec. 11. Sale of Bonds. Except as otherwise provided in
20 this Section, Bonds shall be sold from time to time pursuant to
21 notice of sale and public bid or by negotiated sale in such
22 amounts and at such times as is directed by the Governor, upon
23 recommendation by the Director of the Governor's Office of
24 Management and Budget. At least 25%, based on total principal
25 amount, of all Bonds issued each fiscal year shall be sold

1 pursuant to notice of sale and public bid. At all times during
2 each fiscal year, no more than 75%, based on total principal
3 amount, of the Bonds issued each fiscal year, shall have been
4 sold by negotiated sale. Failure to satisfy the requirements in
5 the preceding 2 sentences shall not affect the validity of any
6 previously issued Bonds; provided that all Bonds authorized by
7 Public Act 96-43 and Public Act 96-1497 shall not be included
8 in determining compliance for any fiscal year with the
9 requirements of the preceding 2 sentences; and further provided
10 that refunding Bonds satisfying the requirements of Section 16
11 of this Act and sold during fiscal year 2009, 2010, 2011, 2017,
12 2018, or 2019 shall not be subject to the requirements in the
13 preceding 2 sentences.

14 If any Bonds, including refunding Bonds, are to be sold by
15 negotiated sale, the Director of the Governor's Office of
16 Management and Budget shall comply with the competitive request
17 for proposal process set forth in the Illinois Procurement Code
18 and all other applicable requirements of that Code.

19 If Bonds are to be sold pursuant to notice of sale and
20 public bid, the Director of the Governor's Office of Management
21 and Budget may, from time to time, as Bonds are to be sold,
22 advertise the sale of the Bonds in at least 2 daily newspapers,
23 one of which is published in the City of Springfield and one in
24 the City of Chicago. The sale of the Bonds shall also be
25 advertised in the volume of the Illinois Procurement Bulletin
26 that is published by the Department of Central Management

1 Services, and shall be published once at least 10 days prior to
2 the date fixed for the opening of the bids. The Director of the
3 Governor's Office of Management and Budget may reschedule the
4 date of sale upon the giving of such additional notice as the
5 Director deems adequate to inform prospective bidders of such
6 change; provided, however, that all other conditions of the
7 sale shall continue as originally advertised.

8 Executed Bonds shall, upon payment therefor, be delivered
9 to the purchaser, and the proceeds of Bonds shall be paid into
10 the State Treasury as directed by Section 12 of this Act.

11 All Income Tax Proceed Bonds shall comply with this
12 Section. Notwithstanding anything to the contrary, however,
13 for purposes of complying with this Section, Income Tax Proceed
14 Bonds, regardless of the number of series or issuances sold
15 thereunder, shall be considered a single issue or series.
16 Furthermore, for purposes of complying with the competitive
17 bidding requirements of this Section, the words "at all times"
18 shall not apply to any such sale of the Income Tax Proceed
19 Bonds. The Director of the Governor's Office of Management and
20 Budget shall determine the time and manner of any competitive
21 sale of the Income Tax Proceed Bonds; however, that sale shall
22 under no circumstances take place later than 60 days after the
23 State closes the sale of 75% of the Income Tax Proceed Bonds by
24 negotiated sale.

25 All State Pension Obligation Acceleration Bonds shall
26 comply with this Section. Notwithstanding anything to the

1 contrary, however, for purposes of complying with this Section,
2 State Pension Obligation Acceleration Bonds, regardless of the
3 number of series or issuances sold thereunder, shall be
4 considered a single issue or series. Furthermore, for purposes
5 of complying with the competitive bidding requirements of this
6 Section, the words "at all times" shall not apply to any such
7 sale of the State Pension Obligation Acceleration Bonds. The
8 Director of the Governor's Office of Management and Budget
9 shall determine the time and manner of any competitive sale of
10 the State Pension Obligation Acceleration Bonds; however, that
11 sale shall under no circumstances take place later than 60 days
12 after the State closes the sale of 75% of the State Pension
13 Obligation Acceleration Bonds by negotiated sale.

14 (Source: P.A. 99-523, eff. 6-30-16; 100-23, Article 25, Section
15 25-5, eff. 7-6-17; 100-23, Article 75, Section 75-10, eff.
16 7-6-17; 100-587, Article 60, Section 60-5, eff. 6-4-18;
17 100-587, Article 110, Section 110-15, eff. 6-4-18; 100-863,
18 eff. 8-4-18; revised 10-10-18.)

19 Section 245. The Illinois Procurement Code is amended by
20 changing Sections 1-10, 1-15.100, 20-60, 20-160, and 50-13 as
21 follows:

22 (30 ILCS 500/1-10)

23 Sec. 1-10. Application.

24 (a) This Code applies only to procurements for which

1 bidders, offerors, potential contractors, or contractors were
2 first solicited on or after July 1, 1998. This Code shall not
3 be construed to affect or impair any contract, or any provision
4 of a contract, entered into based on a solicitation prior to
5 the implementation date of this Code as described in Article
6 99, including but not limited to any covenant entered into with
7 respect to any revenue bonds or similar instruments. All
8 procurements for which contracts are solicited between the
9 effective date of Articles 50 and 99 and July 1, 1998 shall be
10 substantially in accordance with this Code and its intent.

11 (b) This Code shall apply regardless of the source of the
12 funds with which the contracts are paid, including federal
13 assistance moneys. This Code shall not apply to:

14 (1) Contracts between the State and its political
15 subdivisions or other governments, or between State
16 governmental bodies, except as specifically provided in
17 this Code.

18 (2) Grants, except for the filing requirements of
19 Section 20-80.

20 (3) Purchase of care, except as provided in Section
21 5-30.6 of the Illinois Public Aid Code and this Section.

22 (4) Hiring of an individual as employee and not as an
23 independent contractor, whether pursuant to an employment
24 code or policy or by contract directly with that
25 individual.

26 (5) Collective bargaining contracts.

1 (6) Purchase of real estate, except that notice of this
2 type of contract with a value of more than \$25,000 must be
3 published in the Procurement Bulletin within 10 calendar
4 days after the deed is recorded in the county of
5 jurisdiction. The notice shall identify the real estate
6 purchased, the names of all parties to the contract, the
7 value of the contract, and the effective date of the
8 contract.

9 (7) Contracts necessary to prepare for anticipated
10 litigation, enforcement actions, or investigations,
11 provided that the chief legal counsel to the Governor shall
12 give his or her prior approval when the procuring agency is
13 one subject to the jurisdiction of the Governor, and
14 provided that the chief legal counsel of any other
15 procuring entity subject to this Code shall give his or her
16 prior approval when the procuring entity is not one subject
17 to the jurisdiction of the Governor.

18 (8) (Blank).

19 (9) Procurement expenditures by the Illinois
20 Conservation Foundation when only private funds are used.

21 (10) (Blank).

22 (11) Public-private agreements entered into according
23 to the procurement requirements of Section 20 of the
24 Public-Private Partnerships for Transportation Act and
25 design-build agreements entered into according to the
26 procurement requirements of Section 25 of the

1 Public-Private Partnerships for Transportation Act.

2 (12) Contracts for legal, financial, and other
3 professional and artistic services entered into on or
4 before December 31, 2018 by the Illinois Finance Authority
5 in which the State of Illinois is not obligated. Such
6 contracts shall be awarded through a competitive process
7 authorized by the Board of the Illinois Finance Authority
8 and are subject to Sections 5-30, 20-160, 50-13, 50-20,
9 50-35, and 50-37 of this Code, as well as the final
10 approval by the Board of the Illinois Finance Authority of
11 the terms of the contract.

12 (13) Contracts for services, commodities, and
13 equipment to support the delivery of timely forensic
14 science services in consultation with and subject to the
15 approval of the Chief Procurement Officer as provided in
16 subsection (d) of Section 5-4-3a of the Unified Code of
17 Corrections, except for the requirements of Sections
18 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
19 Code; however, the Chief Procurement Officer may, in
20 writing with justification, waive any certification
21 required under Article 50 of this Code. For any contracts
22 for services which are currently provided by members of a
23 collective bargaining agreement, the applicable terms of
24 the collective bargaining agreement concerning
25 subcontracting shall be followed.

26 On and after January 1, 2019, this paragraph (13),

1 except for this sentence, is inoperative.

2 (14) Contracts for participation expenditures required
3 by a domestic or international trade show or exhibition of
4 an exhibitor, member, or sponsor.

5 (15) Contracts with a railroad or utility that requires
6 the State to reimburse the railroad or utilities for the
7 relocation of utilities for construction or other public
8 purpose. Contracts included within this paragraph (15)
9 shall include, but not be limited to, those associated
10 with: relocations, crossings, installations, and
11 maintenance. For the purposes of this paragraph (15),
12 "railroad" means any form of non-highway ground
13 transportation that runs on rails or electromagnetic
14 guideways and "utility" means: (1) public utilities as
15 defined in Section 3-105 of the Public Utilities Act, (2)
16 telecommunications carriers as defined in Section 13-202
17 of the Public Utilities Act, (3) electric cooperatives as
18 defined in Section 3.4 of the Electric Supplier Act, (4)
19 telephone or telecommunications cooperatives as defined in
20 Section 13-212 of the Public Utilities Act, (5) rural water
21 or waste water systems with 10,000 connections or less, (6)
22 a holder as defined in Section 21-201 of the Public
23 Utilities Act, and (7) municipalities owning or operating
24 utility systems consisting of public utilities as that term
25 is defined in Section 11-117-2 of the Illinois Municipal
26 Code.

1 (16) Procurement expenditures necessary for the
2 Department of Public Health to provide the delivery of
3 timely newborn screening services in accordance with the
4 Newborn Metabolic Screening Act.

5 (17) ~~(16)~~ Procurement expenditures necessary for the
6 Department of Agriculture, the Department of Financial and
7 Professional Regulation, the Department of Human Services,
8 and the Department of Public Health to implement the
9 Compassionate Use of Medical Cannabis Pilot Program and
10 Opioid Alternative Pilot Program requirements and ensure
11 access to medical cannabis for patients with debilitating
12 medical conditions in accordance with the Compassionate
13 Use of Medical Cannabis Pilot Program Act.

14 Notwithstanding any other provision of law, for contracts
15 entered into on or after October 1, 2017 under an exemption
16 provided in any paragraph of this subsection (b), except
17 paragraph (1), (2), or (5), each State agency shall post to the
18 appropriate procurement bulletin the name of the contractor, a
19 description of the supply or service provided, the total amount
20 of the contract, the term of the contract, and the exception to
21 the Code utilized. The chief procurement officer shall submit a
22 report to the Governor and General Assembly no later than
23 November 1 of each year that shall include, at a minimum, an
24 annual summary of the monthly information reported to the chief
25 procurement officer.

26 (c) This Code does not apply to the electric power

1 procurement process provided for under Section 1-75 of the
2 Illinois Power Agency Act and Section 16-111.5 of the Public
3 Utilities Act.

4 (d) Except for Section 20-160 and Article 50 of this Code,
5 and as expressly required by Section 9.1 of the Illinois
6 Lottery Law, the provisions of this Code do not apply to the
7 procurement process provided for under Section 9.1 of the
8 Illinois Lottery Law.

9 (e) This Code does not apply to the process used by the
10 Capital Development Board to retain a person or entity to
11 assist the Capital Development Board with its duties related to
12 the determination of costs of a clean coal SNG brownfield
13 facility, as defined by Section 1-10 of the Illinois Power
14 Agency Act, as required in subsection (h-3) of Section 9-220 of
15 the Public Utilities Act, including calculating the range of
16 capital costs, the range of operating and maintenance costs, or
17 the sequestration costs or monitoring the construction of clean
18 coal SNG brownfield facility for the full duration of
19 construction.

20 (f) (Blank).

21 (g) (Blank).

22 (h) This Code does not apply to the process to procure or
23 contracts entered into in accordance with Sections 11-5.2 and
24 11-5.3 of the Illinois Public Aid Code.

25 (i) Each chief procurement officer may access records
26 necessary to review whether a contract, purchase, or other

1 expenditure is or is not subject to the provisions of this
2 Code, unless such records would be subject to attorney-client
3 privilege.

4 (j) This Code does not apply to the process used by the
5 Capital Development Board to retain an artist or work or works
6 of art as required in Section 14 of the Capital Development
7 Board Act.

8 (k) This Code does not apply to the process to procure
9 contracts, or contracts entered into, by the State Board of
10 Elections or the State Electoral Board for hearing officers
11 appointed pursuant to the Election Code.

12 (l) This Code does not apply to the processes used by the
13 Illinois Student Assistance Commission to procure supplies and
14 services paid for from the private funds of the Illinois
15 Prepaid Tuition Fund. As used in this subsection (l), "private
16 funds" means funds derived from deposits paid into the Illinois
17 Prepaid Tuition Trust Fund and the earnings thereon.

18 (Source: P.A. 99-801, eff. 1-1-17; 100-43, eff. 8-9-17;
19 100-580, eff. 3-12-18; 100-757, eff. 8-10-18; 100-1114, eff.
20 8-28-18; revised 10-18-18.)

21 (30 ILCS 500/1-15.100)

22 Sec. 1-15.100. State agency. "State agency" means and
23 includes all boards, commissions, agencies, institutions,
24 authorities, and bodies politic and corporate of the State,
25 created by or in accordance with the constitution or statute,

1 of the executive branch of State government and does include
2 colleges, universities, and institutions under the
3 jurisdiction of the governing boards of the University of
4 Illinois, Southern Illinois University, Illinois State
5 University, Eastern Illinois University, Northern Illinois
6 University, Western Illinois University, Chicago State
7 University, Governors ~~Governor~~ State University, Northeastern
8 Illinois University, and the Board of Higher Education.
9 However, this term does not apply to public employee retirement
10 systems or investment boards that are subject to fiduciary
11 duties imposed by the Illinois Pension Code or to the
12 University of Illinois Foundation. "State agency" does not
13 include units of local government, school districts, community
14 colleges under the Public Community College Act, and the
15 Illinois Comprehensive Health Insurance Board.

16 (Source: P.A. 90-572, eff. 2-6-98; revised 10-11-18.)

17 (30 ILCS 500/20-60)

18 Sec. 20-60. Duration of contracts.

19 (a) Maximum duration. A contract may be entered into for
20 any period of time deemed to be in the best interests of the
21 State but not exceeding 10 years inclusive, beginning January
22 1, 2010, of proposed contract renewals. Third parties may lease
23 State-owned dark fiber networks for any period of time deemed
24 to be in the best interest of the State, but not exceeding 20
25 years. The length of a lease for real property or capital

1 improvements shall be in accordance with the provisions of
2 Section 40-25. The length of energy conservation program
3 contracts or energy savings contracts or leases shall be in
4 accordance with the provisions of Section 25-45. A contract for
5 bond or mortgage insurance awarded by the Illinois Housing
6 Development Authority, however, may be entered into for any
7 period of time less than or equal to the maximum period of time
8 that the subject bond or mortgage may remain outstanding.

9 (b) Subject to appropriation. All contracts made or entered
10 into shall recite that they are subject to termination and
11 cancellation in any year for which the General Assembly fails
12 to make an appropriation to make payments under the terms of
13 the contract.

14 (c) The chief procurement officer shall file a proposed
15 extension or renewal of a contract with the Procurement Policy
16 Board prior to entering into any extension or renewal if the
17 cost associated with the extension or renewal exceeds \$249,999.
18 The Procurement Policy Board may object to the proposed
19 extension or renewal within 30 calendar days and require a
20 hearing before the Board prior to entering into the extension
21 or renewal. If the Procurement Policy Board does not object
22 within 30 calendar days or takes affirmative action to
23 recommend the extension or renewal, the chief procurement
24 officer may enter into the extension or renewal of a contract.
25 This subsection does not apply to any emergency procurement,
26 any procurement under Article 40, or any procurement exempted

1 by Section 1-10(b) of this Code. If any State agency contract
2 is paid for in whole or in part with federal-aid funds, grants,
3 or loans and the provisions of this subsection would result in
4 the loss of those federal-aid funds, grants, or loans, then the
5 contract is exempt from the provisions of this subsection in
6 order to remain eligible for those federal-aid funds, grants,
7 or loans, and the State agency shall file notice of this
8 exemption with the Procurement Policy Board prior to entering
9 into the proposed extension or renewal. Nothing in this
10 subsection permits a chief procurement officer to enter into an
11 extension or renewal in violation of subsection (a). By August
12 1 each year, the Procurement Policy Board shall file a report
13 with the General Assembly identifying for the previous fiscal
14 year (i) the proposed extensions or renewals that were filed
15 with the Board and whether the Board objected and (ii) the
16 contracts exempt from this subsection.

17 (d) Notwithstanding the provisions of subsection (a) of
18 this Section, the Department of Innovation and Technology may
19 enter into leases for dark fiber networks for any period of
20 time deemed to be in the best interests of the State but not
21 exceeding 20 years inclusive. The Department of Innovation and
22 Technology may lease dark fiber networks from third parties
23 only for the primary purpose of providing services ~~to~~ (i) to
24 the offices of Governor, Lieutenant Governor, Attorney
25 General, Secretary of State, Comptroller, or Treasurer and
26 State agencies, as defined under Section 5-15 of the Civil

1 Administrative Code of Illinois or (ii) for anchor
2 institutions, as defined in Section 7 of the Illinois Century
3 Network Act. Dark fiber network lease contracts shall be
4 subject to all other provisions of this Code and any applicable
5 rules or requirements, including, but not limited to,
6 publication of lease solicitations, use of standard State
7 contracting terms and conditions, and approval of vendor
8 certifications and financial disclosures.

9 (e) As used in this Section, "dark fiber network" means a
10 network of fiber optic cables laid but currently unused by a
11 third party that the third party is leasing for use as network
12 infrastructure.

13 (Source: P.A. 100-23, eff. 7-6-17; 100-611, eff. 7-20-18;
14 revised 10-11-18.)

15 (30 ILCS 500/20-160)

16 Sec. 20-160. Business entities; certification;
17 registration with the State Board of Elections.

18 (a) For purposes of this Section, the terms "business
19 entity", "contract", "State contract", "contract with a State
20 agency", "State agency", "affiliated entity", and "affiliated
21 person" have the meanings ascribed to those terms in Section
22 50-37.

23 (b) Every bid and offer submitted to and every contract
24 executed by the State on or after January 1, 2009 (the
25 effective date of Public Act 95-971) and every submission to a

1 vendor portal shall contain (1) a certification by the bidder,
2 offeror, vendor, or contractor that either (i) the bidder,
3 offeror, vendor, or contractor is not required to register as a
4 business entity with the State Board of Elections pursuant to
5 this Section or (ii) the bidder, offeror, vendor, or contractor
6 has registered as a business entity with the State Board of
7 Elections and acknowledges a continuing duty to update the
8 registration and (2) a statement that the contract is voidable
9 under Section 50-60 for the bidder's, offeror's, vendor's, or
10 contractor's failure to comply with this Section.

11 (c) Each business entity (i) whose aggregate bids and
12 proposals on State contracts annually total more than \$50,000,
13 (ii) whose aggregate bids and proposals on State contracts
14 combined with the business entity's aggregate annual total
15 value of State contracts exceed \$50,000, or (iii) whose
16 contracts with State agencies, in the aggregate, annually total
17 more than \$50,000 shall register with the State Board of
18 Elections in accordance with Section 9-35 of the Election Code.
19 A business entity required to register under this subsection
20 due to item (i) or (ii) has a continuing duty to ensure that
21 the registration is accurate during the period beginning on the
22 date of registration and ending on the day after the date the
23 contract is awarded; any change in information must be reported
24 to the State Board of Elections 5 business days following such
25 change or no later than a day before the contract is awarded,
26 whichever date is earlier. A business entity required to

1 register under this subsection due to item (iii) has a
2 continuing duty to ensure that the registration is accurate in
3 accordance with subsection (e).

4 (d) Any business entity, not required under subsection (c)
5 to register, whose aggregate bids and proposals on State
6 contracts annually total more than \$50,000, or whose aggregate
7 bids and proposals on State contracts combined with the
8 business entity's aggregate annual total value of State
9 contracts exceed \$50,000, shall register with the State Board
10 of Elections in accordance with Section 9-35 of the Election
11 Code prior to submitting to a State agency the bid or proposal
12 whose value causes the business entity to fall within the
13 monetary description of this subsection. A business entity
14 required to register under this subsection has a continuing
15 duty to ensure that the registration is accurate during the
16 period beginning on the date of registration and ending on the
17 day after the date the contract is awarded. Any change in
18 information must be reported to the State Board of Elections
19 within 5 business days following such change or no later than a
20 day before the contract is awarded, whichever date is earlier.

21 (e) A business entity whose contracts with State agencies,
22 in the aggregate, annually total more than \$50,000 must
23 maintain its registration under this Section and has a
24 continuing duty to ensure that the registration is accurate for
25 the duration of the term of office of the incumbent
26 officeholder awarding the contracts or for a period of 2 years

1 following the expiration or termination of the contracts,
2 whichever is longer. A business entity, required to register
3 under this subsection, has a continuing duty to report any
4 changes on a quarterly basis to the State Board of Elections
5 within 14 calendar days following the last day of January,
6 April, July, and October of each year. Any update pursuant to
7 this paragraph that is received beyond that date is presumed
8 late and the civil penalty authorized by subsection (e) of
9 Section 9-35 of the Election Code ~~(10 ILCS 5/9-35)~~ may be
10 assessed.

11 Also, if a business entity required to register under this
12 subsection has a pending bid or offer, any change in
13 information shall be reported to the State Board of Elections
14 within 7 calendar days following such change or no later than a
15 day before the contract is awarded, whichever date is earlier.

16 (f) A business entity's continuing duty under this Section
17 to ensure the accuracy of its registration includes the
18 requirement that the business entity notify the State Board of
19 Elections of any change in information, including, but not
20 limited to, changes of affiliated entities or affiliated
21 persons.

22 (g) For any bid or offer for a contract with a State agency
23 by a business entity required to register under this Section,
24 the chief procurement officer shall verify that the business
25 entity is required to register under this Section and is in
26 compliance with the registration requirements on the date the

1 bid or offer is due. A chief procurement officer shall not
2 accept a bid or offer if the business entity is not in
3 compliance with the registration requirements as of the date
4 bids or offers are due. Upon discovery of noncompliance with
5 this Section, if the bidder or offeror made a good faith effort
6 to comply with registration efforts prior to the date the bid
7 or offer is due, a chief procurement officer may provide the
8 bidder or offeror 5 business days to achieve compliance. A
9 chief procurement officer may extend the time to prove
10 compliance by as long as necessary in the event that there is a
11 failure within the State Board of Elections' ~~Election's~~
12 registration system.

13 (h) A registration, and any changes to a registration, must
14 include the business entity's verification of accuracy and
15 subjects the business entity to the penalties of the laws of
16 this State for perjury.

17 In addition to any penalty under Section 9-35 of the
18 Election Code, intentional, willful, or material failure to
19 disclose information required for registration shall render
20 the contract, bid, offer, or other procurement relationship
21 voidable by the chief procurement officer if he or she deems it
22 to be in the best interest of the State of Illinois.

23 (i) This Section applies regardless of the method of source
24 selection used in awarding the contract.

25 (Source: P.A. 100-43, eff. 8-9-17; revised 10-11-18.)

1 (30 ILCS 500/50-13)

2 Sec. 50-13. Conflicts of interest.

3 (a) Prohibition. It is unlawful for any person holding an
4 elective office in this State, holding a seat in the General
5 Assembly, or appointed to or employed in any of the offices or
6 agencies of State government and who receives compensation for
7 such employment in excess of 60% of the salary of the Governor
8 of the State of Illinois, or who is an officer or employee of
9 the Capital Development Board or the Illinois Toll Highway
10 Authority, or who is the spouse or minor child of any such
11 person to have or acquire any contract, or any direct pecuniary
12 interest in any contract therein, whether for stationery,
13 printing, paper, or any services, materials, or supplies, that
14 will be wholly or partially satisfied by the payment of funds
15 appropriated by the General Assembly of the State of Illinois
16 or in any contract of the Capital Development Board or the
17 Illinois Toll Highway Authority.

18 (b) Interests. It is unlawful for any firm, partnership,
19 association, or corporation, in which any person listed in
20 subsection (a) is entitled to receive (i) more than 7 1/2% of
21 the total distributable income or (ii) an amount in excess of
22 the salary of the Governor, to have or acquire any such
23 contract or direct pecuniary interest therein.

24 (c) Combined interests. It is unlawful for any firm,
25 partnership, association, or corporation, in which any person
26 listed in subsection (a) together with his or her spouse or

1 minor children is entitled to receive (i) more than 15%, in the
2 aggregate, of the total distributable income or (ii) an amount
3 in excess of 2 times the salary of the Governor, to have or
4 acquire any such contract or direct pecuniary interest therein.

5 (c-5) Appointees and firms. In addition to any provisions
6 of this Code, the interests of certain appointees and their
7 firms are subject to Section 3A-35 of the Illinois Governmental
8 Ethics Act.

9 (d) Securities. Nothing in this Section invalidates the
10 provisions of any bond or other security previously offered or
11 to be offered for sale or sold by or for the State of Illinois.

12 (e) Prior interests. This Section does not affect the
13 validity of any contract made between the State and an officer
14 or employee of the State or member of the General Assembly, his
15 or her spouse, minor child, or other immediate family member
16 living in his or her residence or any combination of those
17 persons if that contract was in existence before his or her
18 election or employment as an officer, member, or employee. The
19 contract is voidable, however, if it cannot be completed within
20 365 calendar days after the officer, member, or employee takes
21 office or is employed.

22 (f) Exceptions.

23 (1) Public aid payments. This Section does not apply to
24 payments made for a public aid recipient.

25 (2) Teaching. This Section does not apply to a contract
26 for personal services as a teacher or school administrator

1 between a member of the General Assembly or his or her
2 spouse, or a State officer or employee or his or her
3 spouse, and any school district, public community college
4 district, the University of Illinois, Southern Illinois
5 University, Illinois State University, Eastern Illinois
6 University, Northern Illinois University, Western Illinois
7 University, Chicago State University, Governors ~~Governor~~
8 State University, or Northeastern Illinois University.

9 (3) Ministerial duties. This Section does not apply to
10 a contract for personal services of a wholly ministerial
11 character, including but not limited to services as a
12 laborer, clerk, typist, stenographer, page, bookkeeper,
13 receptionist, or telephone switchboard operator, made by a
14 spouse or minor child of an elective or appointive State
15 officer or employee or of a member of the General Assembly.

16 (4) Child and family services. This Section does not
17 apply to payments made to a member of the General Assembly,
18 a State officer or employee, his or her spouse or minor
19 child acting as a foster parent, homemaker, advocate, or
20 volunteer for or in behalf of a child or family served by
21 the Department of Children and Family Services.

22 (5) Licensed professionals. Contracts with licensed
23 professionals, provided they are competitively bid or part
24 of a reimbursement program for specific, customary goods
25 and services through the Department of Children and Family
26 Services, the Department of Human Services, the Department

1 of Healthcare and Family Services, the Department of Public
2 Health, or the Department on Aging.

3 (g) Penalty. A person convicted of a violation of this
4 Section is guilty of a business offense and shall be fined not
5 less than \$1,000 nor more than \$5,000.

6 (Source: P.A. 98-1076, eff. 1-1-15; revised 10-11-18.)

7 Section 250. The State Prompt Payment Act is amended by
8 changing Section 8 as follows:

9 (30 ILCS 540/8)

10 Sec. 8. Vendor Payment Program.

11 (a) As used in this Section:

12 "Applicant" means any entity seeking to be designated
13 as a qualified purchaser.

14 "Application period" means the time period when the
15 Program is accepting applications as determined by the
16 Department of Central Management Services.

17 "Assigned penalties" means penalties payable by the
18 State in accordance with this Act that are assigned to the
19 qualified purchaser of an assigned receivable.

20 "Assigned receivable" means the base invoice amount of
21 a qualified account receivable and any associated assigned
22 penalties due, currently and in the future, in accordance
23 with this Act.

24 "Assignment agreement" means an agreement executed and

1 delivered by a participating vendor and a qualified
2 purchaser, in which the participating vendor will assign
3 one or more qualified accounts receivable to the qualified
4 purchaser and make certain representations and warranties
5 in respect thereof.

6 "Base invoice amount" means the unpaid principal
7 amount of the invoice associated with an assigned
8 receivable.

9 "Department" means the Department of Central
10 Management Services.

11 "Medical assistance program" means any program which
12 provides medical assistance under Article V of the Illinois
13 Public Aid Code, including Medicaid.

14 "Participating vendor" means a vendor whose
15 application for the sale of a qualified account receivable
16 is accepted for purchase by a qualified purchaser under the
17 Program terms.

18 "Program" means a Vendor Payment Program.

19 "Prompt payment penalties" means penalties payable by
20 the State in accordance with this Act.

21 "Purchase price" means 100% of the base invoice amount
22 associated with an assigned receivable minus: (1) any
23 deductions against the assigned receivable arising from
24 State offsets; and (2) if and to the extent exercised by a
25 qualified purchaser, other deductions for amounts owed by
26 the participating vendor to the qualified purchaser for

1 State offsets applied against other accounts receivable
2 assigned by the participating vendor to the qualified
3 purchaser under the Program.

4 "Qualified account receivable" means an account
5 receivable due and payable by the State that is outstanding
6 for 90 days or more, is eligible to accrue prompt payment
7 penalties under this Act and is verified by the relevant
8 State agency. A qualified account receivable shall not
9 include any account receivable related to medical
10 assistance program (including Medicaid) payments or any
11 other accounts receivable, the transfer or assignment of
12 which is prohibited by, or otherwise prevented by,
13 applicable law.

14 "Qualified purchaser" means any entity that, during
15 any application period, is approved by the Department of
16 Central Management Services to participate in the Program
17 on the basis of certain qualifying criteria as determined
18 by the Department.

19 "State offsets" means any amount deducted from
20 payments made by the State in respect of any qualified
21 account receivable due to the State's exercise of any
22 offset or other contractual rights against a participating
23 vendor. For the purpose of this Section, "State offsets"
24 include statutorily required administrative fees imposed
25 under the State Comptroller Act.

26 "Sub-participant" means any individual or entity that

1 intends to purchase assigned receivables, directly or
2 indirectly, by or through an applicant or qualified
3 purchaser for the purposes of the Program.

4 "Sub-participant certification" means an instrument
5 executed and delivered to the Department of Central
6 Management Services by a sub-participant, in which the
7 sub-participant certifies its agreement, among others, to
8 be bound by the terms and conditions of the Program as a
9 condition to its participation in the Program as a
10 sub-participant.

11 (b) This Section reflects the provisions of Section 900.125
12 of Title 74 of the Illinois Administrative Code prior to
13 January 1, 2018. The requirements of this Section establish the
14 criteria for participation by participating vendors and
15 qualified purchasers in a Vendor Payment Program. Information
16 regarding the Vendor Payment Program may be found at the
17 Internet website for the Department of Central Management
18 Services.

19 (c) The State Comptroller and the Department of Central
20 Management Services are authorized to establish and implement
21 the Program under Section 3-3. This Section applies to all
22 qualified accounts receivable not otherwise excluded from
23 receiving prompt payment interest under Section 900.120 of
24 Title 74 of the Illinois Administrative Code. This Section
25 shall not apply to the purchase of any accounts receivable
26 related to payments made under a medical assistance program,

1 including Medicaid payments, or any other purchase of accounts
2 receivable that is otherwise prohibited by law.

3 (d) Under the Program, qualified purchasers may purchase
4 from participating vendors certain qualified accounts
5 receivable owed by the State to the participating vendors. A
6 participating vendor shall not simultaneously apply to sell the
7 same qualified account receivable to more than one qualified
8 purchaser. In consideration of the payment of the purchase
9 price, a participating vendor shall assign to the qualified
10 purchaser all of its rights to payment of the qualified account
11 receivable, including all current and future prompt payment
12 penalties due to that qualified account receivable in
13 accordance with this Act.

14 (e) A vendor may apply to participate in the Program if:

15 (1) the vendor is owed an account receivable by the
16 State for which prompt payment penalties have commenced
17 accruing;

18 (2) the vendor's account receivable is eligible to
19 accrue prompt payment penalty interest under this Act;

20 (3) the vendor's account receivable is not for payments
21 under a medical assistance program; and

22 (4) the vendor's account receivable is not prohibited
23 by, or otherwise prevented by, applicable law from being
24 transferred or assigned under this Section.

25 (f) The Department shall review and approve or disapprove
26 each applicant seeking a qualified purchaser designation.

1 Factors to be considered by the Department in determining
2 whether an applicant shall be designated as a qualified
3 purchaser include, but are not limited to, the following:

4 (1) the qualified purchaser's agreement to commit a
5 minimum purchase amount as established from time to time by
6 the Department based upon the current needs of the Program
7 and the qualified purchaser's demonstrated ability to fund
8 its commitment;

9 (2) the demonstrated ability of a qualified
10 purchaser's sub-participants to fund their portions of a
11 qualified purchaser's minimum purchase commitment;

12 (3) the ability of a qualified purchaser and its
13 sub-participants to meet standards of responsibility
14 substantially in accordance with the requirements of the
15 Standards of Responsibility found in subsection (b) of
16 Section 1.2046 of Title 44 of the Illinois Administrative
17 Code concerning government contracts, procurement, and
18 property management;

19 (4) the agreement of each qualified purchaser, at its
20 sole cost and expense, to administer and facilitate the
21 operation of the Program with respect to that qualified
22 purchaser, including, without limitation, assisting
23 potential participating vendors with the application and
24 assignment process;

25 (5) the agreement of each qualified purchaser, at its
26 sole cost and expense, to establish a website that is

1 determined by the Department to be sufficient to administer
2 the Program in accordance with the terms and conditions of
3 the Program;

4 (6) the agreement of each qualified purchaser, at its
5 sole cost and expense, to market the Program to potential
6 participating vendors;

7 (7) the agreement of each qualified purchaser, at its
8 sole cost and expense, to educate participating vendors
9 about the benefits and risks associated with participation
10 in the Program;

11 (8) the agreement of each qualified purchaser, at its
12 sole cost and expense, to deposit funds into, release funds
13 from, and otherwise maintain all required accounts in
14 accordance with the terms and conditions of the Program.
15 Subject to the Program terms, all required accounts shall
16 be maintained and controlled by the qualified purchaser at
17 the qualified purchaser's sole cost and at no cost, whether
18 in the form of fees or otherwise, to the participating
19 vendors;

20 (9) the agreement of each qualified purchaser, at its
21 sole cost and expense, to submit a monthly written report,
22 in an acceptable electronic format, to the State
23 Comptroller or its designee and the Department or its
24 designee, within 10 days after the end of each month,
25 which, unless otherwise specified by the Department, at a
26 minimum, shall contain:

1 (A) a listing of each assigned receivable
2 purchased by that qualified purchaser during the
3 month, specifying the base invoice amount and invoice
4 date of that assigned receivable and the name of the
5 participating vendor, State contract number, voucher
6 number, and State agency associated with that assigned
7 receivable;

8 (B) a listing of each assigned receivable with
9 respect to which the qualified purchaser has received
10 payment of the base invoice amount from the State
11 during that month, including the amount of and date on
12 which that payment was made and the name of the
13 participating vendor, State contract number, voucher
14 number, and State agency associated with the assigned
15 receivable, and identifying the relevant application
16 period for each assigned receivable;

17 (C) a listing of any payments of assigned penalties
18 received from the State during the month, including the
19 amount of and date on which the payment was made, the
20 name of the participating vendor, the voucher number
21 for the assigned penalty receivable, and the
22 associated assigned receivable, including the State
23 contract number, voucher number, and State agency
24 associated with the assigned receivable, and
25 identifying the relevant application period for each
26 assigned receivable;

1 (D) the aggregate number and dollar value of
2 assigned receivables purchased by the qualified
3 purchaser from the date on which that qualified
4 purchaser commenced participating in the Program
5 through the last day of the month;

6 (E) the aggregate number and dollar value of
7 assigned receivables purchased by the qualified
8 purchaser for which no payment by the State of the base
9 invoice amount has yet been received, from the date on
10 which the qualified purchaser commenced participating
11 in the Program through the last day of the month;

12 (F) the aggregate number and dollar value of
13 invoices purchased by the qualified purchaser for
14 which no voucher has been submitted; and

15 (G) any other data the State Comptroller and the
16 Department may reasonably request from time to time;

17 (10) the agreement of each qualified purchaser to use
18 its reasonable best efforts, and for any sub-participant to
19 cause a qualified purchaser to use its reasonable best
20 efforts, to diligently pursue receipt of assigned
21 penalties associated with the assigned receivables,
22 including, without limitation, by promptly notifying the
23 relevant State agency that an assigned penalty is due and,
24 if necessary, seeking payment of assigned penalties
25 through the Illinois Court of Claims; and

26 (11) the agreement of each qualified purchaser and any

1 sub-participant to use their reasonable best efforts to
2 implement the Program terms and to perform their
3 obligations under the Program in a timely fashion.

4 (g) Each qualified purchaser's performance and
5 implementation of its obligations under subsection (f) shall be
6 subject to review by the Department and the State Comptroller
7 at any time to confirm that the qualified purchaser is
8 undertaking those obligations in a manner consistent with the
9 terms and conditions of the Program. A qualified purchaser's
10 failure to so perform its obligations including, without
11 limitation, its obligations to diligently pursue receipt of
12 assigned penalties associated with assigned receivables, shall
13 be grounds for the Department and the State Comptroller to
14 terminate the qualified purchaser's participation in the
15 Program under subsection (i). Any such termination shall be
16 without prejudice to any rights a participating vendor may have
17 against that qualified purchaser, in law or in equity,
18 including, without limitation, the right to enforce the terms
19 of the assignment agreement and of the Program against the
20 qualified purchaser.

21 (h) In determining whether any applicant shall be
22 designated as a qualified purchaser, the Department shall have
23 the right to review or approve sub-participants that intend to
24 purchase assigned receivables, directly or indirectly, by or
25 through the applicant. The Department reserves the right to
26 reject or terminate the designation of any applicant as a

1 qualified purchaser or require an applicant to exclude a
2 proposed sub-participant in order to become or remain a
3 qualified purchaser on the basis of a review, whether prior to
4 or after the designation. Each applicant and each qualified
5 purchaser has an affirmative obligation to promptly notify the
6 Department of any change or proposed change in the identity of
7 the sub-participants that it disclosed to the Department no
8 later than 3 business days after that change. Each
9 sub-participant shall be required to execute a sub-participant
10 certification that will be attached to the corresponding
11 qualified purchaser designation. Sub-participants shall meet,
12 at a minimum, the requirements of paragraphs (2), (3), (10),
13 and (11) of subsection (f).

14 (i) The Program, as codified under this Section, shall
15 continue until terminated or suspended as follows:

16 (1) The Program may be terminated or suspended: (A) by
17 the State Comptroller, after consulting with the
18 Department, by giving 10 days prior written notice to the
19 Department and the qualified purchasers in the Program; or
20 (B) by the Department, after consulting with the State
21 Comptroller, by giving 10 days prior written notice to the
22 State Comptroller and the qualified purchasers in the
23 Program.

24 (2) In the event a qualified purchaser or
25 sub-participant breaches or fails to meet any of the terms
26 or conditions of the Program, that qualified purchaser or

1 sub-participant may be terminated from the Program: (A) by
2 the State Comptroller, after consulting with the
3 Department. The termination shall be effective immediately
4 upon the State Comptroller giving written notice to the
5 Department and the qualified purchaser or sub-participant;
6 or (B) by the Department, after consulting with the State
7 Comptroller. The termination shall be effective
8 immediately upon the Department giving written notice to
9 the State Comptroller and the qualified purchaser or
10 sub-participant.

11 (3) A qualified purchaser or sub-participant may
12 terminate its participation in the Program, solely with
13 respect to its own participation in the Program, in the
14 event of any change to this Act from the form that existed
15 on the date that the qualified purchaser or the
16 sub-participant, as applicable, submitted the necessary
17 documentation for admission into the Program if the change
18 materially and adversely affects the qualified purchaser's
19 or the sub-participant's ability to purchase and receive
20 payment on receivables on the terms described in this
21 Section.

22 If the Program, a qualified purchaser, or a sub-participant
23 is terminated or suspended under ~~paragraph~~ paragraphs (1) or
24 (2) of this subsection (i), the Program, qualified purchaser,
25 or sub-participant may be reinstated only by written agreement
26 of the State Comptroller and the Department. No termination or

1 suspension under ~~paragraph~~ paragraphs (1), (2), or (3) of this
2 subsection (i) shall alter or affect the qualified purchaser's
3 or sub-participant's obligations with respect to assigned
4 receivables purchased by or through the qualified purchaser
5 prior to the termination.

6 (Source: P.A. 100-1089, eff. 8-24-18; revised 10-11-18.)

7 Section 255. The Grant Accountability and Transparency Act
8 is amended by changing Sections 25 and 45 and by renumbering
9 and changing Section 520 as follows:

10 (30 ILCS 708/25)

11 (Section scheduled to be repealed on July 16, 2020)

12 Sec. 25. Supplemental rules. On or before July 1, 2017, the
13 Governor's Office of Management and Budget, with the advice and
14 technical assistance of the Illinois Single Audit Commission,
15 shall adopt supplemental rules pertaining to the following:

16 (1) Criteria to define mandatory formula-based grants
17 and discretionary grants.

18 (2) The award of one-year grants for new applicants.

19 (3) The award of competitive grants in 3-year terms
20 (one-year initial terms with the option to renew for up to
21 2 additional years) to coincide with the federal award.

22 (4) The issuance of grants, including:

23 (A) public notice of announcements of funding
24 opportunities;

- 1 (B) the development of uniform grant applications;
- 2 (C) State agency review of merit of proposals and
3 risk posed by applicants;
- 4 (D) specific conditions for individual recipients
5 (including the use of a fiscal agent and additional
6 corrective conditions);
- 7 (E) certifications and representations;
- 8 (F) pre-award costs;
- 9 (G) performance measures and statewide prioritized
10 goals under Section 50-25 of the State Budget Law of
11 the Civil Administrative Code of Illinois, commonly
12 referred to as "Budgeting for Results"; and
- 13 (H) for mandatory formula grants, the merit of the
14 proposal and the risk posed should result in additional
15 reporting, monitoring, or measures such as
16 reimbursement-basis only.
- 17 (5) The development of uniform budget requirements,
18 which shall include:
- 19 (A) mandatory submission of budgets as part of the
20 grant application process;
- 21 (B) mandatory requirements regarding contents of
22 the budget including, at a minimum, common detail line
23 items specified under guidelines issued by the
24 Governor's Office of Management and Budget;
- 25 (C) a requirement that the budget allow
26 flexibility to add lines describing costs that are

1 common for the services provided as outlined in the
2 grant application;

3 (D) a requirement that the budget include
4 information necessary for analyzing cost and
5 performance for use in Budgeting for Results; and

6 (E) caps on the amount of salaries that may be
7 charged to grants based on the limitations imposed by
8 federal agencies.

9 (6) The development of pre-qualification requirements
10 for applicants, including the fiscal condition of the
11 organization and the provision of the following
12 information:

13 (A) organization name;

14 (B) Federal Employee Identification Number;

15 (C) Data Universal Numbering System (DUNS) number;

16 (D) fiscal condition;

17 (E) whether the applicant is in good standing with
18 the Secretary of State;

19 (F) past performance in administering grants;

20 (G) whether the applicant is on the Debarred and
21 Suspended List maintained by the Governor's Office of
22 Management and Budget;

23 (H) whether the applicant is on the federal
24 Excluded Parties List; and

25 (I) whether the applicant is on the Sanctioned
26 Party List maintained by the Illinois Department of

1 Healthcare and Family Services.

2 Nothing in this Act affects the provisions of the Fiscal
3 Control and Internal Auditing Act nor the requirement that the
4 management of each State agency is responsible for maintaining
5 effective internal controls under that Act.

6 For public institutions of higher education, the
7 provisions of this Section apply only to awards funded by State
8 appropriations and federal pass-through awards from a State
9 agency to public institutions of higher education.

10 (Source: P.A. 99-523, eff. 6-30-16; 100-676, eff. 1-1-19;
11 100-997, eff. 8-20-18; revised 10-9-18.)

12 (30 ILCS 708/45)

13 (Section scheduled to be repealed on July 16, 2020)

14 Sec. 45. Applicability.

15 (a) The requirements established under this Act apply to
16 State grant-making agencies that make State and federal
17 pass-through awards to non-federal entities. These
18 requirements apply to all costs related to State and federal
19 pass-through awards. The requirements established under this
20 Act do not apply to private awards.

21 (a-5) Nothing in this Act shall prohibit the use of State
22 funds for purposes of federal match or maintenance of effort.

23 (b) The terms and conditions of State, federal, and
24 pass-through awards apply to subawards and subrecipients
25 unless a particular Section of this Act or the terms and

1 conditions of the State or federal award specifically indicate
2 otherwise. Non-federal entities shall comply with requirements
3 of this Act regardless of whether the non-federal entity is a
4 recipient or subrecipient of a State or federal pass-through
5 award. Pass-through entities shall comply with the
6 requirements set forth under the rules adopted under subsection
7 (a) of Section 20 of this Act, but not to any requirements in
8 this Act directed towards State or federal awarding agencies,
9 unless the requirements of the State or federal awards indicate
10 otherwise.

11 When a non-federal entity is awarded a cost-reimbursement
12 contract, only 2 CFR 200.330 through 200.332 are incorporated
13 by reference into the contract. However, when the Cost
14 Accounting Standards are applicable to the contract, they take
15 precedence over the requirements of this Act unless they are in
16 conflict with Subpart F of 2 CFR 200. In addition, costs that
17 are made unallowable under 10 U.S.C. 2324(e) and 41 U.S.C.
18 4304(a), as described in the Federal Acquisition Regulations,
19 subpart 31.2 and subpart 31.603, are always unallowable. For
20 requirements other than those covered in Subpart D of 2 CFR
21 200.330 through 200.332, the terms of the contract and the
22 Federal Acquisition Regulations apply.

23 With the exception of Subpart F of 2 CFR 200, which is
24 required by the Single Audit Act, in any circumstances where
25 the provisions of federal statutes or regulations differ from
26 the provisions of this Act, the provision of the federal

1 statutes or regulations govern. This includes, for agreements
2 with Indian tribes, the provisions of the Indian
3 Self-Determination and Education and Assistance Act, as
4 amended, 25 U.S.C. 450-458ddd-2.

5 (c) State grant-making agencies may apply subparts A
6 through E of 2 CFR 200 to for-profit entities, foreign public
7 entities, or foreign organizations, except where the awarding
8 agency determines that the application of these subparts would
9 be inconsistent with the international obligations of the
10 United States or the statute or regulations of a foreign
11 government.

12 (d) 2 CFR 200.101 specifies how 2 CFR 200 is applicable to
13 different types of awards. The same applicability applies to
14 this Act.

15 (e) (Blank). ~~for~~

16 (f) For public institutions of higher education, the
17 provisions of this Act apply only to awards funded by State
18 appropriations and federal pass-through awards from a State
19 agency to public institutions of higher education.

20 (g) Each grant-making agency shall enhance its processes to
21 monitor and address noncompliance with reporting requirements
22 and with program performance standards. Where applicable, the
23 process may include a corrective action plan. The monitoring
24 process shall include a plan for tracking and documenting
25 performance-based contracting decisions.

26 (Source: P.A. 100-676, eff. 1-1-19; 100-863, eff. 8-14-18;

1 revised 10-5-18.)

2 (30 ILCS 708/97) (was 30 ILCS 708/520)

3 Sec. 97 ~~520~~. Separate accounts for State grant funds.

4 Notwithstanding any provision of law to the contrary, all
5 grants made and any grant agreement entered into, renewed, or
6 extended on or after August 20, 2018 (the effective date of
7 Public Act 100-997) ~~this amendatory Act of the 100th General~~
8 ~~Assembly~~, between a State grant-making agency and a nonprofit
9 organization, shall require the nonprofit organization
10 receiving grant funds to maintain those funds in an account
11 which is separate and distinct from any account holding
12 non-grant funds. Except as otherwise provided in an agreement
13 between a State grant-making agency and a nonprofit
14 organization, the grant funds held in a separate account by a
15 nonprofit organization shall not be used for non-grant-related
16 activities, and any unused grant funds shall be returned to the
17 State grant-making agency.

18 (Source: P.A. 100-997, eff. 8-20-18; revised 10-15-18.)

19 Section 260. The State Mandates Act is amended by changing
20 Sections 8.41 and 8.42 as follows:

21 (30 ILCS 805/8.41)

22 Sec. 8.41. Exempt mandate. Notwithstanding Sections 6 and 8
23 of this Act, no reimbursement by the State is required for the

1 implementation of any mandate created by Public Act 100-23,
2 100-239, 100-281, 100-455, ~~or~~ 100-544, 100-621, 100-700, or
3 100-743 ~~this amendatory Act of the 100th General Assembly.~~

4 (Source: P.A. 100-23, eff. 7-6-17; 100-239, eff. 8-18-17;
5 100-281, eff. 8-24-17; 100-455, eff. 8-25-17; 100-544, eff.
6 11-8-17; 100-621, eff. 7-20-18; 100-700, eff. 8-3-18; 100-743,
7 eff. 8-10-18; 100-863, eff. 8-14-18; revised 10-3-18.)

8 (30 ILCS 805/8.42)

9 (Text of Section before amendment by P.A. 100-1171)

10 Sec. 8.42. Exempt mandate. Notwithstanding Sections 6 and 8
11 of this Act, no reimbursement by the State is required for the
12 implementation of any mandate created by Public Act 100-587 or
13 100-1144 ~~this amendatory Act of the 100th General Assembly.~~

14 (Source: P.A. 100-587, eff. 6-4-18; 100-1144, eff. 11-28-18;
15 revised 1-8-19.)

16 (Text of Section after amendment by P.A. 100-1171)

17 Sec. 8.42. Exempt mandate. Notwithstanding Sections 6 and 8
18 of this Act, no reimbursement by the State is required for the
19 implementation of any mandate created by Public Act 100-587,
20 100-1144, or 100-1171 ~~this amendatory Act of the 100th General~~
21 ~~Assembly.~~

22 (Source: P.A. 100-587, eff. 6-4-18; 100-1144, eff. 11-28-18;
23 100-1171, eff. 6-1-19; revised 1-8-19.)

1 Section 265. The Illinois Income Tax Act is amended by
2 changing Sections 203, 220, 221, 226, and 901 and by setting
3 forth and renumbering multiple versions of Section 227 as
4 follows:

5 (35 ILCS 5/203) (from Ch. 120, par. 2-203)

6 Sec. 203. Base income defined.

7 (a) Individuals.

8 (1) In general. In the case of an individual, base
9 income means an amount equal to the taxpayer's adjusted
10 gross income for the taxable year as modified by paragraph
11 (2).

12 (2) Modifications. The adjusted gross income referred
13 to in paragraph (1) shall be modified by adding thereto the
14 sum of the following amounts:

15 (A) An amount equal to all amounts paid or accrued
16 to the taxpayer as interest or dividends during the
17 taxable year to the extent excluded from gross income
18 in the computation of adjusted gross income, except
19 stock dividends of qualified public utilities
20 described in Section 305(e) of the Internal Revenue
21 Code;

22 (B) An amount equal to the amount of tax imposed by
23 this Act to the extent deducted from gross income in
24 the computation of adjusted gross income for the
25 taxable year;

1 (C) An amount equal to the amount received during
2 the taxable year as a recovery or refund of real
3 property taxes paid with respect to the taxpayer's
4 principal residence under the Revenue Act of 1939 and
5 for which a deduction was previously taken under
6 subparagraph (L) of this paragraph (2) prior to July 1,
7 1991, the retrospective application date of Article 4
8 of Public Act 87-17. In the case of multi-unit or
9 multi-use structures and farm dwellings, the taxes on
10 the taxpayer's principal residence shall be that
11 portion of the total taxes for the entire property
12 which is attributable to such principal residence;

13 (D) An amount equal to the amount of the capital
14 gain deduction allowable under the Internal Revenue
15 Code, to the extent deducted from gross income in the
16 computation of adjusted gross income;

17 (D-5) An amount, to the extent not included in
18 adjusted gross income, equal to the amount of money
19 withdrawn by the taxpayer in the taxable year from a
20 medical care savings account and the interest earned on
21 the account in the taxable year of a withdrawal
22 pursuant to subsection (b) of Section 20 of the Medical
23 Care Savings Account Act or subsection (b) of Section
24 20 of the Medical Care Savings Account Act of 2000;

25 (D-10) For taxable years ending after December 31,
26 1997, an amount equal to any eligible remediation costs

1 that the individual deducted in computing adjusted
2 gross income and for which the individual claims a
3 credit under subsection (l) of Section 201;

4 (D-15) For taxable years 2001 and thereafter, an
5 amount equal to the bonus depreciation deduction taken
6 on the taxpayer's federal income tax return for the
7 taxable year under subsection (k) of Section 168 of the
8 Internal Revenue Code;

9 (D-16) If the taxpayer sells, transfers, abandons,
10 or otherwise disposes of property for which the
11 taxpayer was required in any taxable year to make an
12 addition modification under subparagraph (D-15), then
13 an amount equal to the aggregate amount of the
14 deductions taken in all taxable years under
15 subparagraph (Z) with respect to that property.

16 If the taxpayer continues to own property through
17 the last day of the last tax year for which the
18 taxpayer may claim a depreciation deduction for
19 federal income tax purposes and for which the taxpayer
20 was allowed in any taxable year to make a subtraction
21 modification under subparagraph (Z), then an amount
22 equal to that subtraction modification.

23 The taxpayer is required to make the addition
24 modification under this subparagraph only once with
25 respect to any one piece of property;

26 (D-17) An amount equal to the amount otherwise

1 allowed as a deduction in computing base income for
2 interest paid, accrued, or incurred, directly or
3 indirectly, (i) for taxable years ending on or after
4 December 31, 2004, to a foreign person who would be a
5 member of the same unitary business group but for the
6 fact that foreign person's business activity outside
7 the United States is 80% or more of the foreign
8 person's total business activity and (ii) for taxable
9 years ending on or after December 31, 2008, to a person
10 who would be a member of the same unitary business
11 group but for the fact that the person is prohibited
12 under Section 1501(a)(27) from being included in the
13 unitary business group because he or she is ordinarily
14 required to apportion business income under different
15 subsections of Section 304. The addition modification
16 required by this subparagraph shall be reduced to the
17 extent that dividends were included in base income of
18 the unitary group for the same taxable year and
19 received by the taxpayer or by a member of the
20 taxpayer's unitary business group (including amounts
21 included in gross income under Sections 951 through 964
22 of the Internal Revenue Code and amounts included in
23 gross income under Section 78 of the Internal Revenue
24 Code) with respect to the stock of the same person to
25 whom the interest was paid, accrued, or incurred.

26 This paragraph shall not apply to the following:

1 (i) an item of interest paid, accrued, or
2 incurred, directly or indirectly, to a person who
3 is subject in a foreign country or state, other
4 than a state which requires mandatory unitary
5 reporting, to a tax on or measured by net income
6 with respect to such interest; or

7 (ii) an item of interest paid, accrued, or
8 incurred, directly or indirectly, to a person if
9 the taxpayer can establish, based on a
10 preponderance of the evidence, both of the
11 following:

12 (a) the person, during the same taxable
13 year, paid, accrued, or incurred, the interest
14 to a person that is not a related member, and

15 (b) the transaction giving rise to the
16 interest expense between the taxpayer and the
17 person did not have as a principal purpose the
18 avoidance of Illinois income tax, and is paid
19 pursuant to a contract or agreement that
20 reflects an arm's-length interest rate and
21 terms; or

22 (iii) the taxpayer can establish, based on
23 clear and convincing evidence, that the interest
24 paid, accrued, or incurred relates to a contract or
25 agreement entered into at arm's-length rates and
26 terms and the principal purpose for the payment is

1 not federal or Illinois tax avoidance; or
2 (iv) an item of interest paid, accrued, or
3 incurred, directly or indirectly, to a person if
4 the taxpayer establishes by clear and convincing
5 evidence that the adjustments are unreasonable; or
6 if the taxpayer and the Director agree in writing
7 to the application or use of an alternative method
8 of apportionment under Section 304(f).

9 Nothing in this subsection shall preclude the
10 Director from making any other adjustment
11 otherwise allowed under Section 404 of this Act for
12 any tax year beginning after the effective date of
13 this amendment provided such adjustment is made
14 pursuant to regulation adopted by the Department
15 and such regulations provide methods and standards
16 by which the Department will utilize its authority
17 under Section 404 of this Act;

18 (D-18) An amount equal to the amount of intangible
19 expenses and costs otherwise allowed as a deduction in
20 computing base income, and that were paid, accrued, or
21 incurred, directly or indirectly, (i) for taxable
22 years ending on or after December 31, 2004, to a
23 foreign person who would be a member of the same
24 unitary business group but for the fact that the
25 foreign person's business activity outside the United
26 States is 80% or more of that person's total business

1 activity and (ii) for taxable years ending on or after
2 December 31, 2008, to a person who would be a member of
3 the same unitary business group but for the fact that
4 the person is prohibited under Section 1501(a)(27)
5 from being included in the unitary business group
6 because he or she is ordinarily required to apportion
7 business income under different subsections of Section
8 304. The addition modification required by this
9 subparagraph shall be reduced to the extent that
10 dividends were included in base income of the unitary
11 group for the same taxable year and received by the
12 taxpayer or by a member of the taxpayer's unitary
13 business group (including amounts included in gross
14 income under Sections 951 through 964 of the Internal
15 Revenue Code and amounts included in gross income under
16 Section 78 of the Internal Revenue Code) with respect
17 to the stock of the same person to whom the intangible
18 expenses and costs were directly or indirectly paid,
19 incurred, or accrued. The preceding sentence does not
20 apply to the extent that the same dividends caused a
21 reduction to the addition modification required under
22 Section 203(a)(2)(D-17) of this Act. As used in this
23 subparagraph, the term "intangible expenses and costs"
24 includes (1) expenses, losses, and costs for, or
25 related to, the direct or indirect acquisition, use,
26 maintenance or management, ownership, sale, exchange,

1 or any other disposition of intangible property; (2)
2 losses incurred, directly or indirectly, from
3 factoring transactions or discounting transactions;
4 (3) royalty, patent, technical, and copyright fees;
5 (4) licensing fees; and (5) other similar expenses and
6 costs. For purposes of this subparagraph, "intangible
7 property" includes patents, patent applications, trade
8 names, trademarks, service marks, copyrights, mask
9 works, trade secrets, and similar types of intangible
10 assets.

11 This paragraph shall not apply to the following:

12 (i) any item of intangible expenses or costs
13 paid, accrued, or incurred, directly or
14 indirectly, from a transaction with a person who is
15 subject in a foreign country or state, other than a
16 state which requires mandatory unitary reporting,
17 to a tax on or measured by net income with respect
18 to such item; or

19 (ii) any item of intangible expense or cost
20 paid, accrued, or incurred, directly or
21 indirectly, if the taxpayer can establish, based
22 on a preponderance of the evidence, both of the
23 following:

24 (a) the person during the same taxable
25 year paid, accrued, or incurred, the
26 intangible expense or cost to a person that is

1 not a related member, and

2 (b) the transaction giving rise to the
3 intangible expense or cost between the
4 taxpayer and the person did not have as a
5 principal purpose the avoidance of Illinois
6 income tax, and is paid pursuant to a contract
7 or agreement that reflects arm's-length terms;
8 or

9 (iii) any item of intangible expense or cost
10 paid, accrued, or incurred, directly or
11 indirectly, from a transaction with a person if the
12 taxpayer establishes by clear and convincing
13 evidence, that the adjustments are unreasonable;
14 or if the taxpayer and the Director agree in
15 writing to the application or use of an alternative
16 method of apportionment under Section 304(f);

17 Nothing in this subsection shall preclude the
18 Director from making any other adjustment
19 otherwise allowed under Section 404 of this Act for
20 any tax year beginning after the effective date of
21 this amendment provided such adjustment is made
22 pursuant to regulation adopted by the Department
23 and such regulations provide methods and standards
24 by which the Department will utilize its authority
25 under Section 404 of this Act;

26 (D-19) For taxable years ending on or after

1 December 31, 2008, an amount equal to the amount of
2 insurance premium expenses and costs otherwise allowed
3 as a deduction in computing base income, and that were
4 paid, accrued, or incurred, directly or indirectly, to
5 a person who would be a member of the same unitary
6 business group but for the fact that the person is
7 prohibited under Section 1501(a)(27) from being
8 included in the unitary business group because he or
9 she is ordinarily required to apportion business
10 income under different subsections of Section 304. The
11 addition modification required by this subparagraph
12 shall be reduced to the extent that dividends were
13 included in base income of the unitary group for the
14 same taxable year and received by the taxpayer or by a
15 member of the taxpayer's unitary business group
16 (including amounts included in gross income under
17 Sections 951 through 964 of the Internal Revenue Code
18 and amounts included in gross income under Section 78
19 of the Internal Revenue Code) with respect to the stock
20 of the same person to whom the premiums and costs were
21 directly or indirectly paid, incurred, or accrued. The
22 preceding sentence does not apply to the extent that
23 the same dividends caused a reduction to the addition
24 modification required under Section 203(a)(2)(D-17) or
25 Section 203(a)(2)(D-18) of this Act.

26 (D-20) For taxable years beginning on or after

1 January 1, 2002 and ending on or before December 31,
2 2006, in the case of a distribution from a qualified
3 tuition program under Section 529 of the Internal
4 Revenue Code, other than (i) a distribution from a
5 College Savings Pool created under Section 16.5 of the
6 State Treasurer Act or (ii) a distribution from the
7 Illinois Prepaid Tuition Trust Fund, an amount equal to
8 the amount excluded from gross income under Section
9 529(c)(3)(B). For taxable years beginning on or after
10 January 1, 2007, in the case of a distribution from a
11 qualified tuition program under Section 529 of the
12 Internal Revenue Code, other than (i) a distribution
13 from a College Savings Pool created under Section 16.5
14 of the State Treasurer Act, (ii) a distribution from
15 the Illinois Prepaid Tuition Trust Fund, or (iii) a
16 distribution from a qualified tuition program under
17 Section 529 of the Internal Revenue Code that (I)
18 adopts and determines that its offering materials
19 comply with the College Savings Plans Network's
20 disclosure principles and (II) has made reasonable
21 efforts to inform in-state residents of the existence
22 of in-state qualified tuition programs by informing
23 Illinois residents directly and, where applicable, to
24 inform financial intermediaries distributing the
25 program to inform in-state residents of the existence
26 of in-state qualified tuition programs at least

1 annually, an amount equal to the amount excluded from
2 gross income under Section 529(c) (3) (B) .

3 For the purposes of this subparagraph (D-20), a
4 qualified tuition program has made reasonable efforts
5 if it makes disclosures (which may use the term
6 "in-state program" or "in-state plan" and need not
7 specifically refer to Illinois or its qualified
8 programs by name) (i) directly to prospective
9 participants in its offering materials or makes a
10 public disclosure, such as a website posting; and (ii)
11 where applicable, to intermediaries selling the
12 out-of-state program in the same manner that the
13 out-of-state program distributes its offering
14 materials;

15 (D-20.5) For taxable years beginning on or after
16 January 1, 2018, in the case of a distribution from a
17 qualified ABLE program under Section 529A of the
18 Internal Revenue Code, other than a distribution from a
19 qualified ABLE program created under Section 16.6 of
20 the State Treasurer Act, an amount equal to the amount
21 excluded from gross income under Section 529A(c) (1) (B)
22 of the Internal Revenue Code;

23 (D-21) For taxable years beginning on or after
24 January 1, 2007, in the case of transfer of moneys from
25 a qualified tuition program under Section 529 of the
26 Internal Revenue Code that is administered by the State

1 to an out-of-state program, an amount equal to the
2 amount of moneys previously deducted from base income
3 under subsection (a) (2) (Y) of this Section;

4 (D-21.5) For taxable years beginning on or after
5 January 1, 2018, in the case of the transfer of moneys
6 from a qualified tuition program under Section 529 or a
7 qualified ABLE program under Section 529A of the
8 Internal Revenue Code that is administered by this
9 State to an ABLE account established under an
10 out-of-state ABLE account program, an amount equal to
11 the contribution component of the transferred amount
12 that was previously deducted from base income under
13 subsection (a) (2) (Y) or subsection (a) (2) (HH) of this
14 Section;

15 (D-22) For taxable years beginning on or after
16 January 1, 2009, and prior to January 1, 2018, in the
17 case of a nonqualified withdrawal or refund of moneys
18 from a qualified tuition program under Section 529 of
19 the Internal Revenue Code administered by the State
20 that is not used for qualified expenses at an eligible
21 education institution, an amount equal to the
22 contribution component of the nonqualified withdrawal
23 or refund that was previously deducted from base income
24 under subsection (a) (2) (y) of this Section, provided
25 that the withdrawal or refund did not result from the
26 beneficiary's death or disability. For taxable years

1 beginning on or after January 1, 2018: (1) in the case
2 of a nonqualified withdrawal or refund, as defined
3 under Section 16.5 of the State Treasurer Act, of
4 moneys from a qualified tuition program under Section
5 529 of the Internal Revenue Code administered by the
6 State, an amount equal to the contribution component of
7 the nonqualified withdrawal or refund that was
8 previously deducted from base income under subsection
9 (a) (2) (Y) of this Section, and (2) in the case of a
10 nonqualified withdrawal or refund from a qualified
11 ABLE program under Section 529A of the Internal Revenue
12 Code administered by the State that is not used for
13 qualified disability expenses, an amount equal to the
14 contribution component of the nonqualified withdrawal
15 or refund that was previously deducted from base income
16 under subsection (a) (2) (HH) of this Section;

17 (D-23) An amount equal to the credit allowable to
18 the taxpayer under Section 218(a) of this Act,
19 determined without regard to Section 218(c) of this
20 Act;

21 (D-24) For taxable years ending on or after
22 December 31, 2017, an amount equal to the deduction
23 allowed under Section 199 of the Internal Revenue Code
24 for the taxable year;

25 and by deducting from the total so obtained the sum of the
26 following amounts:

1 (E) For taxable years ending before December 31,
2 2001, any amount included in such total in respect of
3 any compensation (including but not limited to any
4 compensation paid or accrued to a serviceman while a
5 prisoner of war or missing in action) paid to a
6 resident by reason of being on active duty in the Armed
7 Forces of the United States and in respect of any
8 compensation paid or accrued to a resident who as a
9 governmental employee was a prisoner of war or missing
10 in action, and in respect of any compensation paid to a
11 resident in 1971 or thereafter for annual training
12 performed pursuant to Sections 502 and 503, Title 32,
13 United States Code as a member of the Illinois National
14 Guard or, beginning with taxable years ending on or
15 after December 31, 2007, the National Guard of any
16 other state. For taxable years ending on or after
17 December 31, 2001, any amount included in such total in
18 respect of any compensation (including but not limited
19 to any compensation paid or accrued to a serviceman
20 while a prisoner of war or missing in action) paid to a
21 resident by reason of being a member of any component
22 of the Armed Forces of the United States and in respect
23 of any compensation paid or accrued to a resident who
24 as a governmental employee was a prisoner of war or
25 missing in action, and in respect of any compensation
26 paid to a resident in 2001 or thereafter by reason of

1 being a member of the Illinois National Guard or,
2 beginning with taxable years ending on or after
3 December 31, 2007, the National Guard of any other
4 state. The provisions of this subparagraph (E) are
5 exempt from the provisions of Section 250;

6 (F) An amount equal to all amounts included in such
7 total pursuant to the provisions of Sections 402(a),
8 402(c), 403(a), 403(b), 406(a), 407(a), and 408 of the
9 Internal Revenue Code, or included in such total as
10 distributions under the provisions of any retirement
11 or disability plan for employees of any governmental
12 agency or unit, or retirement payments to retired
13 partners, which payments are excluded in computing net
14 earnings from self employment by Section 1402 of the
15 Internal Revenue Code and regulations adopted pursuant
16 thereto;

17 (G) The valuation limitation amount;

18 (H) An amount equal to the amount of any tax
19 imposed by this Act which was refunded to the taxpayer
20 and included in such total for the taxable year;

21 (I) An amount equal to all amounts included in such
22 total pursuant to the provisions of Section 111 of the
23 Internal Revenue Code as a recovery of items previously
24 deducted from adjusted gross income in the computation
25 of taxable income;

26 (J) An amount equal to those dividends included in

1 such total which were paid by a corporation which
2 conducts business operations in a River Edge
3 Redevelopment Zone or zones created under the River
4 Edge Redevelopment Zone Act, and conducts
5 substantially all of its operations in a River Edge
6 Redevelopment Zone or zones. This subparagraph (J) is
7 exempt from the provisions of Section 250;

8 (K) An amount equal to those dividends included in
9 such total that were paid by a corporation that
10 conducts business operations in a federally designated
11 Foreign Trade Zone or Sub-Zone and that is designated a
12 High Impact Business located in Illinois; provided
13 that dividends eligible for the deduction provided in
14 subparagraph (J) of paragraph (2) of this subsection
15 shall not be eligible for the deduction provided under
16 this subparagraph (K);

17 (L) For taxable years ending after December 31,
18 1983, an amount equal to all social security benefits
19 and railroad retirement benefits included in such
20 total pursuant to Sections 72(r) and 86 of the Internal
21 Revenue Code;

22 (M) With the exception of any amounts subtracted
23 under subparagraph (N), an amount equal to the sum of
24 all amounts disallowed as deductions by (i) Sections
25 171(a)(2), and 265(a)(2) ~~265(2)~~ of the Internal
26 Revenue Code, and all amounts of expenses allocable to

1 interest and disallowed as deductions by Section
2 265(a)(1) ~~265(1)~~ of the Internal Revenue Code; and (ii)
3 for taxable years ending on or after August 13, 1999,
4 Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of
5 the Internal Revenue Code, plus, for taxable years
6 ending on or after December 31, 2011, Section 45G(e)(3)
7 of the Internal Revenue Code and, for taxable years
8 ending on or after December 31, 2008, any amount
9 included in gross income under Section 87 of the
10 Internal Revenue Code; the provisions of this
11 subparagraph are exempt from the provisions of Section
12 250;

13 (N) An amount equal to all amounts included in such
14 total which are exempt from taxation by this State
15 either by reason of its statutes or Constitution or by
16 reason of the Constitution, treaties or statutes of the
17 United States; provided that, in the case of any
18 statute of this State that exempts income derived from
19 bonds or other obligations from the tax imposed under
20 this Act, the amount exempted shall be the interest net
21 of bond premium amortization;

22 (O) An amount equal to any contribution made to a
23 job training project established pursuant to the Tax
24 Increment Allocation Redevelopment Act;

25 (P) An amount equal to the amount of the deduction
26 used to compute the federal income tax credit for

1 restoration of substantial amounts held under claim of
2 right for the taxable year pursuant to Section 1341 of
3 the Internal Revenue Code or of any itemized deduction
4 taken from adjusted gross income in the computation of
5 taxable income for restoration of substantial amounts
6 held under claim of right for the taxable year;

7 (Q) An amount equal to any amounts included in such
8 total, received by the taxpayer as an acceleration in
9 the payment of life, endowment or annuity benefits in
10 advance of the time they would otherwise be payable as
11 an indemnity for a terminal illness;

12 (R) An amount equal to the amount of any federal or
13 State bonus paid to veterans of the Persian Gulf War;

14 (S) An amount, to the extent included in adjusted
15 gross income, equal to the amount of a contribution
16 made in the taxable year on behalf of the taxpayer to a
17 medical care savings account established under the
18 Medical Care Savings Account Act or the Medical Care
19 Savings Account Act of 2000 to the extent the
20 contribution is accepted by the account administrator
21 as provided in that Act;

22 (T) An amount, to the extent included in adjusted
23 gross income, equal to the amount of interest earned in
24 the taxable year on a medical care savings account
25 established under the Medical Care Savings Account Act
26 or the Medical Care Savings Account Act of 2000 on

1 behalf of the taxpayer, other than interest added
2 pursuant to item (D-5) of this paragraph (2);

3 (U) For one taxable year beginning on or after
4 January 1, 1994, an amount equal to the total amount of
5 tax imposed and paid under subsections (a) and (b) of
6 Section 201 of this Act on grant amounts received by
7 the taxpayer under the Nursing Home Grant Assistance
8 Act during the taxpayer's taxable years 1992 and 1993;

9 (V) Beginning with tax years ending on or after
10 December 31, 1995 and ending with tax years ending on
11 or before December 31, 2004, an amount equal to the
12 amount paid by a taxpayer who is a self-employed
13 taxpayer, a partner of a partnership, or a shareholder
14 in a Subchapter S corporation for health insurance or
15 long-term care insurance for that taxpayer or that
16 taxpayer's spouse or dependents, to the extent that the
17 amount paid for that health insurance or long-term care
18 insurance may be deducted under Section 213 of the
19 Internal Revenue Code, has not been deducted on the
20 federal income tax return of the taxpayer, and does not
21 exceed the taxable income attributable to that
22 taxpayer's income, self-employment income, or
23 Subchapter S corporation income; except that no
24 deduction shall be allowed under this item (V) if the
25 taxpayer is eligible to participate in any health
26 insurance or long-term care insurance plan of an

1 employer of the taxpayer or the taxpayer's spouse. The
2 amount of the health insurance and long-term care
3 insurance subtracted under this item (V) shall be
4 determined by multiplying total health insurance and
5 long-term care insurance premiums paid by the taxpayer
6 times a number that represents the fractional
7 percentage of eligible medical expenses under Section
8 213 of the Internal Revenue Code of 1986 not actually
9 deducted on the taxpayer's federal income tax return;

10 (W) For taxable years beginning on or after January
11 1, 1998, all amounts included in the taxpayer's federal
12 gross income in the taxable year from amounts converted
13 from a regular IRA to a Roth IRA. This paragraph is
14 exempt from the provisions of Section 250;

15 (X) For taxable year 1999 and thereafter, an amount
16 equal to the amount of any (i) distributions, to the
17 extent includible in gross income for federal income
18 tax purposes, made to the taxpayer because of his or
19 her status as a victim of persecution for racial or
20 religious reasons by Nazi Germany or any other Axis
21 regime or as an heir of the victim and (ii) items of
22 income, to the extent includible in gross income for
23 federal income tax purposes, attributable to, derived
24 from or in any way related to assets stolen from,
25 hidden from, or otherwise lost to a victim of
26 persecution for racial or religious reasons by Nazi

1 Germany or any other Axis regime immediately prior to,
2 during, and immediately after World War II, including,
3 but not limited to, interest on the proceeds receivable
4 as insurance under policies issued to a victim of
5 persecution for racial or religious reasons by Nazi
6 Germany or any other Axis regime by European insurance
7 companies immediately prior to and during World War II;
8 provided, however, this subtraction from federal
9 adjusted gross income does not apply to assets acquired
10 with such assets or with the proceeds from the sale of
11 such assets; provided, further, this paragraph shall
12 only apply to a taxpayer who was the first recipient of
13 such assets after their recovery and who is a victim of
14 persecution for racial or religious reasons by Nazi
15 Germany or any other Axis regime or as an heir of the
16 victim. The amount of and the eligibility for any
17 public assistance, benefit, or similar entitlement is
18 not affected by the inclusion of items (i) and (ii) of
19 this paragraph in gross income for federal income tax
20 purposes. This paragraph is exempt from the provisions
21 of Section 250;

22 (Y) For taxable years beginning on or after January
23 1, 2002 and ending on or before December 31, 2004,
24 moneys contributed in the taxable year to a College
25 Savings Pool account under Section 16.5 of the State
26 Treasurer Act, except that amounts excluded from gross

1 income under Section 529(c)(3)(C)(i) of the Internal
2 Revenue Code shall not be considered moneys
3 contributed under this subparagraph (Y). For taxable
4 years beginning on or after January 1, 2005, a maximum
5 of \$10,000 contributed in the taxable year to (i) a
6 College Savings Pool account under Section 16.5 of the
7 State Treasurer Act or (ii) the Illinois Prepaid
8 Tuition Trust Fund, except that amounts excluded from
9 gross income under Section 529(c)(3)(C)(i) of the
10 Internal Revenue Code shall not be considered moneys
11 contributed under this subparagraph (Y). For purposes
12 of this subparagraph, contributions made by an
13 employer on behalf of an employee, or matching
14 contributions made by an employee, shall be treated as
15 made by the employee. This subparagraph (Y) is exempt
16 from the provisions of Section 250;

17 (Z) For taxable years 2001 and thereafter, for the
18 taxable year in which the bonus depreciation deduction
19 is taken on the taxpayer's federal income tax return
20 under subsection (k) of Section 168 of the Internal
21 Revenue Code and for each applicable taxable year
22 thereafter, an amount equal to "x", where:

23 (1) "y" equals the amount of the depreciation
24 deduction taken for the taxable year on the
25 taxpayer's federal income tax return on property
26 for which the bonus depreciation deduction was

1 taken in any year under subsection (k) of Section
2 168 of the Internal Revenue Code, but not including
3 the bonus depreciation deduction;

4 (2) for taxable years ending on or before
5 December 31, 2005, "x" equals "y" multiplied by 30
6 and then divided by 70 (or "y" multiplied by
7 0.429); and

8 (3) for taxable years ending after December
9 31, 2005:

10 (i) for property on which a bonus
11 depreciation deduction of 30% of the adjusted
12 basis was taken, "x" equals "y" multiplied by
13 30 and then divided by 70 (or "y" multiplied by
14 0.429); and

15 (ii) for property on which a bonus
16 depreciation deduction of 50% of the adjusted
17 basis was taken, "x" equals "y" multiplied by
18 1.0.

19 The aggregate amount deducted under this
20 subparagraph in all taxable years for any one piece of
21 property may not exceed the amount of the bonus
22 depreciation deduction taken on that property on the
23 taxpayer's federal income tax return under subsection
24 (k) of Section 168 of the Internal Revenue Code. This
25 subparagraph (Z) is exempt from the provisions of
26 Section 250;

1 (AA) If the taxpayer sells, transfers, abandons,
2 or otherwise disposes of property for which the
3 taxpayer was required in any taxable year to make an
4 addition modification under subparagraph (D-15), then
5 an amount equal to that addition modification.

6 If the taxpayer continues to own property through
7 the last day of the last tax year for which the
8 taxpayer may claim a depreciation deduction for
9 federal income tax purposes and for which the taxpayer
10 was required in any taxable year to make an addition
11 modification under subparagraph (D-15), then an amount
12 equal to that addition modification.

13 The taxpayer is allowed to take the deduction under
14 this subparagraph only once with respect to any one
15 piece of property.

16 This subparagraph (AA) is exempt from the
17 provisions of Section 250;

18 (BB) Any amount included in adjusted gross income,
19 other than salary, received by a driver in a
20 ridesharing arrangement using a motor vehicle;

21 (CC) The amount of (i) any interest income (net of
22 the deductions allocable thereto) taken into account
23 for the taxable year with respect to a transaction with
24 a taxpayer that is required to make an addition
25 modification with respect to such transaction under
26 Section 203(a)(2)(D-17), 203(b)(2)(E-12),

1 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
2 the amount of that addition modification, and (ii) any
3 income from intangible property (net of the deductions
4 allocable thereto) taken into account for the taxable
5 year with respect to a transaction with a taxpayer that
6 is required to make an addition modification with
7 respect to such transaction under Section
8 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
9 203(d)(2)(D-8), but not to exceed the amount of that
10 addition modification. This subparagraph (CC) is
11 exempt from the provisions of Section 250;

12 (DD) An amount equal to the interest income taken
13 into account for the taxable year (net of the
14 deductions allocable thereto) with respect to
15 transactions with (i) a foreign person who would be a
16 member of the taxpayer's unitary business group but for
17 the fact that the foreign person's business activity
18 outside the United States is 80% or more of that
19 person's total business activity and (ii) for taxable
20 years ending on or after December 31, 2008, to a person
21 who would be a member of the same unitary business
22 group but for the fact that the person is prohibited
23 under Section 1501(a)(27) from being included in the
24 unitary business group because he or she is ordinarily
25 required to apportion business income under different
26 subsections of Section 304, but not to exceed the

1 addition modification required to be made for the same
2 taxable year under Section 203(a)(2)(D-17) for
3 interest paid, accrued, or incurred, directly or
4 indirectly, to the same person. This subparagraph (DD)
5 is exempt from the provisions of Section 250;

6 (EE) An amount equal to the income from intangible
7 property taken into account for the taxable year (net
8 of the deductions allocable thereto) with respect to
9 transactions with (i) a foreign person who would be a
10 member of the taxpayer's unitary business group but for
11 the fact that the foreign person's business activity
12 outside the United States is 80% or more of that
13 person's total business activity and (ii) for taxable
14 years ending on or after December 31, 2008, to a person
15 who would be a member of the same unitary business
16 group but for the fact that the person is prohibited
17 under Section 1501(a)(27) from being included in the
18 unitary business group because he or she is ordinarily
19 required to apportion business income under different
20 subsections of Section 304, but not to exceed the
21 addition modification required to be made for the same
22 taxable year under Section 203(a)(2)(D-18) for
23 intangible expenses and costs paid, accrued, or
24 incurred, directly or indirectly, to the same foreign
25 person. This subparagraph (EE) is exempt from the
26 provisions of Section 250;

1 (F) An amount equal to any amount awarded to the
2 taxpayer during the taxable year by the Court of Claims
3 under subsection (c) of Section 8 of the Court of
4 Claims Act for time unjustly served in a State prison.
5 This subparagraph (F) is exempt from the provisions of
6 Section 250;

7 (G) For taxable years ending on or after December
8 31, 2011, in the case of a taxpayer who was required to
9 add back any insurance premiums under Section
10 203(a)(2)(D-19), such taxpayer may elect to subtract
11 that part of a reimbursement received from the
12 insurance company equal to the amount of the expense or
13 loss (including expenses incurred by the insurance
14 company) that would have been taken into account as a
15 deduction for federal income tax purposes if the
16 expense or loss had been uninsured. If a taxpayer makes
17 the election provided for by this subparagraph (G),
18 the insurer to which the premiums were paid must add
19 back to income the amount subtracted by the taxpayer
20 pursuant to this subparagraph (G). This subparagraph
21 (G) is exempt from the provisions of Section 250; and

22 (H) For taxable years beginning on or after
23 January 1, 2018 and prior to January 1, 2023, a maximum
24 of \$10,000 contributed in the taxable year to a
25 qualified ABLE account under Section 16.6 of the State
26 Treasurer Act, except that amounts excluded from gross

1 income under Section 529(c)(3)(C)(i) or Section
2 529A(c)(1)(C) of the Internal Revenue Code shall not be
3 considered moneys contributed under this subparagraph
4 (HH). For purposes of this subparagraph (HH),
5 contributions made by an employer on behalf of an
6 employee, or matching contributions made by an
7 employee, shall be treated as made by the employee.

8 (b) Corporations.

9 (1) In general. In the case of a corporation, base
10 income means an amount equal to the taxpayer's taxable
11 income for the taxable year as modified by paragraph (2).

12 (2) Modifications. The taxable income referred to in
13 paragraph (1) shall be modified by adding thereto the sum
14 of the following amounts:

15 (A) An amount equal to all amounts paid or accrued
16 to the taxpayer as interest and all distributions
17 received from regulated investment companies during
18 the taxable year to the extent excluded from gross
19 income in the computation of taxable income;

20 (B) An amount equal to the amount of tax imposed by
21 this Act to the extent deducted from gross income in
22 the computation of taxable income for the taxable year;

23 (C) In the case of a regulated investment company,
24 an amount equal to the excess of (i) the net long-term
25 capital gain for the taxable year, over (ii) the amount

1 of the capital gain dividends designated as such in
2 accordance with Section 852(b)(3)(C) of the Internal
3 Revenue Code and any amount designated under Section
4 852(b)(3)(D) of the Internal Revenue Code,
5 attributable to the taxable year (this amendatory Act
6 of 1995 (Public Act 89-89) is declarative of existing
7 law and is not a new enactment);

8 (D) The amount of any net operating loss deduction
9 taken in arriving at taxable income, other than a net
10 operating loss carried forward from a taxable year
11 ending prior to December 31, 1986;

12 (E) For taxable years in which a net operating loss
13 carryback or carryforward from a taxable year ending
14 prior to December 31, 1986 is an element of taxable
15 income under paragraph (1) of subsection (e) or
16 subparagraph (E) of paragraph (2) of subsection (e),
17 the amount by which addition modifications other than
18 those provided by this subparagraph (E) exceeded
19 subtraction modifications in such earlier taxable
20 year, with the following limitations applied in the
21 order that they are listed:

22 (i) the addition modification relating to the
23 net operating loss carried back or forward to the
24 taxable year from any taxable year ending prior to
25 December 31, 1986 shall be reduced by the amount of
26 addition modification under this subparagraph (E)

1 which related to that net operating loss and which
2 was taken into account in calculating the base
3 income of an earlier taxable year, and

4 (ii) the addition modification relating to the
5 net operating loss carried back or forward to the
6 taxable year from any taxable year ending prior to
7 December 31, 1986 shall not exceed the amount of
8 such carryback or carryforward;

9 For taxable years in which there is a net operating
10 loss carryback or carryforward from more than one other
11 taxable year ending prior to December 31, 1986, the
12 addition modification provided in this subparagraph
13 (E) shall be the sum of the amounts computed
14 independently under the preceding provisions of this
15 subparagraph (E) for each such taxable year;

16 (E-5) For taxable years ending after December 31,
17 1997, an amount equal to any eligible remediation costs
18 that the corporation deducted in computing adjusted
19 gross income and for which the corporation claims a
20 credit under subsection (l) of Section 201;

21 (E-10) For taxable years 2001 and thereafter, an
22 amount equal to the bonus depreciation deduction taken
23 on the taxpayer's federal income tax return for the
24 taxable year under subsection (k) of Section 168 of the
25 Internal Revenue Code;

26 (E-11) If the taxpayer sells, transfers, abandons,

1 or otherwise disposes of property for which the
2 taxpayer was required in any taxable year to make an
3 addition modification under subparagraph (E-10), then
4 an amount equal to the aggregate amount of the
5 deductions taken in all taxable years under
6 subparagraph (T) with respect to that property.

7 If the taxpayer continues to own property through
8 the last day of the last tax year for which the
9 taxpayer may claim a depreciation deduction for
10 federal income tax purposes and for which the taxpayer
11 was allowed in any taxable year to make a subtraction
12 modification under subparagraph (T), then an amount
13 equal to that subtraction modification.

14 The taxpayer is required to make the addition
15 modification under this subparagraph only once with
16 respect to any one piece of property;

17 (E-12) An amount equal to the amount otherwise
18 allowed as a deduction in computing base income for
19 interest paid, accrued, or incurred, directly or
20 indirectly, (i) for taxable years ending on or after
21 December 31, 2004, to a foreign person who would be a
22 member of the same unitary business group but for the
23 fact the foreign person's business activity outside
24 the United States is 80% or more of the foreign
25 person's total business activity and (ii) for taxable
26 years ending on or after December 31, 2008, to a person

1 who would be a member of the same unitary business
2 group but for the fact that the person is prohibited
3 under Section 1501(a)(27) from being included in the
4 unitary business group because he or she is ordinarily
5 required to apportion business income under different
6 subsections of Section 304. The addition modification
7 required by this subparagraph shall be reduced to the
8 extent that dividends were included in base income of
9 the unitary group for the same taxable year and
10 received by the taxpayer or by a member of the
11 taxpayer's unitary business group (including amounts
12 included in gross income pursuant to Sections 951
13 through 964 of the Internal Revenue Code and amounts
14 included in gross income under Section 78 of the
15 Internal Revenue Code) with respect to the stock of the
16 same person to whom the interest was paid, accrued, or
17 incurred.

18 This paragraph shall not apply to the following:

19 (i) an item of interest paid, accrued, or
20 incurred, directly or indirectly, to a person who
21 is subject in a foreign country or state, other
22 than a state which requires mandatory unitary
23 reporting, to a tax on or measured by net income
24 with respect to such interest; or

25 (ii) an item of interest paid, accrued, or
26 incurred, directly or indirectly, to a person if

1 the taxpayer can establish, based on a
2 preponderance of the evidence, both of the
3 following:

4 (a) the person, during the same taxable
5 year, paid, accrued, or incurred, the interest
6 to a person that is not a related member, and

7 (b) the transaction giving rise to the
8 interest expense between the taxpayer and the
9 person did not have as a principal purpose the
10 avoidance of Illinois income tax, and is paid
11 pursuant to a contract or agreement that
12 reflects an arm's-length interest rate and
13 terms; or

14 (iii) the taxpayer can establish, based on
15 clear and convincing evidence, that the interest
16 paid, accrued, or incurred relates to a contract or
17 agreement entered into at arm's-length rates and
18 terms and the principal purpose for the payment is
19 not federal or Illinois tax avoidance; or

20 (iv) an item of interest paid, accrued, or
21 incurred, directly or indirectly, to a person if
22 the taxpayer establishes by clear and convincing
23 evidence that the adjustments are unreasonable; or
24 if the taxpayer and the Director agree in writing
25 to the application or use of an alternative method
26 of apportionment under Section 304(f).

1 Nothing in this subsection shall preclude the
2 Director from making any other adjustment
3 otherwise allowed under Section 404 of this Act for
4 any tax year beginning after the effective date of
5 this amendment provided such adjustment is made
6 pursuant to regulation adopted by the Department
7 and such regulations provide methods and standards
8 by which the Department will utilize its authority
9 under Section 404 of this Act;

10 (E-13) An amount equal to the amount of intangible
11 expenses and costs otherwise allowed as a deduction in
12 computing base income, and that were paid, accrued, or
13 incurred, directly or indirectly, (i) for taxable
14 years ending on or after December 31, 2004, to a
15 foreign person who would be a member of the same
16 unitary business group but for the fact that the
17 foreign person's business activity outside the United
18 States is 80% or more of that person's total business
19 activity and (ii) for taxable years ending on or after
20 December 31, 2008, to a person who would be a member of
21 the same unitary business group but for the fact that
22 the person is prohibited under Section 1501(a)(27)
23 from being included in the unitary business group
24 because he or she is ordinarily required to apportion
25 business income under different subsections of Section
26 304. The addition modification required by this

1 subparagraph shall be reduced to the extent that
2 dividends were included in base income of the unitary
3 group for the same taxable year and received by the
4 taxpayer or by a member of the taxpayer's unitary
5 business group (including amounts included in gross
6 income pursuant to Sections 951 through 964 of the
7 Internal Revenue Code and amounts included in gross
8 income under Section 78 of the Internal Revenue Code)
9 with respect to the stock of the same person to whom
10 the intangible expenses and costs were directly or
11 indirectly paid, incurred, or accrued. The preceding
12 sentence shall not apply to the extent that the same
13 dividends caused a reduction to the addition
14 modification required under Section 203(b)(2)(E-12) of
15 this Act. As used in this subparagraph, the term
16 "intangible expenses and costs" includes (1) expenses,
17 losses, and costs for, or related to, the direct or
18 indirect acquisition, use, maintenance or management,
19 ownership, sale, exchange, or any other disposition of
20 intangible property; (2) losses incurred, directly or
21 indirectly, from factoring transactions or discounting
22 transactions; (3) royalty, patent, technical, and
23 copyright fees; (4) licensing fees; and (5) other
24 similar expenses and costs. For purposes of this
25 subparagraph, "intangible property" includes patents,
26 patent applications, trade names, trademarks, service

1 marks, copyrights, mask works, trade secrets, and
2 similar types of intangible assets.

3 This paragraph shall not apply to the following:

4 (i) any item of intangible expenses or costs
5 paid, accrued, or incurred, directly or
6 indirectly, from a transaction with a person who is
7 subject in a foreign country or state, other than a
8 state which requires mandatory unitary reporting,
9 to a tax on or measured by net income with respect
10 to such item; or

11 (ii) any item of intangible expense or cost
12 paid, accrued, or incurred, directly or
13 indirectly, if the taxpayer can establish, based
14 on a preponderance of the evidence, both of the
15 following:

16 (a) the person during the same taxable
17 year paid, accrued, or incurred, the
18 intangible expense or cost to a person that is
19 not a related member, and

20 (b) the transaction giving rise to the
21 intangible expense or cost between the
22 taxpayer and the person did not have as a
23 principal purpose the avoidance of Illinois
24 income tax, and is paid pursuant to a contract
25 or agreement that reflects arm's-length terms;
26 or

1 (iii) any item of intangible expense or cost
2 paid, accrued, or incurred, directly or
3 indirectly, from a transaction with a person if the
4 taxpayer establishes by clear and convincing
5 evidence, that the adjustments are unreasonable;
6 or if the taxpayer and the Director agree in
7 writing to the application or use of an alternative
8 method of apportionment under Section 304(f);

9 Nothing in this subsection shall preclude the
10 Director from making any other adjustment
11 otherwise allowed under Section 404 of this Act for
12 any tax year beginning after the effective date of
13 this amendment provided such adjustment is made
14 pursuant to regulation adopted by the Department
15 and such regulations provide methods and standards
16 by which the Department will utilize its authority
17 under Section 404 of this Act;

18 (E-14) For taxable years ending on or after
19 December 31, 2008, an amount equal to the amount of
20 insurance premium expenses and costs otherwise allowed
21 as a deduction in computing base income, and that were
22 paid, accrued, or incurred, directly or indirectly, to
23 a person who would be a member of the same unitary
24 business group but for the fact that the person is
25 prohibited under Section 1501(a)(27) from being
26 included in the unitary business group because he or

1 she is ordinarily required to apportion business
2 income under different subsections of Section 304. The
3 addition modification required by this subparagraph
4 shall be reduced to the extent that dividends were
5 included in base income of the unitary group for the
6 same taxable year and received by the taxpayer or by a
7 member of the taxpayer's unitary business group
8 (including amounts included in gross income under
9 Sections 951 through 964 of the Internal Revenue Code
10 and amounts included in gross income under Section 78
11 of the Internal Revenue Code) with respect to the stock
12 of the same person to whom the premiums and costs were
13 directly or indirectly paid, incurred, or accrued. The
14 preceding sentence does not apply to the extent that
15 the same dividends caused a reduction to the addition
16 modification required under Section 203(b)(2)(E-12) or
17 Section 203(b)(2)(E-13) of this Act;

18 (E-15) For taxable years beginning after December
19 31, 2008, any deduction for dividends paid by a captive
20 real estate investment trust that is allowed to a real
21 estate investment trust under Section 857(b)(2)(B) of
22 the Internal Revenue Code for dividends paid;

23 (E-16) An amount equal to the credit allowable to
24 the taxpayer under Section 218(a) of this Act,
25 determined without regard to Section 218(c) of this
26 Act;

1 (E-17) For taxable years ending on or after
2 December 31, 2017, an amount equal to the deduction
3 allowed under Section 199 of the Internal Revenue Code
4 for the taxable year;
5 and by deducting from the total so obtained the sum of the
6 following amounts:

7 (F) An amount equal to the amount of any tax
8 imposed by this Act which was refunded to the taxpayer
9 and included in such total for the taxable year;

10 (G) An amount equal to any amount included in such
11 total under Section 78 of the Internal Revenue Code;

12 (H) In the case of a regulated investment company,
13 an amount equal to the amount of exempt interest
14 dividends as defined in subsection (b) (5) of Section
15 852 of the Internal Revenue Code, paid to shareholders
16 for the taxable year;

17 (I) With the exception of any amounts subtracted
18 under subparagraph (J), an amount equal to the sum of
19 all amounts disallowed as deductions by (i) Sections
20 171(a) (2), and 265(a) (2) and amounts disallowed as
21 interest expense by Section 291(a) (3) of the Internal
22 Revenue Code, and all amounts of expenses allocable to
23 interest and disallowed as deductions by Section
24 265(a) (1) of the Internal Revenue Code; and (ii) for
25 taxable years ending on or after August 13, 1999,
26 Sections 171(a) (2), 265, 280C, 291(a) (3), and

1 832(b)(5)(B)(i) of the Internal Revenue Code, plus,
2 for tax years ending on or after December 31, 2011,
3 amounts disallowed as deductions by Section 45G(e)(3)
4 of the Internal Revenue Code and, for taxable years
5 ending on or after December 31, 2008, any amount
6 included in gross income under Section 87 of the
7 Internal Revenue Code and the policyholders' share of
8 tax-exempt interest of a life insurance company under
9 Section 807(a)(2)(B) of the Internal Revenue Code (in
10 the case of a life insurance company with gross income
11 from a decrease in reserves for the tax year) or
12 Section 807(b)(1)(B) of the Internal Revenue Code (in
13 the case of a life insurance company allowed a
14 deduction for an increase in reserves for the tax
15 year); the provisions of this subparagraph are exempt
16 from the provisions of Section 250;

17 (J) An amount equal to all amounts included in such
18 total which are exempt from taxation by this State
19 either by reason of its statutes or Constitution or by
20 reason of the Constitution, treaties or statutes of the
21 United States; provided that, in the case of any
22 statute of this State that exempts income derived from
23 bonds or other obligations from the tax imposed under
24 this Act, the amount exempted shall be the interest net
25 of bond premium amortization;

26 (K) An amount equal to those dividends included in

1 such total which were paid by a corporation which
2 conducts business operations in a River Edge
3 Redevelopment Zone or zones created under the River
4 Edge Redevelopment Zone Act and conducts substantially
5 all of its operations in a River Edge Redevelopment
6 Zone or zones. This subparagraph (K) is exempt from the
7 provisions of Section 250;

8 (L) An amount equal to those dividends included in
9 such total that were paid by a corporation that
10 conducts business operations in a federally designated
11 Foreign Trade Zone or Sub-Zone and that is designated a
12 High Impact Business located in Illinois; provided
13 that dividends eligible for the deduction provided in
14 subparagraph (K) of paragraph 2 of this subsection
15 shall not be eligible for the deduction provided under
16 this subparagraph (L);

17 (M) For any taxpayer that is a financial
18 organization within the meaning of Section 304(c) of
19 this Act, an amount included in such total as interest
20 income from a loan or loans made by such taxpayer to a
21 borrower, to the extent that such a loan is secured by
22 property which is eligible for the River Edge
23 Redevelopment Zone Investment Credit. To determine the
24 portion of a loan or loans that is secured by property
25 eligible for a Section 201(f) investment credit to the
26 borrower, the entire principal amount of the loan or

1 loans between the taxpayer and the borrower should be
2 divided into the basis of the Section 201(f) investment
3 credit property which secures the loan or loans, using
4 for this purpose the original basis of such property on
5 the date that it was placed in service in the River
6 Edge Redevelopment Zone. The subtraction modification
7 available to the taxpayer in any year under this
8 subsection shall be that portion of the total interest
9 paid by the borrower with respect to such loan
10 attributable to the eligible property as calculated
11 under the previous sentence. This subparagraph (M) is
12 exempt from the provisions of Section 250;

13 (M-1) For any taxpayer that is a financial
14 organization within the meaning of Section 304(c) of
15 this Act, an amount included in such total as interest
16 income from a loan or loans made by such taxpayer to a
17 borrower, to the extent that such a loan is secured by
18 property which is eligible for the High Impact Business
19 Investment Credit. To determine the portion of a loan
20 or loans that is secured by property eligible for a
21 Section 201(h) investment credit to the borrower, the
22 entire principal amount of the loan or loans between
23 the taxpayer and the borrower should be divided into
24 the basis of the Section 201(h) investment credit
25 property which secures the loan or loans, using for
26 this purpose the original basis of such property on the

1 date that it was placed in service in a federally
2 designated Foreign Trade Zone or Sub-Zone located in
3 Illinois. No taxpayer that is eligible for the
4 deduction provided in subparagraph (M) of paragraph
5 (2) of this subsection shall be eligible for the
6 deduction provided under this subparagraph (M-1). The
7 subtraction modification available to taxpayers in any
8 year under this subsection shall be that portion of the
9 total interest paid by the borrower with respect to
10 such loan attributable to the eligible property as
11 calculated under the previous sentence;

12 (N) Two times any contribution made during the
13 taxable year to a designated zone organization to the
14 extent that the contribution (i) qualifies as a
15 charitable contribution under subsection (c) of
16 Section 170 of the Internal Revenue Code and (ii) must,
17 by its terms, be used for a project approved by the
18 Department of Commerce and Economic Opportunity under
19 Section 11 of the Illinois Enterprise Zone Act or under
20 Section 10-10 of the River Edge Redevelopment Zone Act.
21 This subparagraph (N) is exempt from the provisions of
22 Section 250;

23 (O) An amount equal to: (i) 85% for taxable years
24 ending on or before December 31, 1992, or, a percentage
25 equal to the percentage allowable under Section
26 243(a)(1) of the Internal Revenue Code of 1986 for

1 taxable years ending after December 31, 1992, of the
2 amount by which dividends included in taxable income
3 and received from a corporation that is not created or
4 organized under the laws of the United States or any
5 state or political subdivision thereof, including, for
6 taxable years ending on or after December 31, 1988,
7 dividends received or deemed received or paid or deemed
8 paid under Sections 951 through 965 of the Internal
9 Revenue Code, exceed the amount of the modification
10 provided under subparagraph (G) of paragraph (2) of
11 this subsection (b) which is related to such dividends,
12 and including, for taxable years ending on or after
13 December 31, 2008, dividends received from a captive
14 real estate investment trust; plus (ii) 100% of the
15 amount by which dividends, included in taxable income
16 and received, including, for taxable years ending on or
17 after December 31, 1988, dividends received or deemed
18 received or paid or deemed paid under Sections 951
19 through 964 of the Internal Revenue Code and including,
20 for taxable years ending on or after December 31, 2008,
21 dividends received from a captive real estate
22 investment trust, from any such corporation specified
23 in clause (i) that would but for the provisions of
24 Section 1504(b)(3) of the Internal Revenue Code be
25 treated as a member of the affiliated group which
26 includes the dividend recipient, exceed the amount of

1 the modification provided under subparagraph (G) of
2 paragraph (2) of this subsection (b) which is related
3 to such dividends. This subparagraph (O) is exempt from
4 the provisions of Section 250 of this Act;

5 (P) An amount equal to any contribution made to a
6 job training project established pursuant to the Tax
7 Increment Allocation Redevelopment Act;

8 (Q) An amount equal to the amount of the deduction
9 used to compute the federal income tax credit for
10 restoration of substantial amounts held under claim of
11 right for the taxable year pursuant to Section 1341 of
12 the Internal Revenue Code;

13 (R) On and after July 20, 1999, in the case of an
14 attorney-in-fact with respect to whom an interinsurer
15 or a reciprocal insurer has made the election under
16 Section 835 of the Internal Revenue Code, 26 U.S.C.
17 835, an amount equal to the excess, if any, of the
18 amounts paid or incurred by that interinsurer or
19 reciprocal insurer in the taxable year to the
20 attorney-in-fact over the deduction allowed to that
21 interinsurer or reciprocal insurer with respect to the
22 attorney-in-fact under Section 835(b) of the Internal
23 Revenue Code for the taxable year; the provisions of
24 this subparagraph are exempt from the provisions of
25 Section 250;

26 (S) For taxable years ending on or after December

1 31, 1997, in the case of a Subchapter S corporation, an
2 amount equal to all amounts of income allocable to a
3 shareholder subject to the Personal Property Tax
4 Replacement Income Tax imposed by subsections (c) and
5 (d) of Section 201 of this Act, including amounts
6 allocable to organizations exempt from federal income
7 tax by reason of Section 501(a) of the Internal Revenue
8 Code. This subparagraph (S) is exempt from the
9 provisions of Section 250;

10 (T) For taxable years 2001 and thereafter, for the
11 taxable year in which the bonus depreciation deduction
12 is taken on the taxpayer's federal income tax return
13 under subsection (k) of Section 168 of the Internal
14 Revenue Code and for each applicable taxable year
15 thereafter, an amount equal to "x", where:

16 (1) "y" equals the amount of the depreciation
17 deduction taken for the taxable year on the
18 taxpayer's federal income tax return on property
19 for which the bonus depreciation deduction was
20 taken in any year under subsection (k) of Section
21 168 of the Internal Revenue Code, but not including
22 the bonus depreciation deduction;

23 (2) for taxable years ending on or before
24 December 31, 2005, "x" equals "y" multiplied by 30
25 and then divided by 70 (or "y" multiplied by
26 0.429); and

1 (3) for taxable years ending after December
2 31, 2005:

3 (i) for property on which a bonus
4 depreciation deduction of 30% of the adjusted
5 basis was taken, "x" equals "y" multiplied by
6 30 and then divided by 70 (or "y" multiplied by
7 0.429); and

8 (ii) for property on which a bonus
9 depreciation deduction of 50% of the adjusted
10 basis was taken, "x" equals "y" multiplied by
11 1.0.

12 The aggregate amount deducted under this
13 subparagraph in all taxable years for any one piece of
14 property may not exceed the amount of the bonus
15 depreciation deduction taken on that property on the
16 taxpayer's federal income tax return under subsection
17 (k) of Section 168 of the Internal Revenue Code. This
18 subparagraph (T) is exempt from the provisions of
19 Section 250;

20 (U) If the taxpayer sells, transfers, abandons, or
21 otherwise disposes of property for which the taxpayer
22 was required in any taxable year to make an addition
23 modification under subparagraph (E-10), then an amount
24 equal to that addition modification.

25 If the taxpayer continues to own property through
26 the last day of the last tax year for which the

1 taxpayer may claim a depreciation deduction for
2 federal income tax purposes and for which the taxpayer
3 was required in any taxable year to make an addition
4 modification under subparagraph (E-10), then an amount
5 equal to that addition modification.

6 The taxpayer is allowed to take the deduction under
7 this subparagraph only once with respect to any one
8 piece of property.

9 This subparagraph (U) is exempt from the
10 provisions of Section 250;

11 (V) The amount of: (i) any interest income (net of
12 the deductions allocable thereto) taken into account
13 for the taxable year with respect to a transaction with
14 a taxpayer that is required to make an addition
15 modification with respect to such transaction under
16 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
17 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
18 the amount of such addition modification, (ii) any
19 income from intangible property (net of the deductions
20 allocable thereto) taken into account for the taxable
21 year with respect to a transaction with a taxpayer that
22 is required to make an addition modification with
23 respect to such transaction under Section
24 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
25 203(d)(2)(D-8), but not to exceed the amount of such
26 addition modification, and (iii) any insurance premium

1 income (net of deductions allocable thereto) taken
2 into account for the taxable year with respect to a
3 transaction with a taxpayer that is required to make an
4 addition modification with respect to such transaction
5 under Section 203(a)(2)(D-19), Section
6 203(b)(2)(E-14), Section 203(c)(2)(G-14), or Section
7 203(d)(2)(D-9), but not to exceed the amount of that
8 addition modification. This subparagraph (V) is exempt
9 from the provisions of Section 250;

10 (W) An amount equal to the interest income taken
11 into account for the taxable year (net of the
12 deductions allocable thereto) with respect to
13 transactions with (i) a foreign person who would be a
14 member of the taxpayer's unitary business group but for
15 the fact that the foreign person's business activity
16 outside the United States is 80% or more of that
17 person's total business activity and (ii) for taxable
18 years ending on or after December 31, 2008, to a person
19 who would be a member of the same unitary business
20 group but for the fact that the person is prohibited
21 under Section 1501(a)(27) from being included in the
22 unitary business group because he or she is ordinarily
23 required to apportion business income under different
24 subsections of Section 304, but not to exceed the
25 addition modification required to be made for the same
26 taxable year under Section 203(b)(2)(E-12) for

1 interest paid, accrued, or incurred, directly or
2 indirectly, to the same person. This subparagraph (W)
3 is exempt from the provisions of Section 250;

4 (X) An amount equal to the income from intangible
5 property taken into account for the taxable year (net
6 of the deductions allocable thereto) with respect to
7 transactions with (i) a foreign person who would be a
8 member of the taxpayer's unitary business group but for
9 the fact that the foreign person's business activity
10 outside the United States is 80% or more of that
11 person's total business activity and (ii) for taxable
12 years ending on or after December 31, 2008, to a person
13 who would be a member of the same unitary business
14 group but for the fact that the person is prohibited
15 under Section 1501(a)(27) from being included in the
16 unitary business group because he or she is ordinarily
17 required to apportion business income under different
18 subsections of Section 304, but not to exceed the
19 addition modification required to be made for the same
20 taxable year under Section 203(b)(2)(E-13) for
21 intangible expenses and costs paid, accrued, or
22 incurred, directly or indirectly, to the same foreign
23 person. This subparagraph (X) is exempt from the
24 provisions of Section 250;

25 (Y) For taxable years ending on or after December
26 31, 2011, in the case of a taxpayer who was required to

1 add back any insurance premiums under Section
2 203(b)(2)(E-14), such taxpayer may elect to subtract
3 that part of a reimbursement received from the
4 insurance company equal to the amount of the expense or
5 loss (including expenses incurred by the insurance
6 company) that would have been taken into account as a
7 deduction for federal income tax purposes if the
8 expense or loss had been uninsured. If a taxpayer makes
9 the election provided for by this subparagraph (Y), the
10 insurer to which the premiums were paid must add back
11 to income the amount subtracted by the taxpayer
12 pursuant to this subparagraph (Y). This subparagraph
13 (Y) is exempt from the provisions of Section 250; and

14 (Z) The difference between the nondeductible
15 controlled foreign corporation dividends under Section
16 965(e)(3) of the Internal Revenue Code over the taxable
17 income of the taxpayer, computed without regard to
18 Section 965(e)(2)(A) of the Internal Revenue Code, and
19 without regard to any net operating loss deduction.
20 This subparagraph (Z) is exempt from the provisions of
21 Section 250.

22 (3) Special rule. For purposes of paragraph (2)(A),
23 "gross income" in the case of a life insurance company, for
24 tax years ending on and after December 31, 1994, and prior
25 to December 31, 2011, shall mean the gross investment
26 income for the taxable year and, for tax years ending on or

1 after December 31, 2011, shall mean all amounts included in
2 life insurance gross income under Section 803(a)(3) of the
3 Internal Revenue Code.

4 (c) Trusts and estates.

5 (1) In general. In the case of a trust or estate, base
6 income means an amount equal to the taxpayer's taxable
7 income for the taxable year as modified by paragraph (2).

8 (2) Modifications. Subject to the provisions of
9 paragraph (3), the taxable income referred to in paragraph
10 (1) shall be modified by adding thereto the sum of the
11 following amounts:

12 (A) An amount equal to all amounts paid or accrued
13 to the taxpayer as interest or dividends during the
14 taxable year to the extent excluded from gross income
15 in the computation of taxable income;

16 (B) In the case of (i) an estate, \$600; (ii) a
17 trust which, under its governing instrument, is
18 required to distribute all of its income currently,
19 \$300; and (iii) any other trust, \$100, but in each such
20 case, only to the extent such amount was deducted in
21 the computation of taxable income;

22 (C) An amount equal to the amount of tax imposed by
23 this Act to the extent deducted from gross income in
24 the computation of taxable income for the taxable year;

25 (D) The amount of any net operating loss deduction

1 taken in arriving at taxable income, other than a net
2 operating loss carried forward from a taxable year
3 ending prior to December 31, 1986;

4 (E) For taxable years in which a net operating loss
5 carryback or carryforward from a taxable year ending
6 prior to December 31, 1986 is an element of taxable
7 income under paragraph (1) of subsection (e) or
8 subparagraph (E) of paragraph (2) of subsection (e),
9 the amount by which addition modifications other than
10 those provided by this subparagraph (E) exceeded
11 subtraction modifications in such taxable year, with
12 the following limitations applied in the order that
13 they are listed:

14 (i) the addition modification relating to the
15 net operating loss carried back or forward to the
16 taxable year from any taxable year ending prior to
17 December 31, 1986 shall be reduced by the amount of
18 addition modification under this subparagraph (E)
19 which related to that net operating loss and which
20 was taken into account in calculating the base
21 income of an earlier taxable year, and

22 (ii) the addition modification relating to the
23 net operating loss carried back or forward to the
24 taxable year from any taxable year ending prior to
25 December 31, 1986 shall not exceed the amount of
26 such carryback or carryforward;

1 For taxable years in which there is a net operating
2 loss carryback or carryforward from more than one other
3 taxable year ending prior to December 31, 1986, the
4 addition modification provided in this subparagraph
5 (E) shall be the sum of the amounts computed
6 independently under the preceding provisions of this
7 subparagraph (E) for each such taxable year;

8 (F) For taxable years ending on or after January 1,
9 1989, an amount equal to the tax deducted pursuant to
10 Section 164 of the Internal Revenue Code if the trust
11 or estate is claiming the same tax for purposes of the
12 Illinois foreign tax credit under Section 601 of this
13 Act;

14 (G) An amount equal to the amount of the capital
15 gain deduction allowable under the Internal Revenue
16 Code, to the extent deducted from gross income in the
17 computation of taxable income;

18 (G-5) For taxable years ending after December 31,
19 1997, an amount equal to any eligible remediation costs
20 that the trust or estate deducted in computing adjusted
21 gross income and for which the trust or estate claims a
22 credit under subsection (l) of Section 201;

23 (G-10) For taxable years 2001 and thereafter, an
24 amount equal to the bonus depreciation deduction taken
25 on the taxpayer's federal income tax return for the
26 taxable year under subsection (k) of Section 168 of the

1 Internal Revenue Code; and

2 (G-11) If the taxpayer sells, transfers, abandons,
3 or otherwise disposes of property for which the
4 taxpayer was required in any taxable year to make an
5 addition modification under subparagraph (G-10), then
6 an amount equal to the aggregate amount of the
7 deductions taken in all taxable years under
8 subparagraph (R) with respect to that property.

9 If the taxpayer continues to own property through
10 the last day of the last tax year for which the
11 taxpayer may claim a depreciation deduction for
12 federal income tax purposes and for which the taxpayer
13 was allowed in any taxable year to make a subtraction
14 modification under subparagraph (R), then an amount
15 equal to that subtraction modification.

16 The taxpayer is required to make the addition
17 modification under this subparagraph only once with
18 respect to any one piece of property;

19 (G-12) An amount equal to the amount otherwise
20 allowed as a deduction in computing base income for
21 interest paid, accrued, or incurred, directly or
22 indirectly, (i) for taxable years ending on or after
23 December 31, 2004, to a foreign person who would be a
24 member of the same unitary business group but for the
25 fact that the foreign person's business activity
26 outside the United States is 80% or more of the foreign

1 person's total business activity and (ii) for taxable
2 years ending on or after December 31, 2008, to a person
3 who would be a member of the same unitary business
4 group but for the fact that the person is prohibited
5 under Section 1501(a)(27) from being included in the
6 unitary business group because he or she is ordinarily
7 required to apportion business income under different
8 subsections of Section 304. The addition modification
9 required by this subparagraph shall be reduced to the
10 extent that dividends were included in base income of
11 the unitary group for the same taxable year and
12 received by the taxpayer or by a member of the
13 taxpayer's unitary business group (including amounts
14 included in gross income pursuant to Sections 951
15 through 964 of the Internal Revenue Code and amounts
16 included in gross income under Section 78 of the
17 Internal Revenue Code) with respect to the stock of the
18 same person to whom the interest was paid, accrued, or
19 incurred.

20 This paragraph shall not apply to the following:

21 (i) an item of interest paid, accrued, or
22 incurred, directly or indirectly, to a person who
23 is subject in a foreign country or state, other
24 than a state which requires mandatory unitary
25 reporting, to a tax on or measured by net income
26 with respect to such interest; or

1 (ii) an item of interest paid, accrued, or
2 incurred, directly or indirectly, to a person if
3 the taxpayer can establish, based on a
4 preponderance of the evidence, both of the
5 following:

6 (a) the person, during the same taxable
7 year, paid, accrued, or incurred, the interest
8 to a person that is not a related member, and

9 (b) the transaction giving rise to the
10 interest expense between the taxpayer and the
11 person did not have as a principal purpose the
12 avoidance of Illinois income tax, and is paid
13 pursuant to a contract or agreement that
14 reflects an arm's-length interest rate and
15 terms; or

16 (iii) the taxpayer can establish, based on
17 clear and convincing evidence, that the interest
18 paid, accrued, or incurred relates to a contract or
19 agreement entered into at arm's-length rates and
20 terms and the principal purpose for the payment is
21 not federal or Illinois tax avoidance; or

22 (iv) an item of interest paid, accrued, or
23 incurred, directly or indirectly, to a person if
24 the taxpayer establishes by clear and convincing
25 evidence that the adjustments are unreasonable; or
26 if the taxpayer and the Director agree in writing

1 to the application or use of an alternative method
2 of apportionment under Section 304(f).

3 Nothing in this subsection shall preclude the
4 Director from making any other adjustment
5 otherwise allowed under Section 404 of this Act for
6 any tax year beginning after the effective date of
7 this amendment provided such adjustment is made
8 pursuant to regulation adopted by the Department
9 and such regulations provide methods and standards
10 by which the Department will utilize its authority
11 under Section 404 of this Act;

12 (G-13) An amount equal to the amount of intangible
13 expenses and costs otherwise allowed as a deduction in
14 computing base income, and that were paid, accrued, or
15 incurred, directly or indirectly, (i) for taxable
16 years ending on or after December 31, 2004, to a
17 foreign person who would be a member of the same
18 unitary business group but for the fact that the
19 foreign person's business activity outside the United
20 States is 80% or more of that person's total business
21 activity and (ii) for taxable years ending on or after
22 December 31, 2008, to a person who would be a member of
23 the same unitary business group but for the fact that
24 the person is prohibited under Section 1501(a)(27)
25 from being included in the unitary business group
26 because he or she is ordinarily required to apportion

1 business income under different subsections of Section
2 304. The addition modification required by this
3 subparagraph shall be reduced to the extent that
4 dividends were included in base income of the unitary
5 group for the same taxable year and received by the
6 taxpayer or by a member of the taxpayer's unitary
7 business group (including amounts included in gross
8 income pursuant to Sections 951 through 964 of the
9 Internal Revenue Code and amounts included in gross
10 income under Section 78 of the Internal Revenue Code)
11 with respect to the stock of the same person to whom
12 the intangible expenses and costs were directly or
13 indirectly paid, incurred, or accrued. The preceding
14 sentence shall not apply to the extent that the same
15 dividends caused a reduction to the addition
16 modification required under Section 203(c)(2)(G-12) of
17 this Act. As used in this subparagraph, the term
18 "intangible expenses and costs" includes: (1)
19 expenses, losses, and costs for or related to the
20 direct or indirect acquisition, use, maintenance or
21 management, ownership, sale, exchange, or any other
22 disposition of intangible property; (2) losses
23 incurred, directly or indirectly, from factoring
24 transactions or discounting transactions; (3) royalty,
25 patent, technical, and copyright fees; (4) licensing
26 fees; and (5) other similar expenses and costs. For

1 purposes of this subparagraph, "intangible property"
2 includes patents, patent applications, trade names,
3 trademarks, service marks, copyrights, mask works,
4 trade secrets, and similar types of intangible assets.

5 This paragraph shall not apply to the following:

6 (i) any item of intangible expenses or costs
7 paid, accrued, or incurred, directly or
8 indirectly, from a transaction with a person who is
9 subject in a foreign country or state, other than a
10 state which requires mandatory unitary reporting,
11 to a tax on or measured by net income with respect
12 to such item; or

13 (ii) any item of intangible expense or cost
14 paid, accrued, or incurred, directly or
15 indirectly, if the taxpayer can establish, based
16 on a preponderance of the evidence, both of the
17 following:

18 (a) the person during the same taxable
19 year paid, accrued, or incurred, the
20 intangible expense or cost to a person that is
21 not a related member, and

22 (b) the transaction giving rise to the
23 intangible expense or cost between the
24 taxpayer and the person did not have as a
25 principal purpose the avoidance of Illinois
26 income tax, and is paid pursuant to a contract

1 or agreement that reflects arm's-length terms;

2 or

3 (iii) any item of intangible expense or cost
4 paid, accrued, or incurred, directly or
5 indirectly, from a transaction with a person if the
6 taxpayer establishes by clear and convincing
7 evidence, that the adjustments are unreasonable;
8 or if the taxpayer and the Director agree in
9 writing to the application or use of an alternative
10 method of apportionment under Section 304(f);

11 Nothing in this subsection shall preclude the
12 Director from making any other adjustment
13 otherwise allowed under Section 404 of this Act for
14 any tax year beginning after the effective date of
15 this amendment provided such adjustment is made
16 pursuant to regulation adopted by the Department
17 and such regulations provide methods and standards
18 by which the Department will utilize its authority
19 under Section 404 of this Act;

20 (G-14) For taxable years ending on or after
21 December 31, 2008, an amount equal to the amount of
22 insurance premium expenses and costs otherwise allowed
23 as a deduction in computing base income, and that were
24 paid, accrued, or incurred, directly or indirectly, to
25 a person who would be a member of the same unitary
26 business group but for the fact that the person is

1 prohibited under Section 1501(a)(27) from being
2 included in the unitary business group because he or
3 she is ordinarily required to apportion business
4 income under different subsections of Section 304. The
5 addition modification required by this subparagraph
6 shall be reduced to the extent that dividends were
7 included in base income of the unitary group for the
8 same taxable year and received by the taxpayer or by a
9 member of the taxpayer's unitary business group
10 (including amounts included in gross income under
11 Sections 951 through 964 of the Internal Revenue Code
12 and amounts included in gross income under Section 78
13 of the Internal Revenue Code) with respect to the stock
14 of the same person to whom the premiums and costs were
15 directly or indirectly paid, incurred, or accrued. The
16 preceding sentence does not apply to the extent that
17 the same dividends caused a reduction to the addition
18 modification required under Section 203(c)(2)(G-12) or
19 Section 203(c)(2)(G-13) of this Act;

20 (G-15) An amount equal to the credit allowable to
21 the taxpayer under Section 218(a) of this Act,
22 determined without regard to Section 218(c) of this
23 Act;

24 (G-16) For taxable years ending on or after
25 December 31, 2017, an amount equal to the deduction
26 allowed under Section 199 of the Internal Revenue Code

1 for the taxable year;

2 and by deducting from the total so obtained the sum of the
3 following amounts:

4 (H) An amount equal to all amounts included in such
5 total pursuant to the provisions of Sections 402(a),
6 402(c), 403(a), 403(b), 406(a), 407(a) and 408 of the
7 Internal Revenue Code or included in such total as
8 distributions under the provisions of any retirement
9 or disability plan for employees of any governmental
10 agency or unit, or retirement payments to retired
11 partners, which payments are excluded in computing net
12 earnings from self employment by Section 1402 of the
13 Internal Revenue Code and regulations adopted pursuant
14 thereto;

15 (I) The valuation limitation amount;

16 (J) An amount equal to the amount of any tax
17 imposed by this Act which was refunded to the taxpayer
18 and included in such total for the taxable year;

19 (K) An amount equal to all amounts included in
20 taxable income as modified by subparagraphs (A), (B),
21 (C), (D), (E), (F) and (G) which are exempt from
22 taxation by this State either by reason of its statutes
23 or Constitution or by reason of the Constitution,
24 treaties or statutes of the United States; provided
25 that, in the case of any statute of this State that
26 exempts income derived from bonds or other obligations

1 from the tax imposed under this Act, the amount
2 exempted shall be the interest net of bond premium
3 amortization;

4 (L) With the exception of any amounts subtracted
5 under subparagraph (K), an amount equal to the sum of
6 all amounts disallowed as deductions by (i) Sections
7 171(a)(2) and 265(a)(2) of the Internal Revenue Code,
8 and all amounts of expenses allocable to interest and
9 disallowed as deductions by Section 265(a)(1) ~~265(1)~~
10 of the Internal Revenue Code; and (ii) for taxable
11 years ending on or after August 13, 1999, Sections
12 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the
13 Internal Revenue Code, plus, (iii) for taxable years
14 ending on or after December 31, 2011, Section 45G(e)(3)
15 of the Internal Revenue Code and, for taxable years
16 ending on or after December 31, 2008, any amount
17 included in gross income under Section 87 of the
18 Internal Revenue Code; the provisions of this
19 subparagraph are exempt from the provisions of Section
20 250;

21 (M) An amount equal to those dividends included in
22 such total which were paid by a corporation which
23 conducts business operations in a River Edge
24 Redevelopment Zone or zones created under the River
25 Edge Redevelopment Zone Act and conducts substantially
26 all of its operations in a River Edge Redevelopment

1 Zone or zones. This subparagraph (M) is exempt from the
2 provisions of Section 250;

3 (N) An amount equal to any contribution made to a
4 job training project established pursuant to the Tax
5 Increment Allocation Redevelopment Act;

6 (O) An amount equal to those dividends included in
7 such total that were paid by a corporation that
8 conducts business operations in a federally designated
9 Foreign Trade Zone or Sub-Zone and that is designated a
10 High Impact Business located in Illinois; provided
11 that dividends eligible for the deduction provided in
12 subparagraph (M) of paragraph (2) of this subsection
13 shall not be eligible for the deduction provided under
14 this subparagraph (O);

15 (P) An amount equal to the amount of the deduction
16 used to compute the federal income tax credit for
17 restoration of substantial amounts held under claim of
18 right for the taxable year pursuant to Section 1341 of
19 the Internal Revenue Code;

20 (Q) For taxable year 1999 and thereafter, an amount
21 equal to the amount of any (i) distributions, to the
22 extent includible in gross income for federal income
23 tax purposes, made to the taxpayer because of his or
24 her status as a victim of persecution for racial or
25 religious reasons by Nazi Germany or any other Axis
26 regime or as an heir of the victim and (ii) items of

1 income, to the extent includible in gross income for
2 federal income tax purposes, attributable to, derived
3 from or in any way related to assets stolen from,
4 hidden from, or otherwise lost to a victim of
5 persecution for racial or religious reasons by Nazi
6 Germany or any other Axis regime immediately prior to,
7 during, and immediately after World War II, including,
8 but not limited to, interest on the proceeds receivable
9 as insurance under policies issued to a victim of
10 persecution for racial or religious reasons by Nazi
11 Germany or any other Axis regime by European insurance
12 companies immediately prior to and during World War II;
13 provided, however, this subtraction from federal
14 adjusted gross income does not apply to assets acquired
15 with such assets or with the proceeds from the sale of
16 such assets; provided, further, this paragraph shall
17 only apply to a taxpayer who was the first recipient of
18 such assets after their recovery and who is a victim of
19 persecution for racial or religious reasons by Nazi
20 Germany or any other Axis regime or as an heir of the
21 victim. The amount of and the eligibility for any
22 public assistance, benefit, or similar entitlement is
23 not affected by the inclusion of items (i) and (ii) of
24 this paragraph in gross income for federal income tax
25 purposes. This paragraph is exempt from the provisions
26 of Section 250;

1 (R) For taxable years 2001 and thereafter, for the
2 taxable year in which the bonus depreciation deduction
3 is taken on the taxpayer's federal income tax return
4 under subsection (k) of Section 168 of the Internal
5 Revenue Code and for each applicable taxable year
6 thereafter, an amount equal to "x", where:

7 (1) "y" equals the amount of the depreciation
8 deduction taken for the taxable year on the
9 taxpayer's federal income tax return on property
10 for which the bonus depreciation deduction was
11 taken in any year under subsection (k) of Section
12 168 of the Internal Revenue Code, but not including
13 the bonus depreciation deduction;

14 (2) for taxable years ending on or before
15 December 31, 2005, "x" equals "y" multiplied by 30
16 and then divided by 70 (or "y" multiplied by
17 0.429); and

18 (3) for taxable years ending after December
19 31, 2005:

20 (i) for property on which a bonus
21 depreciation deduction of 30% of the adjusted
22 basis was taken, "x" equals "y" multiplied by
23 30 and then divided by 70 (or "y" multiplied by
24 0.429); and

25 (ii) for property on which a bonus
26 depreciation deduction of 50% of the adjusted

1 basis was taken, "x" equals "y" multiplied by
2 1.0.

3 The aggregate amount deducted under this
4 subparagraph in all taxable years for any one piece of
5 property may not exceed the amount of the bonus
6 depreciation deduction taken on that property on the
7 taxpayer's federal income tax return under subsection
8 (k) of Section 168 of the Internal Revenue Code. This
9 subparagraph (R) is exempt from the provisions of
10 Section 250;

11 (S) If the taxpayer sells, transfers, abandons, or
12 otherwise disposes of property for which the taxpayer
13 was required in any taxable year to make an addition
14 modification under subparagraph (G-10), then an amount
15 equal to that addition modification.

16 If the taxpayer continues to own property through
17 the last day of the last tax year for which the
18 taxpayer may claim a depreciation deduction for
19 federal income tax purposes and for which the taxpayer
20 was required in any taxable year to make an addition
21 modification under subparagraph (G-10), then an amount
22 equal to that addition modification.

23 The taxpayer is allowed to take the deduction under
24 this subparagraph only once with respect to any one
25 piece of property.

26 This subparagraph (S) is exempt from the

1 provisions of Section 250;

2 (T) The amount of (i) any interest income (net of
3 the deductions allocable thereto) taken into account
4 for the taxable year with respect to a transaction with
5 a taxpayer that is required to make an addition
6 modification with respect to such transaction under
7 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
8 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
9 the amount of such addition modification and (ii) any
10 income from intangible property (net of the deductions
11 allocable thereto) taken into account for the taxable
12 year with respect to a transaction with a taxpayer that
13 is required to make an addition modification with
14 respect to such transaction under Section
15 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
16 203(d)(2)(D-8), but not to exceed the amount of such
17 addition modification. This subparagraph (T) is exempt
18 from the provisions of Section 250;

19 (U) An amount equal to the interest income taken
20 into account for the taxable year (net of the
21 deductions allocable thereto) with respect to
22 transactions with (i) a foreign person who would be a
23 member of the taxpayer's unitary business group but for
24 the fact the foreign person's business activity
25 outside the United States is 80% or more of that
26 person's total business activity and (ii) for taxable

1 years ending on or after December 31, 2008, to a person
2 who would be a member of the same unitary business
3 group but for the fact that the person is prohibited
4 under Section 1501(a)(27) from being included in the
5 unitary business group because he or she is ordinarily
6 required to apportion business income under different
7 subsections of Section 304, but not to exceed the
8 addition modification required to be made for the same
9 taxable year under Section 203(c)(2)(G-12) for
10 interest paid, accrued, or incurred, directly or
11 indirectly, to the same person. This subparagraph (U)
12 is exempt from the provisions of Section 250;

13 (V) An amount equal to the income from intangible
14 property taken into account for the taxable year (net
15 of the deductions allocable thereto) with respect to
16 transactions with (i) a foreign person who would be a
17 member of the taxpayer's unitary business group but for
18 the fact that the foreign person's business activity
19 outside the United States is 80% or more of that
20 person's total business activity and (ii) for taxable
21 years ending on or after December 31, 2008, to a person
22 who would be a member of the same unitary business
23 group but for the fact that the person is prohibited
24 under Section 1501(a)(27) from being included in the
25 unitary business group because he or she is ordinarily
26 required to apportion business income under different

1 subsections of Section 304, but not to exceed the
2 addition modification required to be made for the same
3 taxable year under Section 203(c)(2)(G-13) for
4 intangible expenses and costs paid, accrued, or
5 incurred, directly or indirectly, to the same foreign
6 person. This subparagraph (V) is exempt from the
7 provisions of Section 250;

8 (W) in the case of an estate, an amount equal to
9 all amounts included in such total pursuant to the
10 provisions of Section 111 of the Internal Revenue Code
11 as a recovery of items previously deducted by the
12 decedent from adjusted gross income in the computation
13 of taxable income. This subparagraph (W) is exempt from
14 Section 250;

15 (X) an amount equal to the refund included in such
16 total of any tax deducted for federal income tax
17 purposes, to the extent that deduction was added back
18 under subparagraph (F). This subparagraph (X) is
19 exempt from the provisions of Section 250; and

20 (Y) For taxable years ending on or after December
21 31, 2011, in the case of a taxpayer who was required to
22 add back any insurance premiums under Section
23 203(c)(2)(G-14), such taxpayer may elect to subtract
24 that part of a reimbursement received from the
25 insurance company equal to the amount of the expense or
26 loss (including expenses incurred by the insurance

1 company) that would have been taken into account as a
2 deduction for federal income tax purposes if the
3 expense or loss had been uninsured. If a taxpayer makes
4 the election provided for by this subparagraph (Y), the
5 insurer to which the premiums were paid must add back
6 to income the amount subtracted by the taxpayer
7 pursuant to this subparagraph (Y). This subparagraph
8 (Y) is exempt from the provisions of Section 250.

9 (3) Limitation. The amount of any modification
10 otherwise required under this subsection shall, under
11 regulations prescribed by the Department, be adjusted by
12 any amounts included therein which were properly paid,
13 credited, or required to be distributed, or permanently set
14 aside for charitable purposes pursuant to Internal Revenue
15 Code Section 642(c) during the taxable year.

16 (d) Partnerships.

17 (1) In general. In the case of a partnership, base
18 income means an amount equal to the taxpayer's taxable
19 income for the taxable year as modified by paragraph (2).

20 (2) Modifications. The taxable income referred to in
21 paragraph (1) shall be modified by adding thereto the sum
22 of the following amounts:

23 (A) An amount equal to all amounts paid or accrued
24 to the taxpayer as interest or dividends during the
25 taxable year to the extent excluded from gross income

1 in the computation of taxable income;

2 (B) An amount equal to the amount of tax imposed by
3 this Act to the extent deducted from gross income for
4 the taxable year;

5 (C) The amount of deductions allowed to the
6 partnership pursuant to Section 707 (c) of the Internal
7 Revenue Code in calculating its taxable income;

8 (D) An amount equal to the amount of the capital
9 gain deduction allowable under the Internal Revenue
10 Code, to the extent deducted from gross income in the
11 computation of taxable income;

12 (D-5) For taxable years 2001 and thereafter, an
13 amount equal to the bonus depreciation deduction taken
14 on the taxpayer's federal income tax return for the
15 taxable year under subsection (k) of Section 168 of the
16 Internal Revenue Code;

17 (D-6) If the taxpayer sells, transfers, abandons,
18 or otherwise disposes of property for which the
19 taxpayer was required in any taxable year to make an
20 addition modification under subparagraph (D-5), then
21 an amount equal to the aggregate amount of the
22 deductions taken in all taxable years under
23 subparagraph (D) with respect to that property.

24 If the taxpayer continues to own property through
25 the last day of the last tax year for which the
26 taxpayer may claim a depreciation deduction for

1 federal income tax purposes and for which the taxpayer
2 was allowed in any taxable year to make a subtraction
3 modification under subparagraph (O), then an amount
4 equal to that subtraction modification.

5 The taxpayer is required to make the addition
6 modification under this subparagraph only once with
7 respect to any one piece of property;

8 (D-7) An amount equal to the amount otherwise
9 allowed as a deduction in computing base income for
10 interest paid, accrued, or incurred, directly or
11 indirectly, (i) for taxable years ending on or after
12 December 31, 2004, to a foreign person who would be a
13 member of the same unitary business group but for the
14 fact the foreign person's business activity outside
15 the United States is 80% or more of the foreign
16 person's total business activity and (ii) for taxable
17 years ending on or after December 31, 2008, to a person
18 who would be a member of the same unitary business
19 group but for the fact that the person is prohibited
20 under Section 1501(a)(27) from being included in the
21 unitary business group because he or she is ordinarily
22 required to apportion business income under different
23 subsections of Section 304. The addition modification
24 required by this subparagraph shall be reduced to the
25 extent that dividends were included in base income of
26 the unitary group for the same taxable year and

1 received by the taxpayer or by a member of the
2 taxpayer's unitary business group (including amounts
3 included in gross income pursuant to Sections 951
4 through 964 of the Internal Revenue Code and amounts
5 included in gross income under Section 78 of the
6 Internal Revenue Code) with respect to the stock of the
7 same person to whom the interest was paid, accrued, or
8 incurred.

9 This paragraph shall not apply to the following:

10 (i) an item of interest paid, accrued, or
11 incurred, directly or indirectly, to a person who
12 is subject in a foreign country or state, other
13 than a state which requires mandatory unitary
14 reporting, to a tax on or measured by net income
15 with respect to such interest; or

16 (ii) an item of interest paid, accrued, or
17 incurred, directly or indirectly, to a person if
18 the taxpayer can establish, based on a
19 preponderance of the evidence, both of the
20 following:

21 (a) the person, during the same taxable
22 year, paid, accrued, or incurred, the interest
23 to a person that is not a related member, and

24 (b) the transaction giving rise to the
25 interest expense between the taxpayer and the
26 person did not have as a principal purpose the

1 avoidance of Illinois income tax, and is paid
2 pursuant to a contract or agreement that
3 reflects an arm's-length interest rate and
4 terms; or

5 (iii) the taxpayer can establish, based on
6 clear and convincing evidence, that the interest
7 paid, accrued, or incurred relates to a contract or
8 agreement entered into at arm's-length rates and
9 terms and the principal purpose for the payment is
10 not federal or Illinois tax avoidance; or

11 (iv) an item of interest paid, accrued, or
12 incurred, directly or indirectly, to a person if
13 the taxpayer establishes by clear and convincing
14 evidence that the adjustments are unreasonable; or
15 if the taxpayer and the Director agree in writing
16 to the application or use of an alternative method
17 of apportionment under Section 304(f).

18 Nothing in this subsection shall preclude the
19 Director from making any other adjustment
20 otherwise allowed under Section 404 of this Act for
21 any tax year beginning after the effective date of
22 this amendment provided such adjustment is made
23 pursuant to regulation adopted by the Department
24 and such regulations provide methods and standards
25 by which the Department will utilize its authority
26 under Section 404 of this Act; and

1 (D-8) An amount equal to the amount of intangible
2 expenses and costs otherwise allowed as a deduction in
3 computing base income, and that were paid, accrued, or
4 incurred, directly or indirectly, (i) for taxable
5 years ending on or after December 31, 2004, to a
6 foreign person who would be a member of the same
7 unitary business group but for the fact that the
8 foreign person's business activity outside the United
9 States is 80% or more of that person's total business
10 activity and (ii) for taxable years ending on or after
11 December 31, 2008, to a person who would be a member of
12 the same unitary business group but for the fact that
13 the person is prohibited under Section 1501(a)(27)
14 from being included in the unitary business group
15 because he or she is ordinarily required to apportion
16 business income under different subsections of Section
17 304. The addition modification required by this
18 subparagraph shall be reduced to the extent that
19 dividends were included in base income of the unitary
20 group for the same taxable year and received by the
21 taxpayer or by a member of the taxpayer's unitary
22 business group (including amounts included in gross
23 income pursuant to Sections 951 through 964 of the
24 Internal Revenue Code and amounts included in gross
25 income under Section 78 of the Internal Revenue Code)
26 with respect to the stock of the same person to whom

1 the intangible expenses and costs were directly or
2 indirectly paid, incurred or accrued. The preceding
3 sentence shall not apply to the extent that the same
4 dividends caused a reduction to the addition
5 modification required under Section 203(d)(2)(D-7) of
6 this Act. As used in this subparagraph, the term
7 "intangible expenses and costs" includes (1) expenses,
8 losses, and costs for, or related to, the direct or
9 indirect acquisition, use, maintenance or management,
10 ownership, sale, exchange, or any other disposition of
11 intangible property; (2) losses incurred, directly or
12 indirectly, from factoring transactions or discounting
13 transactions; (3) royalty, patent, technical, and
14 copyright fees; (4) licensing fees; and (5) other
15 similar expenses and costs. For purposes of this
16 subparagraph, "intangible property" includes patents,
17 patent applications, trade names, trademarks, service
18 marks, copyrights, mask works, trade secrets, and
19 similar types of intangible assets;

20 This paragraph shall not apply to the following:

21 (i) any item of intangible expenses or costs
22 paid, accrued, or incurred, directly or
23 indirectly, from a transaction with a person who is
24 subject in a foreign country or state, other than a
25 state which requires mandatory unitary reporting,
26 to a tax on or measured by net income with respect

1 to such item; or

2 (ii) any item of intangible expense or cost
3 paid, accrued, or incurred, directly or
4 indirectly, if the taxpayer can establish, based
5 on a preponderance of the evidence, both of the
6 following:

7 (a) the person during the same taxable
8 year paid, accrued, or incurred, the
9 intangible expense or cost to a person that is
10 not a related member, and

11 (b) the transaction giving rise to the
12 intangible expense or cost between the
13 taxpayer and the person did not have as a
14 principal purpose the avoidance of Illinois
15 income tax, and is paid pursuant to a contract
16 or agreement that reflects arm's-length terms;
17 or

18 (iii) any item of intangible expense or cost
19 paid, accrued, or incurred, directly or
20 indirectly, from a transaction with a person if the
21 taxpayer establishes by clear and convincing
22 evidence, that the adjustments are unreasonable;
23 or if the taxpayer and the Director agree in
24 writing to the application or use of an alternative
25 method of apportionment under Section 304(f);

26 Nothing in this subsection shall preclude the

1 Director from making any other adjustment
2 otherwise allowed under Section 404 of this Act for
3 any tax year beginning after the effective date of
4 this amendment provided such adjustment is made
5 pursuant to regulation adopted by the Department
6 and such regulations provide methods and standards
7 by which the Department will utilize its authority
8 under Section 404 of this Act;

9 (D-9) For taxable years ending on or after December
10 31, 2008, an amount equal to the amount of insurance
11 premium expenses and costs otherwise allowed as a
12 deduction in computing base income, and that were paid,
13 accrued, or incurred, directly or indirectly, to a
14 person who would be a member of the same unitary
15 business group but for the fact that the person is
16 prohibited under Section 1501(a)(27) from being
17 included in the unitary business group because he or
18 she is ordinarily required to apportion business
19 income under different subsections of Section 304. The
20 addition modification required by this subparagraph
21 shall be reduced to the extent that dividends were
22 included in base income of the unitary group for the
23 same taxable year and received by the taxpayer or by a
24 member of the taxpayer's unitary business group
25 (including amounts included in gross income under
26 Sections 951 through 964 of the Internal Revenue Code

1 and amounts included in gross income under Section 78
2 of the Internal Revenue Code) with respect to the stock
3 of the same person to whom the premiums and costs were
4 directly or indirectly paid, incurred, or accrued. The
5 preceding sentence does not apply to the extent that
6 the same dividends caused a reduction to the addition
7 modification required under Section 203(d)(2)(D-7) or
8 Section 203(d)(2)(D-8) of this Act;

9 (D-10) An amount equal to the credit allowable to
10 the taxpayer under Section 218(a) of this Act,
11 determined without regard to Section 218(c) of this
12 Act;

13 (D-11) For taxable years ending on or after
14 December 31, 2017, an amount equal to the deduction
15 allowed under Section 199 of the Internal Revenue Code
16 for the taxable year;

17 and by deducting from the total so obtained the following
18 amounts:

19 (E) The valuation limitation amount;

20 (F) An amount equal to the amount of any tax
21 imposed by this Act which was refunded to the taxpayer
22 and included in such total for the taxable year;

23 (G) An amount equal to all amounts included in
24 taxable income as modified by subparagraphs (A), (B),
25 (C) and (D) which are exempt from taxation by this
26 State either by reason of its statutes or Constitution

1 or by reason of the Constitution, treaties or statutes
2 of the United States; provided that, in the case of any
3 statute of this State that exempts income derived from
4 bonds or other obligations from the tax imposed under
5 this Act, the amount exempted shall be the interest net
6 of bond premium amortization;

7 (H) Any income of the partnership which
8 constitutes personal service income as defined in
9 Section 1348(b)(1) of the Internal Revenue Code (as in
10 effect December 31, 1981) or a reasonable allowance for
11 compensation paid or accrued for services rendered by
12 partners to the partnership, whichever is greater;
13 this subparagraph (H) is exempt from the provisions of
14 Section 250;

15 (I) An amount equal to all amounts of income
16 distributable to an entity subject to the Personal
17 Property Tax Replacement Income Tax imposed by
18 subsections (c) and (d) of Section 201 of this Act
19 including amounts distributable to organizations
20 exempt from federal income tax by reason of Section
21 501(a) of the Internal Revenue Code; this subparagraph
22 (I) is exempt from the provisions of Section 250;

23 (J) With the exception of any amounts subtracted
24 under subparagraph (G), an amount equal to the sum of
25 all amounts disallowed as deductions by (i) Sections
26 171(a)(2), and 265(a)(2) ~~265(2)~~ of the Internal

1 Revenue Code, and all amounts of expenses allocable to
2 interest and disallowed as deductions by Section
3 265(a)(1) ~~265(1)~~ of the Internal Revenue Code; and (ii)
4 for taxable years ending on or after August 13, 1999,
5 Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of
6 the Internal Revenue Code, plus, (iii) for taxable
7 years ending on or after December 31, 2011, Section
8 45G(e)(3) of the Internal Revenue Code and, for taxable
9 years ending on or after December 31, 2008, any amount
10 included in gross income under Section 87 of the
11 Internal Revenue Code; the provisions of this
12 subparagraph are exempt from the provisions of Section
13 250;

14 (K) An amount equal to those dividends included in
15 such total which were paid by a corporation which
16 conducts business operations in a River Edge
17 Redevelopment Zone or zones created under the River
18 Edge Redevelopment Zone Act and conducts substantially
19 all of its operations from a River Edge Redevelopment
20 Zone or zones. This subparagraph (K) is exempt from the
21 provisions of Section 250;

22 (L) An amount equal to any contribution made to a
23 job training project established pursuant to the Real
24 Property Tax Increment Allocation Redevelopment Act;

25 (M) An amount equal to those dividends included in
26 such total that were paid by a corporation that

1 conducts business operations in a federally designated
2 Foreign Trade Zone or Sub-Zone and that is designated a
3 High Impact Business located in Illinois; provided
4 that dividends eligible for the deduction provided in
5 subparagraph (K) of paragraph (2) of this subsection
6 shall not be eligible for the deduction provided under
7 this subparagraph (M);

8 (N) An amount equal to the amount of the deduction
9 used to compute the federal income tax credit for
10 restoration of substantial amounts held under claim of
11 right for the taxable year pursuant to Section 1341 of
12 the Internal Revenue Code;

13 (O) For taxable years 2001 and thereafter, for the
14 taxable year in which the bonus depreciation deduction
15 is taken on the taxpayer's federal income tax return
16 under subsection (k) of Section 168 of the Internal
17 Revenue Code and for each applicable taxable year
18 thereafter, an amount equal to "x", where:

19 (1) "y" equals the amount of the depreciation
20 deduction taken for the taxable year on the
21 taxpayer's federal income tax return on property
22 for which the bonus depreciation deduction was
23 taken in any year under subsection (k) of Section
24 168 of the Internal Revenue Code, but not including
25 the bonus depreciation deduction;

26 (2) for taxable years ending on or before

1 December 31, 2005, "x" equals "y" multiplied by 30
2 and then divided by 70 (or "y" multiplied by
3 0.429); and

4 (3) for taxable years ending after December
5 31, 2005:

6 (i) for property on which a bonus
7 depreciation deduction of 30% of the adjusted
8 basis was taken, "x" equals "y" multiplied by
9 30 and then divided by 70 (or "y" multiplied by
10 0.429); and

11 (ii) for property on which a bonus
12 depreciation deduction of 50% of the adjusted
13 basis was taken, "x" equals "y" multiplied by
14 1.0.

15 The aggregate amount deducted under this
16 subparagraph in all taxable years for any one piece of
17 property may not exceed the amount of the bonus
18 depreciation deduction taken on that property on the
19 taxpayer's federal income tax return under subsection
20 (k) of Section 168 of the Internal Revenue Code. This
21 subparagraph (O) is exempt from the provisions of
22 Section 250;

23 (P) If the taxpayer sells, transfers, abandons, or
24 otherwise disposes of property for which the taxpayer
25 was required in any taxable year to make an addition
26 modification under subparagraph (D-5), then an amount

1 equal to that addition modification.

2 If the taxpayer continues to own property through
3 the last day of the last tax year for which the
4 taxpayer may claim a depreciation deduction for
5 federal income tax purposes and for which the taxpayer
6 was required in any taxable year to make an addition
7 modification under subparagraph (D-5), then an amount
8 equal to that addition modification.

9 The taxpayer is allowed to take the deduction under
10 this subparagraph only once with respect to any one
11 piece of property.

12 This subparagraph (P) is exempt from the
13 provisions of Section 250;

14 (Q) The amount of (i) any interest income (net of
15 the deductions allocable thereto) taken into account
16 for the taxable year with respect to a transaction with
17 a taxpayer that is required to make an addition
18 modification with respect to such transaction under
19 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
20 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
21 the amount of such addition modification and (ii) any
22 income from intangible property (net of the deductions
23 allocable thereto) taken into account for the taxable
24 year with respect to a transaction with a taxpayer that
25 is required to make an addition modification with
26 respect to such transaction under Section

1 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
2 203(d)(2)(D-8), but not to exceed the amount of such
3 addition modification. This subparagraph (Q) is exempt
4 from Section 250;

5 (R) An amount equal to the interest income taken
6 into account for the taxable year (net of the
7 deductions allocable thereto) with respect to
8 transactions with (i) a foreign person who would be a
9 member of the taxpayer's unitary business group but for
10 the fact that the foreign person's business activity
11 outside the United States is 80% or more of that
12 person's total business activity and (ii) for taxable
13 years ending on or after December 31, 2008, to a person
14 who would be a member of the same unitary business
15 group but for the fact that the person is prohibited
16 under Section 1501(a)(27) from being included in the
17 unitary business group because he or she is ordinarily
18 required to apportion business income under different
19 subsections of Section 304, but not to exceed the
20 addition modification required to be made for the same
21 taxable year under Section 203(d)(2)(D-7) for interest
22 paid, accrued, or incurred, directly or indirectly, to
23 the same person. This subparagraph (R) is exempt from
24 Section 250;

25 (S) An amount equal to the income from intangible
26 property taken into account for the taxable year (net

1 of the deductions allocable thereto) with respect to
2 transactions with (i) a foreign person who would be a
3 member of the taxpayer's unitary business group but for
4 the fact that the foreign person's business activity
5 outside the United States is 80% or more of that
6 person's total business activity and (ii) for taxable
7 years ending on or after December 31, 2008, to a person
8 who would be a member of the same unitary business
9 group but for the fact that the person is prohibited
10 under Section 1501(a)(27) from being included in the
11 unitary business group because he or she is ordinarily
12 required to apportion business income under different
13 subsections of Section 304, but not to exceed the
14 addition modification required to be made for the same
15 taxable year under Section 203(d)(2)(D-8) for
16 intangible expenses and costs paid, accrued, or
17 incurred, directly or indirectly, to the same person.
18 This subparagraph (S) is exempt from Section 250; and

19 (T) For taxable years ending on or after December
20 31, 2011, in the case of a taxpayer who was required to
21 add back any insurance premiums under Section
22 203(d)(2)(D-9), such taxpayer may elect to subtract
23 that part of a reimbursement received from the
24 insurance company equal to the amount of the expense or
25 loss (including expenses incurred by the insurance
26 company) that would have been taken into account as a

1 deduction for federal income tax purposes if the
2 expense or loss had been uninsured. If a taxpayer makes
3 the election provided for by this subparagraph (T), the
4 insurer to which the premiums were paid must add back
5 to income the amount subtracted by the taxpayer
6 pursuant to this subparagraph (T). This subparagraph
7 (T) is exempt from the provisions of Section 250.

8 (e) Gross income; adjusted gross income; taxable income.

9 (1) In general. Subject to the provisions of paragraph
10 (2) and subsection (b) (3), for purposes of this Section and
11 Section 803(e), a taxpayer's gross income, adjusted gross
12 income, or taxable income for the taxable year shall mean
13 the amount of gross income, adjusted gross income or
14 taxable income properly reportable for federal income tax
15 purposes for the taxable year under the provisions of the
16 Internal Revenue Code. Taxable income may be less than
17 zero. However, for taxable years ending on or after
18 December 31, 1986, net operating loss carryforwards from
19 taxable years ending prior to December 31, 1986, may not
20 exceed the sum of federal taxable income for the taxable
21 year before net operating loss deduction, plus the excess
22 of addition modifications over subtraction modifications
23 for the taxable year. For taxable years ending prior to
24 December 31, 1986, taxable income may never be an amount in
25 excess of the net operating loss for the taxable year as

1 defined in subsections (c) and (d) of Section 172 of the
2 Internal Revenue Code, provided that when taxable income of
3 a corporation (other than a Subchapter S corporation),
4 trust, or estate is less than zero and addition
5 modifications, other than those provided by subparagraph
6 (E) of paragraph (2) of subsection (b) for corporations or
7 subparagraph (E) of paragraph (2) of subsection (c) for
8 trusts and estates, exceed subtraction modifications, an
9 addition modification must be made under those
10 subparagraphs for any other taxable year to which the
11 taxable income less than zero (net operating loss) is
12 applied under Section 172 of the Internal Revenue Code or
13 under subparagraph (E) of paragraph (2) of this subsection
14 (e) applied in conjunction with Section 172 of the Internal
15 Revenue Code.

16 (2) Special rule. For purposes of paragraph (1) of this
17 subsection, the taxable income properly reportable for
18 federal income tax purposes shall mean:

19 (A) Certain life insurance companies. In the case
20 of a life insurance company subject to the tax imposed
21 by Section 801 of the Internal Revenue Code, life
22 insurance company taxable income, plus the amount of
23 distribution from pre-1984 policyholder surplus
24 accounts as calculated under Section 815a of the
25 Internal Revenue Code;

26 (B) Certain other insurance companies. In the case

1 of mutual insurance companies subject to the tax
2 imposed by Section 831 of the Internal Revenue Code,
3 insurance company taxable income;

4 (C) Regulated investment companies. In the case of
5 a regulated investment company subject to the tax
6 imposed by Section 852 of the Internal Revenue Code,
7 investment company taxable income;

8 (D) Real estate investment trusts. In the case of a
9 real estate investment trust subject to the tax imposed
10 by Section 857 of the Internal Revenue Code, real
11 estate investment trust taxable income;

12 (E) Consolidated corporations. In the case of a
13 corporation which is a member of an affiliated group of
14 corporations filing a consolidated income tax return
15 for the taxable year for federal income tax purposes,
16 taxable income determined as if such corporation had
17 filed a separate return for federal income tax purposes
18 for the taxable year and each preceding taxable year
19 for which it was a member of an affiliated group. For
20 purposes of this subparagraph, the taxpayer's separate
21 taxable income shall be determined as if the election
22 provided by Section 243(b)(2) of the Internal Revenue
23 Code had been in effect for all such years;

24 (F) Cooperatives. In the case of a cooperative
25 corporation or association, the taxable income of such
26 organization determined in accordance with the

1 provisions of Section 1381 through 1388 of the Internal
2 Revenue Code, but without regard to the prohibition
3 against offsetting losses from patronage activities
4 against income from nonpatronage activities; except
5 that a cooperative corporation or association may make
6 an election to follow its federal income tax treatment
7 of patronage losses and nonpatronage losses. In the
8 event such election is made, such losses shall be
9 computed and carried over in a manner consistent with
10 subsection (a) of Section 207 of this Act and
11 apportioned by the apportionment factor reported by
12 the cooperative on its Illinois income tax return filed
13 for the taxable year in which the losses are incurred.
14 The election shall be effective for all taxable years
15 with original returns due on or after the date of the
16 election. In addition, the cooperative may file an
17 amended return or returns, as allowed under this Act,
18 to provide that the election shall be effective for
19 losses incurred or carried forward for taxable years
20 occurring prior to the date of the election. Once made,
21 the election may only be revoked upon approval of the
22 Director. The Department shall adopt rules setting
23 forth requirements for documenting the elections and
24 any resulting Illinois net loss and the standards to be
25 used by the Director in evaluating requests to revoke
26 elections. Public Act 96-932 is declaratory of

1 existing law;

2 (G) Subchapter S corporations. In the case of: (i)
3 a Subchapter S corporation for which there is in effect
4 an election for the taxable year under Section 1362 of
5 the Internal Revenue Code, the taxable income of such
6 corporation determined in accordance with Section
7 1363(b) of the Internal Revenue Code, except that
8 taxable income shall take into account those items
9 which are required by Section 1363(b)(1) of the
10 Internal Revenue Code to be separately stated; and (ii)
11 a Subchapter S corporation for which there is in effect
12 a federal election to opt out of the provisions of the
13 Subchapter S Revision Act of 1982 and have applied
14 instead the prior federal Subchapter S rules as in
15 effect on July 1, 1982, the taxable income of such
16 corporation determined in accordance with the federal
17 Subchapter S rules as in effect on July 1, 1982; and

18 (H) Partnerships. In the case of a partnership,
19 taxable income determined in accordance with Section
20 703 of the Internal Revenue Code, except that taxable
21 income shall take into account those items which are
22 required by Section 703(a)(1) to be separately stated
23 but which would be taken into account by an individual
24 in calculating his taxable income.

25 (3) Recapture of business expenses on disposition of
26 asset or business. Notwithstanding any other law to the

1 contrary, if in prior years income from an asset or
2 business has been classified as business income and in a
3 later year is demonstrated to be non-business income, then
4 all expenses, without limitation, deducted in such later
5 year and in the 2 immediately preceding taxable years
6 related to that asset or business that generated the
7 non-business income shall be added back and recaptured as
8 business income in the year of the disposition of the asset
9 or business. Such amount shall be apportioned to Illinois
10 using the greater of the apportionment fraction computed
11 for the business under Section 304 of this Act for the
12 taxable year or the average of the apportionment fractions
13 computed for the business under Section 304 of this Act for
14 the taxable year and for the 2 immediately preceding
15 taxable years.

16 (f) Valuation limitation amount.

17 (1) In general. The valuation limitation amount
18 referred to in subsections (a)(2)(G), (c)(2)(I) and
19 (d)(2)(E) is an amount equal to:

20 (A) The sum of the pre-August 1, 1969 appreciation
21 amounts (to the extent consisting of gain reportable
22 under the provisions of Section 1245 or 1250 of the
23 Internal Revenue Code) for all property in respect of
24 which such gain was reported for the taxable year; plus

25 (B) The lesser of (i) the sum of the pre-August 1,

1 1969 appreciation amounts (to the extent consisting of
2 capital gain) for all property in respect of which such
3 gain was reported for federal income tax purposes for
4 the taxable year, or (ii) the net capital gain for the
5 taxable year, reduced in either case by any amount of
6 such gain included in the amount determined under
7 subsection (a) (2) (F) or (c) (2) (H).

8 (2) Pre-August 1, 1969 appreciation amount.

9 (A) If the fair market value of property referred
10 to in paragraph (1) was readily ascertainable on August
11 1, 1969, the pre-August 1, 1969 appreciation amount for
12 such property is the lesser of (i) the excess of such
13 fair market value over the taxpayer's basis (for
14 determining gain) for such property on that date
15 (determined under the Internal Revenue Code as in
16 effect on that date), or (ii) the total gain realized
17 and reportable for federal income tax purposes in
18 respect of the sale, exchange or other disposition of
19 such property.

20 (B) If the fair market value of property referred
21 to in paragraph (1) was not readily ascertainable on
22 August 1, 1969, the pre-August 1, 1969 appreciation
23 amount for such property is that amount which bears the
24 same ratio to the total gain reported in respect of the
25 property for federal income tax purposes for the
26 taxable year, as the number of full calendar months in

1 that part of the taxpayer's holding period for the
2 property ending July 31, 1969 bears to the number of
3 full calendar months in the taxpayer's entire holding
4 period for the property.

5 (C) The Department shall prescribe such
6 regulations as may be necessary to carry out the
7 purposes of this paragraph.

8 (g) Double deductions. Unless specifically provided
9 otherwise, nothing in this Section shall permit the same item
10 to be deducted more than once.

11 (h) Legislative intention. Except as expressly provided by
12 this Section there shall be no modifications or limitations on
13 the amounts of income, gain, loss or deduction taken into
14 account in determining gross income, adjusted gross income or
15 taxable income for federal income tax purposes for the taxable
16 year, or in the amount of such items entering into the
17 computation of base income and net income under this Act for
18 such taxable year, whether in respect of property values as of
19 August 1, 1969 or otherwise.

20 (Source: P.A. 100-22, eff. 7-6-17; 100-905, eff. 8-17-18;
21 revised 10-29-18.)

22 (35 ILCS 5/220)

23 Sec. 220. Angel investment credit.

1 (a) As used in this Section:

2 "Applicant" means a corporation, partnership, limited
3 liability company, or a natural person that makes an investment
4 in a qualified new business venture. The term "applicant" does
5 not include (i) a corporation, partnership, limited liability
6 company, or a natural person who has a direct or indirect
7 ownership interest of at least 51% in the profits, capital, or
8 value of the qualified new business venture receiving the
9 investment or (ii) a related member.

10 "Claimant" means an applicant certified by the Department
11 who files a claim for a credit under this Section.

12 "Department" means the Department of Commerce and Economic
13 Opportunity.

14 "Investment" means money (or its equivalent) given to a
15 qualified new business venture, at a risk of loss, in
16 consideration for an equity interest of the qualified new
17 business venture. The Department may adopt rules to permit
18 certain forms of contingent equity investments to be considered
19 eligible for a tax credit under this Section.

20 "Qualified new business venture" means a business that is
21 registered with the Department under this Section.

22 "Related member" means a person that, with respect to the
23 applicant, is any one of the following:

24 (1) An individual, if the individual and the members of
25 the individual's family (as defined in Section 318 of the
26 Internal Revenue Code) own directly, indirectly,

1 beneficially, or constructively, in the aggregate, at
2 least 50% of the value of the outstanding profits, capital,
3 stock, or other ownership interest in the qualified new
4 business venture that is the recipient of the applicant's
5 investment.

6 (2) A partnership, estate, or trust and any partner or
7 beneficiary, if the partnership, estate, or trust and its
8 partners or beneficiaries own directly, indirectly,
9 beneficially, or constructively, in the aggregate, at
10 least 50% of the profits, capital, stock, or other
11 ownership interest in the qualified new business venture
12 that is the recipient of the applicant's investment.

13 (3) A corporation, and any party related to the
14 corporation in a manner that would require an attribution
15 of stock from the corporation under the attribution rules
16 of Section 318 of the Internal Revenue Code, if the
17 applicant and any other related member own, in the
18 aggregate, directly, indirectly, beneficially, or
19 constructively, at least 50% of the value of the
20 outstanding stock of the qualified new business venture
21 that is the recipient of the applicant's investment.

22 (4) A corporation and any party related to that
23 corporation in a manner that would require an attribution
24 of stock from the corporation to the party or from the
25 party to the corporation under the attribution rules of
26 Section 318 of the Internal Revenue Code, if the

1 corporation and all such related parties own, in the
2 aggregate, at least 50% of the profits, capital, stock, or
3 other ownership interest in the qualified new business
4 venture that is the recipient of the applicant's
5 investment.

6 (5) A person to or from whom there is attribution of
7 ownership of stock in the qualified new business venture
8 that is the recipient of the applicant's investment in
9 accordance with Section 1563(e) of the Internal Revenue
10 Code, except that for purposes of determining whether a
11 person is a related member under this paragraph, "20%"
12 shall be substituted for "5%" whenever "5%" appears in
13 Section 1563(e) of the Internal Revenue Code.

14 (b) For taxable years beginning after December 31, 2010,
15 and ending on or before December 31, 2021, subject to the
16 limitations provided in this Section, a claimant may claim, as
17 a credit against the tax imposed under subsections (a) and (b)
18 of Section 201 of this Act, an amount equal to 25% of the
19 claimant's investment made directly in a qualified new business
20 venture. In order for an investment in a qualified new business
21 venture to be eligible for tax credits, the business must have
22 applied for and received certification under subsection (e) for
23 the taxable year in which the investment was made prior to the
24 date on which the investment was made. The credit under this
25 Section may not exceed the taxpayer's Illinois income tax
26 liability for the taxable year. If the amount of the credit

1 exceeds the tax liability for the year, the excess may be
2 carried forward and applied to the tax liability of the 5
3 taxable years following the excess credit year. The credit
4 shall be applied to the earliest year for which there is a tax
5 liability. If there are credits from more than one tax year
6 that are available to offset a liability, the earlier credit
7 shall be applied first. In the case of a partnership or
8 Subchapter S Corporation, the credit is allowed to the partners
9 or shareholders in accordance with the determination of income
10 and distributive share of income under Sections 702 and 704 and
11 Subchapter S of the Internal Revenue Code.

12 (c) The minimum amount an applicant must invest in any
13 single qualified new business venture in order to be eligible
14 for a credit under this Section is \$10,000. The maximum amount
15 of an applicant's total investment made in any single qualified
16 new business venture that may be used as the basis for a credit
17 under this Section is \$2,000,000.

18 (d) The Department shall implement a program to certify an
19 applicant for an angel investment credit. Upon satisfactory
20 review, the Department shall issue a tax credit certificate
21 stating the amount of the tax credit to which the applicant is
22 entitled. The Department shall annually certify that: (i) each
23 qualified new business venture that receives an angel
24 investment under this Section has maintained a minimum
25 employment threshold, as defined by rule, in the State (and
26 continues to maintain a minimum employment threshold in the

1 State for a period of no less than 3 years from the issue date
2 of the last tax credit certificate issued by the Department
3 with respect to such business pursuant to this Section); and
4 (ii) the claimant's investment has been made and remains,
5 except in the event of a qualifying liquidity event, in the
6 qualified new business venture for no less than 3 years.

7 If an investment for which a claimant is allowed a credit
8 under subsection (b) is held by the claimant for less than 3
9 years, other than as a result of a permitted sale of the
10 investment to person who is not a related member, the claimant
11 shall pay to the Department of Revenue, in the manner
12 prescribed by the Department of Revenue, the aggregate amount
13 of the disqualified credits that the claimant received related
14 to the subject investment.

15 If the Department determines that a qualified new business
16 venture failed to maintain a minimum employment threshold in
17 the State through the date which is 3 years from the issue date
18 of the last tax credit certificate issued by the Department
19 with respect to the subject business pursuant to this Section,
20 the claimant or claimants shall pay to the Department of
21 Revenue, in the manner prescribed by the Department of Revenue,
22 the aggregate amount of the disqualified credits that claimant
23 or claimants received related to investments in that business.

24 (e) The Department shall implement a program to register
25 qualified new business ventures for purposes of this Section. A
26 business desiring registration under this Section shall be

1 required to submit a full and complete application to the
2 Department. A submitted application shall be effective only for
3 the taxable year in which it is submitted, and a business
4 desiring registration under this Section shall be required to
5 submit a separate application in and for each taxable year for
6 which the business desires registration. Further, if at any
7 time prior to the acceptance of an application for registration
8 under this Section by the Department one or more events occurs
9 which makes the information provided in that application
10 materially false or incomplete (in whole or in part), the
11 business shall promptly notify the Department of the same. Any
12 failure of a business to promptly provide the foregoing
13 information to the Department may, at the discretion of the
14 Department, result in a revocation of a previously approved
15 application for that business, or disqualification of the
16 business from future registration under this Section, or both.
17 The Department may register the business only if all of the
18 following conditions are satisfied:

19 (1) it has its principal place of business in this
20 State;

21 (2) at least 51% of the employees employed by the
22 business are employed in this State;

23 (3) the business has the potential for increasing jobs
24 in this State, increasing capital investment in this State,
25 or both, as determined by the Department, and either of the
26 following apply:

1 (A) it is principally engaged in innovation in any
2 of the following: manufacturing; biotechnology;
3 nanotechnology; communications; agricultural sciences;
4 clean energy creation or storage technology;
5 processing or assembling products, including medical
6 devices, pharmaceuticals, computer software, computer
7 hardware, semiconductors, other innovative technology
8 products, or other products that are produced using
9 manufacturing methods that are enabled by applying
10 proprietary technology; or providing services that are
11 enabled by applying proprietary technology; or

12 (B) it is undertaking pre-commercialization
13 activity related to proprietary technology that
14 includes conducting research, developing a new product
15 or business process, or developing a service that is
16 principally reliant on applying proprietary
17 technology;

18 (4) it is not principally engaged in real estate
19 development, insurance, banking, lending, lobbying,
20 political consulting, professional services provided by
21 attorneys, accountants, business consultants, physicians,
22 or health care consultants, wholesale or retail trade,
23 leisure, hospitality, transportation, or construction,
24 except construction of power production plants that derive
25 energy from a renewable energy resource, as defined in
26 Section 1 of the Illinois Power Agency Act;

1 (5) at the time it is first certified:

2 (A) it has fewer than 100 employees;

3 (B) it has been in operation in Illinois for not
4 more than 10 consecutive years prior to the year of
5 certification; and

6 (C) it has received not more than \$10,000,000 in
7 aggregate investments;

8 (5.1) it agrees to maintain a minimum employment
9 threshold in the State of Illinois prior to the date which
10 is 3 years from the issue date of the last tax credit
11 certificate issued by the Department with respect to that
12 business pursuant to this Section;

13 (6) (blank); and

14 (7) it has received not more than \$4,000,000 in
15 investments that qualified for tax credits under this
16 Section.

17 (f) The Department, in consultation with the Department of
18 Revenue, shall adopt rules to administer this Section. The
19 aggregate amount of the tax credits that may be claimed under
20 this Section for investments made in qualified new business
21 ventures shall be limited at \$10,000,000 per calendar year, of
22 which \$500,000 shall be reserved for investments made in
23 qualified new business ventures which are minority-owned
24 businesses, women-owned ~~female-owned~~ businesses, or businesses
25 owned by a person with a disability (as those terms are used
26 and defined in the Business Enterprise for Minorities, Women,

1 and Persons with Disabilities Act), and an additional \$500,000
2 shall be reserved for investments made in qualified new
3 business ventures with their principal place of business in
4 counties with a population of not more than 250,000. The
5 foregoing annual allowable amounts shall be allocated by the
6 Department, on a per calendar quarter basis and prior to the
7 commencement of each calendar year, in such proportion as
8 determined by the Department, provided that: (i) the amount
9 initially allocated by the Department for any one calendar
10 quarter shall not exceed 35% of the total allowable amount;
11 (ii) any portion of the allocated allowable amount remaining
12 unused as of the end of any of the first 3 calendar quarters of
13 a given calendar year shall be rolled into, and added to, the
14 total allocated amount for the next available calendar quarter;
15 and (iii) the reservation of tax credits for investments in
16 minority-owned businesses, women-owned businesses, businesses
17 owned by a person with a disability, and in businesses in
18 counties with a population of not more than 250,000 is limited
19 to the first 3 calendar quarters of a given calendar year,
20 after which they may be claimed by investors in any qualified
21 new business venture.

22 (g) A claimant may not sell or otherwise transfer a credit
23 awarded under this Section to another person.

24 (h) On or before March 1 of each year, the Department shall
25 report to the Governor and to the General Assembly on the tax
26 credit certificates awarded under this Section for the prior

1 calendar year.

2 (1) This report must include, for each tax credit
3 certificate awarded:

4 (A) the name of the claimant and the amount of
5 credit awarded or allocated to that claimant;

6 (B) the name and address (including the county) of
7 the qualified new business venture that received the
8 investment giving rise to the credit, the North
9 American Industry Classification System (NAICS) code
10 applicable to that qualified new business venture, and
11 the number of employees of the qualified new business
12 venture; and

13 (C) the date of approval by the Department of each
14 claimant's tax credit certificate.

15 (2) The report must also include:

16 (A) the total number of applicants and the total
17 number of claimants, including the amount of each tax
18 credit certificate awarded to a claimant under this
19 Section in the prior calendar year;

20 (B) the total number of applications from
21 businesses seeking registration under this Section,
22 the total number of new qualified business ventures
23 registered by the Department, and the aggregate amount
24 of investment upon which tax credit certificates were
25 issued in the prior calendar year; and

26 (C) the total amount of tax credit certificates

1 sought by applicants, the amount of each tax credit
2 certificate issued to a claimant, the aggregate amount
3 of all tax credit certificates issued in the prior
4 calendar year and the aggregate amount of tax credit
5 certificates issued as authorized under this Section
6 for all calendar years.

7 (i) For each business seeking registration under this
8 Section after December 31, 2016, the Department shall require
9 the business to include in its application the North American
10 Industry Classification System (NAICS) code applicable to the
11 business and the number of employees of the business at the
12 time of application. Each business registered by the Department
13 as a qualified new business venture that receives an investment
14 giving rise to the issuance of a tax credit certificate
15 pursuant to this Section shall, for each of the 3 years
16 following the issue date of the last tax credit certificate
17 issued by the Department with respect to such business pursuant
18 to this Section, report to the Department the following:

19 (1) the number of employees and the location at which
20 those employees are employed, both as of the end of each
21 year;

22 (2) the amount of additional new capital investment
23 raised as of the end of each year, if any; and

24 (3) the terms of any liquidity event occurring during
25 such year; for the purposes of this Section, a "liquidity
26 event" means any event that would be considered an exit for

1 an illiquid investment, including any event that allows the
2 equity holders of the business (or any material portion
3 thereof) to cash out some or all of their respective equity
4 interests.

5 (Source: P.A. 100-328, eff. 1-1-18; 100-686, eff. 1-1-19;
6 100-863, eff. 8-14-18; revised 10-5-18.)

7 (35 ILCS 5/221)

8 Sec. 221. Rehabilitation costs; qualified historic
9 properties; River Edge Redevelopment Zone.

10 (a) For taxable years that begin on or after January 1,
11 2012 and begin prior to January 1, 2018, there shall be allowed
12 a tax credit against the tax imposed by subsections (a) and (b)
13 of Section 201 of this Act in an amount equal to 25% of
14 qualified expenditures incurred by a qualified taxpayer during
15 the taxable year in the restoration and preservation of a
16 qualified historic structure located in a River Edge
17 Redevelopment Zone pursuant to a qualified rehabilitation
18 plan, provided that the total amount of such expenditures (i)
19 must equal \$5,000 or more and (ii) must exceed 50% of the
20 purchase price of the property.

21 (a-1) For taxable years that begin on or after January 1,
22 2018 and end prior to January 1, 2022, there shall be allowed a
23 tax credit against the tax imposed by subsections (a) and (b)
24 of Section 201 of this Act in an aggregate amount equal to 25%
25 of qualified expenditures incurred by a qualified taxpayer in

1 the restoration and preservation of a qualified historic
2 structure located in a River Edge Redevelopment Zone pursuant
3 to a qualified rehabilitation plan, provided that the total
4 amount of such expenditures must (i) equal \$5,000 or more and
5 (ii) exceed the adjusted basis of the qualified historic
6 structure on the first day the qualified rehabilitation plan
7 begins. For any rehabilitation project, regardless of duration
8 or number of phases, the project's compliance with the
9 foregoing provisions (i) and (ii) shall be determined based on
10 the aggregate amount of qualified expenditures for the entire
11 project and may include expenditures incurred under subsection
12 (a), this subsection, or both subsection (a) and this
13 subsection. If the qualified rehabilitation plan spans
14 multiple years, the aggregate credit for the entire project
15 shall be allowed in the last taxable year, except for phased
16 rehabilitation projects, which may receive credits upon
17 completion of each phase. Before obtaining the first phased
18 credit: (A) the total amount of such expenditures must meet the
19 requirements of provisions (i) and (ii) of this subsection; (B)
20 the rehabilitated portion of the qualified historic structure
21 must be placed in service; and (C) the requirements of
22 subsection (b) must be met.

23 (b) To obtain a tax credit pursuant to this Section, the
24 taxpayer must apply with the Department of Natural Resources.
25 The Department of Natural Resources shall determine the amount
26 of eligible rehabilitation costs and expenses within 45 days of

1 receipt of a complete application. The taxpayer must submit a
2 certification of costs prepared by an independent certified
3 public accountant that certifies (i) the project expenses, (ii)
4 whether those expenses are qualified expenditures, and (iii)
5 that the qualified expenditures exceed the adjusted basis of
6 the qualified historic structure on the first day the qualified
7 rehabilitation plan commenced. The Department of Natural
8 Resources is authorized, but not required, to accept this
9 certification of costs to determine the amount of qualified
10 expenditures and the amount of the credit. The Department of
11 Natural Resources shall provide guidance as to the minimum
12 standards to be followed in the preparation of such
13 certification. The Department of Natural Resources and the
14 National Park Service shall determine whether the
15 rehabilitation is consistent with the United States Secretary
16 of the Interior's Standards for Rehabilitation.

17 (b-1) Upon completion of the project and approval of the
18 complete application, the Department of Natural Resources
19 shall issue a single certificate in the amount of the eligible
20 credits equal to 25% of qualified expenditures incurred during
21 the eligible taxable years, as defined in subsections (a) and
22 (a-1), excepting any credits awarded under subsection (a) prior
23 to January 1, 2019 (the effective date of Public Act 100-629)
24 ~~this amendatory Act of the 100th General Assembly~~ and any
25 phased credits issued prior to the eligible taxable year under
26 subsection (a-1). At the time the certificate is issued, an

1 issuance fee up to the maximum amount of 2% of the amount of
2 the credits issued by the certificate may be collected from the
3 applicant to administer the provisions of this Section. If
4 collected, this issuance fee shall be deposited into the
5 Historic Property Administrative Fund, a special fund created
6 in the State treasury. Subject to appropriation, moneys in the
7 Historic Property Administrative Fund shall be provided to the
8 Department of Natural Resources as reimbursement ~~Department of~~
9 ~~Natural Resources~~ for the costs associated with administering
10 this Section.

11 (c) The taxpayer must attach the certificate to the tax
12 return on which the credits are to be claimed. The tax credit
13 under this Section may not reduce the taxpayer's liability to
14 less than zero. If the amount of the credit exceeds the tax
15 liability for the year, the excess credit may be carried
16 forward and applied to the tax liability of the 5 taxable years
17 following the excess credit year.

18 (c-1) Subject to appropriation, moneys in the Historic
19 Property Administrative Fund shall be used, on a biennial basis
20 beginning at the end of the second fiscal year after January 1,
21 2019 (the effective date of Public Act 100-629) ~~this amendatory~~
22 ~~Act of the 100th General Assembly~~, to hire a qualified third
23 party to prepare a biennial report to assess the overall
24 economic impact to the State from the qualified rehabilitation
25 projects under this Section completed in that year and in
26 previous years. The overall economic impact shall include at

1 least: (1) the direct and indirect or induced economic impacts
2 of completed projects; (2) temporary, permanent, and
3 construction jobs created; (3) sales, income, and property tax
4 generation before, during construction, and after completion;
5 and (4) indirect neighborhood impact after completion. The
6 report shall be submitted to the Governor and the General
7 Assembly. The report to the General Assembly shall be filed
8 with the Clerk of the House of Representatives and the
9 Secretary of the Senate in electronic form only, in the manner
10 that the Clerk and the Secretary shall direct.

11 (c-2) The Department of Natural Resources may adopt rules
12 to implement this Section in addition to the rules expressly
13 authorized in this Section.

14 (d) As used in this Section, the following terms have the
15 following meanings.

16 "Phased rehabilitation" means a project that is completed
17 in phases, as defined under Section 47 of the federal Internal
18 Revenue Code and pursuant to National Park Service regulations
19 at 36 C.F.R. 67.

20 "Placed in service" means the date when the property is
21 placed in a condition or state of readiness and availability
22 for a specifically assigned function as defined under Section
23 47 of the federal Internal Revenue Code and federal Treasury
24 Regulation Sections 1.46 and 1.48.

25 "Qualified expenditure" means all the costs and expenses
26 defined as qualified rehabilitation expenditures under Section

1 47 of the federal Internal Revenue Code that were incurred in
2 connection with a qualified historic structure.

3 "Qualified historic structure" means a certified historic
4 structure as defined under Section 47(c)(3) of the federal
5 Internal Revenue Code.

6 "Qualified rehabilitation plan" means a project that is
7 approved by the Department of Natural Resources and the
8 National Park Service as being consistent with the United
9 States Secretary of the Interior's Standards for
10 Rehabilitation.

11 "Qualified taxpayer" means the owner of the qualified
12 historic structure or any other person who qualifies for the
13 federal rehabilitation credit allowed by Section 47 of the
14 federal Internal Revenue Code with respect to that qualified
15 historic structure. Partners, shareholders of subchapter S
16 corporations, and owners of limited liability companies (if the
17 limited liability company is treated as a partnership for
18 purposes of federal and State income taxation) are entitled to
19 a credit under this Section to be determined in accordance with
20 the determination of income and distributive share of income
21 under Sections 702 and 703 and subchapter S of the Internal
22 Revenue Code, provided that credits granted to a partnership, a
23 limited liability company taxed as a partnership, or other
24 multiple owners of property shall be passed through to the
25 partners, members, or owners respectively on a pro rata basis
26 or pursuant to an executed agreement among the partners,

1 members, or owners documenting any alternate distribution
2 method.

3 (Source: P.A. 99-914, eff. 12-20-16; 100-236, eff. 8-18-17;
4 100-629, eff. 1-1-19; 100-695, eff. 8-3-18; revised 10-18-18.)

5 (35 ILCS 5/226)

6 Sec. 226. Natural disaster credit.

7 (a) For taxable years that begin on or after January 1,
8 2017 and begin prior to January 1, 2019, each taxpayer who owns
9 qualified real property located in a county in Illinois that
10 was declared a State disaster area by the Governor due to
11 flooding in 2017 or 2018 is entitled to a credit against the
12 taxes imposed by subsections (a) and (b) of Section 201 of this
13 Act in an amount equal to the lesser of \$750 or the deduction
14 allowed (whether or not the taxpayer determines taxable income
15 under subsection (b) of Section 63 of the Internal Revenue
16 Code) with respect to the qualified property under Section 165
17 of the Internal Revenue Code, determined without regard to the
18 limitations imposed under subsection (h) of that Section. The
19 township assessor or, if the township assessor is unable, the
20 chief county assessment officer of the county in which the
21 property is located, shall issue a certificate to the taxpayer
22 identifying the taxpayer's property as damaged as a result of
23 the natural disaster. The certificate shall include the name
24 and address of the property owner, as well as the property
25 index number or permanent index number (PIN) of the damaged

1 property. The taxpayer shall attach a copy of such certificate
2 to the taxpayer's return for the taxable year for which the
3 credit is allowed.

4 (b) In no event shall a credit under this Section reduce a
5 taxpayer's liability to less than zero. If the amount of credit
6 exceeds the tax liability for the year, the excess may be
7 carried forward and applied to the tax liability for the 5
8 taxable years following the excess credit year. The tax credit
9 shall be applied to the earliest year for which there is a tax
10 liability. If there are credits for more than one year that are
11 available to offset liability, the earlier credit shall be
12 applied first.

13 (c) If the taxpayer is a partnership or Subchapter S
14 corporation, the credit shall be allowed to the partners or
15 shareholders in accordance with the determination of income and
16 distributive share of income under Sections 702 and 704 and
17 Subchapter S of the Internal Revenue Code.

18 (d) A taxpayer is not entitled to the credit under this
19 Section if the taxpayer receives a Natural Disaster Homestead
20 Exemption under Section 15-173 of the Property Tax Code with
21 respect to the qualified real property as a result of the
22 natural disaster.

23 (e) The township assessor or, if the township assessor is
24 unable to certify, the chief county assessment officer of the
25 county in which the property is located, shall certify to the
26 Department a listing of the properties located within the

1 county that have been damaged as a result of the natural
2 disaster (including the name and address of the property owner
3 and the property index number or permanent index number (PIN)
4 of each damage property).

5 (f) As used in this Section:

6 (1) "Qualified real property" means real property that
7 is: (i) the taxpayer's principal residence or owned by a
8 small business; (ii) damaged during the taxable year as a
9 result of a disaster; and (iii) not used in a rental or
10 leasing business.

11 (2) "Small business" has the meaning given to that term
12 in Section 1-75 of the Illinois Administrative Procedure
13 Act.

14 (g) Nothing in this Act prohibits the disclosure of
15 information by officials of a county or municipality involving
16 reports of damaged property or the owners of damaged property
17 if that disclosure is made to a township or county assessment
18 official in connection with a credit obtained or sought under
19 this Section.

20 (Source: P.A. 100-555, eff. 11-16-17; 100-587, eff. 6-4-18;
21 100-731, eff. 1-1-19; revised 8-30-18.)

22 (35 ILCS 5/227)

23 Sec. 227. Adoption credit.

24 (a) Beginning with tax years ending on or after December
25 31, 2018, in the case of an individual taxpayer there shall be

1 allowed a credit against the tax imposed by subsections (a) and
2 (b) of Section 201 in an amount equal to the amount of the
3 federal adoption tax credit received pursuant to Section 23 of
4 the Internal Revenue Code with respect to the adoption of a
5 qualifying dependent child, subject to the limitations set
6 forth in this subsection and subsection (b). The aggregate
7 amount of qualified adoption expenses which may be taken into
8 account under this Section for all taxable years with respect
9 to the adoption of a qualifying dependent child by the taxpayer
10 shall not exceed \$2,000 (\$1,000 in the case of a married
11 individual filing a separate return). The credit under this
12 Section shall be allowed: (i) in the case of any expense paid
13 or incurred before the taxable year in which such adoption
14 becomes final, for the taxable year following the taxable year
15 during which such expense is paid or incurred, and (ii) in the
16 case of an expense paid or incurred during or after the taxable
17 year in which such adoption becomes final, for the taxable year
18 in which such expense is paid or incurred. No credit shall be
19 allowed under this Section for any expense to the extent that
20 funds for such expense are received under any federal, State,
21 or local program. For purposes of this Section, spouses filing
22 a joint return shall be considered one taxpayer.

23 For a non-resident or part-year resident, the amount of the
24 credit under this Section shall be in proportion to the amount
25 of income attributable to this State.

26 (b) Increased credit amount for resident children. With

1 respect to the adoption of an eligible child who is at least
2 one year old and resides in Illinois at the time the expenses
3 are paid or incurred, subsection (a) shall be applied by
4 substituting \$5,000 (\$2,500 in the case of a married individual
5 filing a separate return) for \$2,000.

6 (c) In no event shall a credit under this Section reduce
7 the taxpayer's liability to less than zero. If the amount of
8 the credit exceeds the income tax liability for the applicable
9 tax year, the excess may be carried forward and applied to the
10 tax liability of the 5 taxable years following the excess
11 credit year. The credit shall be applied to the earliest year
12 for which there is a tax liability. If there are credits from
13 more than one year that are available to offset a liability,
14 the earlier credit shall be applied first.

15 (d) The term "qualified adoption expenses" shall have the
16 same meaning as under Section 23(d) of the Internal Revenue
17 Code.

18 (Source: P.A. 100-587, eff. 6-4-18.)

19 (35 ILCS 5/228)

20 Sec. 228 ~~227~~. Historic preservation credit. For tax years
21 beginning on or after January 1, 2019 and ending on or before
22 December 31, 2023, a taxpayer who qualifies for a credit under
23 the Historic Preservation Tax Credit Act is entitled to a
24 credit against the taxes imposed under subsections (a) and (b)
25 of Section 201 of this Act as provided in that Act. If the

1 taxpayer is a partnership or Subchapter S corporation, the
2 credit shall be allowed to the partners or shareholders in
3 accordance with the determination of income and distributive
4 share of income under Sections 702 and 704 and Subchapter S of
5 the Internal Revenue Code. If the amount of any tax credit
6 awarded under this Section exceeds the qualified taxpayer's
7 income tax liability for the year in which the qualified
8 rehabilitation plan was placed in service, the excess amount
9 may be carried forward as provided in the Historic Preservation
10 Tax Credit Act.

11 (Source: P.A. 100-629, eff. 1-1-19; revised 10-9-18.)

12 (35 ILCS 5/901) (from Ch. 120, par. 9-901)

13 Sec. 901. Collection authority.

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

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

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

1 July 1, 2004, zero. Beginning February 1, 2011, and continuing
2 through January 31, 2015, the Treasurer shall transfer each
3 month from the General Revenue Fund to the Local Government
4 Distributive Fund an amount equal to the sum of (i) 6% (10% of
5 the ratio of the 3% individual income tax rate prior to 2011 to
6 the 5% individual income tax rate after 2010) of the net
7 revenue realized from the tax imposed by subsections (a) and
8 (b) of Section 201 of this Act upon individuals, trusts, and
9 estates during the preceding month and (ii) 6.86% (10% of the
10 ratio of the 4.8% corporate income tax rate prior to 2011 to
11 the 7% corporate income tax rate after 2010) of the net revenue
12 realized from the tax imposed by subsections (a) and (b) of
13 Section 201 of this Act upon corporations during the preceding
14 month. Beginning February 1, 2015 and continuing through July
15 31, 2017, the Treasurer shall transfer each month from the
16 General Revenue Fund to the Local Government Distributive Fund
17 an amount equal to the sum of (i) 8% (10% of the ratio of the 3%
18 individual income tax rate prior to 2011 to the 3.75%
19 individual income tax rate after 2014) of the net revenue
20 realized from the tax imposed by subsections (a) and (b) of
21 Section 201 of this Act upon individuals, trusts, and estates
22 during the preceding month and (ii) 9.14% (10% of the ratio of
23 the 4.8% corporate income tax rate prior to 2011 to the 5.25%
24 corporate income tax rate after 2014) of the net revenue
25 realized from the tax imposed by subsections (a) and (b) of
26 Section 201 of this Act upon corporations during the preceding

1 month. Beginning August 1, 2017, the Treasurer shall transfer
2 each month from the General Revenue Fund to the Local
3 Government Distributive Fund an amount equal to the sum of (i)
4 6.06% (10% of the ratio of the 3% individual income tax rate
5 prior to 2011 to the 4.95% individual income tax rate after
6 July 1, 2017) of the net revenue realized from the tax imposed
7 by subsections (a) and (b) of Section 201 of this Act upon
8 individuals, trusts, and estates during the preceding month and
9 (ii) 6.85% (10% of the ratio of the 4.8% corporate income tax
10 rate prior to 2011 to the 7% corporate income tax rate after
11 July 1, 2017) of the net revenue realized from the tax imposed
12 by subsections (a) and (b) of Section 201 of this Act upon
13 corporations during the preceding month. Net revenue realized
14 for a month shall be defined as the revenue from the tax
15 imposed by subsections (a) and (b) of Section 201 of this Act
16 which is deposited in the General Revenue Fund, the Education
17 Assistance Fund, the Income Tax Surcharge Local Government
18 Distributive Fund, the Fund for the Advancement of Education,
19 and the Commitment to Human Services Fund during the month
20 minus the amount paid out of the General Revenue Fund in State
21 warrants during that same month as refunds to taxpayers for
22 overpayment of liability under the tax imposed by subsections
23 (a) and (b) of Section 201 of this Act.

24 Notwithstanding any provision of law to the contrary,
25 beginning on July 6, 2017 (the effective date of Public Act
26 100-23), those amounts required under this subsection (b) to be

1 transferred by the Treasurer into the Local Government
2 Distributive Fund from the General Revenue Fund shall be
3 directly deposited into the Local Government Distributive Fund
4 as the revenue is realized from the tax imposed by subsections
5 (a) and (b) of Section 201 of this Act.

6 For State fiscal year 2018 only, notwithstanding any
7 provision of law to the contrary, the total amount of revenue
8 and deposits under this Section attributable to revenues
9 realized during State fiscal year 2018 shall be reduced by 10%.

10 For State fiscal year 2019 only, notwithstanding any
11 provision of law to the contrary, the total amount of revenue
12 and deposits under this Section attributable to revenues
13 realized during State fiscal year 2019 shall be reduced by 5%.

14 (c) Deposits Into Income Tax Refund Fund.

15 (1) Beginning on January 1, 1989 and thereafter, the
16 Department shall deposit a percentage of the amounts
17 collected pursuant to subsections (a) and (b) (1), (2), and
18 (3) of Section 201 of this Act into a fund in the State
19 treasury known as the Income Tax Refund Fund. The
20 Department shall deposit 6% of such amounts during the
21 period beginning January 1, 1989 and ending on June 30,
22 1989. Beginning with State fiscal year 1990 and for each
23 fiscal year thereafter, the percentage deposited into the
24 Income Tax Refund Fund during a fiscal year shall be the
25 Annual Percentage. For fiscal years 1999 through 2001, the
26 Annual Percentage shall be 7.1%. For fiscal year 2003, the

1 Annual Percentage shall be 8%. For fiscal year 2004, the
2 Annual Percentage shall be 11.7%. Upon the effective date
3 of Public Act 93-839 (July 30, 2004), the Annual Percentage
4 shall be 10% for fiscal year 2005. For fiscal year 2006,
5 the Annual Percentage shall be 9.75%. For fiscal year 2007,
6 the Annual Percentage shall be 9.75%. For fiscal year 2008,
7 the Annual Percentage shall be 7.75%. For fiscal year 2009,
8 the Annual Percentage shall be 9.75%. For fiscal year 2010,
9 the Annual Percentage shall be 9.75%. For fiscal year 2011,
10 the Annual Percentage shall be 8.75%. For fiscal year 2012,
11 the Annual Percentage shall be 8.75%. For fiscal year 2013,
12 the Annual Percentage shall be 9.75%. For fiscal year 2014,
13 the Annual Percentage shall be 9.5%. For fiscal year 2015,
14 the Annual Percentage shall be 10%. For fiscal year 2018,
15 the Annual Percentage shall be 9.8%. For fiscal year 2019,
16 the Annual Percentage shall be 9.7%. For all other fiscal
17 years, the Annual Percentage shall be calculated as a
18 fraction, the numerator of which shall be the amount of
19 refunds approved for payment by the Department during the
20 preceding fiscal year as a result of overpayment of tax
21 liability under subsections (a) and (b) (1), (2), and (3) of
22 Section 201 of this Act plus the amount of such refunds
23 remaining approved but unpaid at the end of the preceding
24 fiscal year, minus the amounts transferred into the Income
25 Tax Refund Fund from the Tobacco Settlement Recovery Fund,
26 and the denominator of which shall be the amounts which

1 will be collected pursuant to subsections (a) and (b) (1),
2 (2), and (3) of Section 201 of this Act during the
3 preceding fiscal year; except that in State fiscal year
4 2002, the Annual Percentage shall in no event exceed 7.6%.
5 The Director of Revenue shall certify the Annual Percentage
6 to the Comptroller on the last business day of the fiscal
7 year immediately preceding the fiscal year for which it is
8 to be effective.

9 (2) Beginning on January 1, 1989 and thereafter, the
10 Department shall deposit a percentage of the amounts
11 collected pursuant to subsections (a) and (b) (6), (7), and
12 (8), (c) and (d) of Section 201 of this Act into a fund in
13 the State treasury known as the Income Tax Refund Fund. The
14 Department shall deposit 18% of such amounts during the
15 period beginning January 1, 1989 and ending on June 30,
16 1989. Beginning with State fiscal year 1990 and for each
17 fiscal year thereafter, the percentage deposited into the
18 Income Tax Refund Fund during a fiscal year shall be the
19 Annual Percentage. For fiscal years 1999, 2000, and 2001,
20 the Annual Percentage shall be 19%. For fiscal year 2003,
21 the Annual Percentage shall be 27%. For fiscal year 2004,
22 the Annual Percentage shall be 32%. Upon the effective date
23 of Public Act 93-839 (July 30, 2004), the Annual Percentage
24 shall be 24% for fiscal year 2005. For fiscal year 2006,
25 the Annual Percentage shall be 20%. For fiscal year 2007,
26 the Annual Percentage shall be 17.5%. For fiscal year 2008,

1 the Annual Percentage shall be 15.5%. For fiscal year 2009,
2 the Annual Percentage shall be 17.5%. For fiscal year 2010,
3 the Annual Percentage shall be 17.5%. For fiscal year 2011,
4 the Annual Percentage shall be 17.5%. For fiscal year 2012,
5 the Annual Percentage shall be 17.5%. For fiscal year 2013,
6 the Annual Percentage shall be 14%. For fiscal year 2014,
7 the Annual Percentage shall be 13.4%. For fiscal year 2015,
8 the Annual Percentage shall be 14%. For fiscal year 2018,
9 the Annual Percentage shall be 17.5%. For fiscal year 2019,
10 the Annual Percentage shall be 15.5%. For all other fiscal
11 years, the Annual Percentage shall be calculated as a
12 fraction, the numerator of which shall be the amount of
13 refunds approved for payment by the Department during the
14 preceding fiscal year as a result of overpayment of tax
15 liability under subsections (a) and (b) (6), (7), and (8),
16 (c) and (d) of Section 201 of this Act plus the amount of
17 such refunds remaining approved but unpaid at the end of
18 the preceding fiscal year, and the denominator of which
19 shall be the amounts which will be collected pursuant to
20 subsections (a) and (b) (6), (7), and (8), (c) and (d) of
21 Section 201 of this Act during the preceding fiscal year;
22 except that in State fiscal year 2002, the Annual
23 Percentage shall in no event exceed 23%. The Director of
24 Revenue shall certify the Annual Percentage to the
25 Comptroller on the last business day of the fiscal year
26 immediately preceding the fiscal year for which it is to be

1 effective.

2 (3) The Comptroller shall order transferred and the
3 Treasurer shall transfer from the Tobacco Settlement
4 Recovery Fund to the Income Tax Refund Fund (i) \$35,000,000
5 in January, 2001, (ii) \$35,000,000 in January, 2002, and
6 (iii) \$35,000,000 in January, 2003.

7 (d) Expenditures from Income Tax Refund Fund.

8 (1) Beginning January 1, 1989, money in the Income Tax
9 Refund Fund shall be expended exclusively for the purpose
10 of paying refunds resulting from overpayment of tax
11 liability under Section 201 of this Act and for making
12 transfers pursuant to this subsection (d).

13 (2) The Director shall order payment of refunds
14 resulting from overpayment of tax liability under Section
15 201 of this Act from the Income Tax Refund Fund only to the
16 extent that amounts collected pursuant to Section 201 of
17 this Act and transfers pursuant to this subsection (d) and
18 item (3) of subsection (c) have been deposited and retained
19 in the Fund.

20 (3) As soon as possible after the end of each fiscal
21 year, the Director shall order transferred and the State
22 Treasurer and State Comptroller shall transfer from the
23 Income Tax Refund Fund to the Personal Property Tax
24 Replacement Fund an amount, certified by the Director to
25 the Comptroller, equal to the excess of the amount
26 collected pursuant to subsections (c) and (d) of Section

1 201 of this Act deposited into the Income Tax Refund Fund
2 during the fiscal year over the amount of refunds resulting
3 from overpayment of tax liability under subsections (c) and
4 (d) of Section 201 of this Act paid from the Income Tax
5 Refund Fund during the fiscal year.

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

18 (4.5) As soon as possible after the end of fiscal year
19 1999 and of each fiscal year thereafter, the Director shall
20 order transferred and the State Treasurer and State
21 Comptroller shall transfer from the Income Tax Refund Fund
22 to the General Revenue Fund any surplus remaining in the
23 Income Tax Refund Fund as of the end of such fiscal year;
24 excluding for fiscal years 2000, 2001, and 2002 amounts
25 attributable to transfers under item (3) of subsection (c)
26 less refunds resulting from the earned income tax credit.

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

5 (e) Deposits into the Education Assistance Fund and the
6 Income Tax Surcharge Local Government Distributive Fund. On
7 July 1, 1991, and thereafter, of the amounts collected pursuant
8 to subsections (a) and (b) of Section 201 of this Act, minus
9 deposits into the Income Tax Refund Fund, the Department shall
10 deposit 7.3% into the Education Assistance Fund in the State
11 Treasury. Beginning July 1, 1991, and continuing through
12 January 31, 1993, of the amounts collected pursuant to
13 subsections (a) and (b) of Section 201 of the Illinois Income
14 Tax Act, minus deposits into the Income Tax Refund Fund, the
15 Department shall deposit 3.0% into the Income Tax Surcharge
16 Local Government Distributive Fund in the State Treasury.
17 Beginning February 1, 1993 and continuing through June 30,
18 1993, of the amounts collected pursuant to subsections (a) and
19 (b) of Section 201 of the Illinois Income Tax Act, minus
20 deposits into the Income Tax Refund Fund, the Department shall
21 deposit 4.4% into the Income Tax Surcharge Local Government
22 Distributive Fund in the State Treasury. Beginning July 1,
23 1993, and continuing through June 30, 1994, of the amounts
24 collected under subsections (a) and (b) of Section 201 of this
25 Act, minus deposits into the Income Tax Refund Fund, the
26 Department shall deposit 1.475% into the Income Tax Surcharge

1 Local Government Distributive Fund in the State Treasury.

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

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

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

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

16 (g) Deposits into the Commitment to Human Services Fund.
17 Beginning February 1, 2015, the Department shall deposit the
18 following portions of the revenue realized from the tax imposed
19 upon individuals, trusts, and estates by subsections (a) and
20 (b) of Section 201 of this Act, minus deposits into the Income
21 Tax Refund Fund, into the Commitment to Human Services Fund:

22 (1) beginning February 1, 2015, and prior to February
23 1, 2025, 1/30; and

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

25 If the rate of tax imposed by subsection (a) and (b) of
26 Section 201 is reduced pursuant to Section 201.5 of this Act,

1 the Department shall not make the deposits required by this
2 subsection (g) on or after the effective date of the reduction.

3 (h) Deposits into the Tax Compliance and Administration
4 Fund. Beginning on the first day of the first calendar month to
5 occur on or after August 26, 2014 (the effective date of Public
6 Act 98-1098), each month the Department shall pay into the Tax
7 Compliance and Administration Fund, to be used, subject to
8 appropriation, to fund additional auditors and compliance
9 personnel at the Department, an amount equal to 1/12 of 5% of
10 the cash receipts collected during the preceding fiscal year by
11 the Audit Bureau of the Department from the tax imposed by
12 subsections (a), (b), (c), and (d) of Section 201 of this Act,
13 net of deposits into the Income Tax Refund Fund made from those
14 cash receipts.

15 (Source: P.A. 99-78, eff. 7-20-15; 100-22, eff. 7-6-17; 100-23,
16 eff. 7-6-17; 100-587, eff. 6-4-18; 100-621, eff. 7-20-18;
17 100-863, eff. 8-14-18; 100-1171, eff. 1-4-19; revised 1-8-19.)

18 Section 270. The Economic Development for a Growing Economy
19 Tax Credit Act is amended by changing Section 5-20 as follows:

20 (35 ILCS 10/5-20)

21 Sec. 5-20. Application for a project to create and retain
22 new jobs.

23 (a) Any Taxpayer proposing a project located or planned to
24 be located in Illinois may request consideration for

1 designation of its project, by formal written letter of request
2 or by formal application to the Department, in which the
3 Applicant states its intent to make at least a specified level
4 of investment and intends to hire or retain a specified number
5 of full-time employees at a designated location in Illinois. As
6 circumstances require, the Department may require a formal
7 application from an Applicant and a formal letter of request
8 for assistance.

9 (b) In order to qualify for Credits under this Act, an
10 Applicant's project must:

11 (1) if the Applicant has more than 100 employees,
12 involve an investment of at least \$2,500,000 in capital
13 improvements to be placed in service within the State as a
14 direct result of the project; if the Applicant has 100 or
15 fewer employees, then there is no capital investment
16 requirement;

17 (1.5) if the Applicant has more than 100 employees,
18 employ a number of new employees in the State equal to the
19 lesser of (A) 10% of the number of full-time employees
20 employed by the applicant world-wide on the date the
21 application is filed with the Department or (B) 50 New
22 Employees; and, if the Applicant has 100 or fewer
23 employees, employ a number of new employees in the State
24 equal to the lesser of (A) 5% of the number of full-time
25 employees employed by the applicant world-wide on the date
26 the application is filed with the Department or (B) 50 New

1 Employees; ~~and~~
2 (2) (blank);
3 (3) (blank); and
4 (4) include an annual sexual harassment policy report
5 as provided under Section 5-58.

6 (c) After receipt of an application, the Department may
7 enter into an Agreement with the Applicant if the application
8 is accepted in accordance with Section 5-25.

9 (Source: P.A. 100-511, eff. 9-18-17; 100-698, eff. 1-1-19;
10 revised 10-1-18.)

11 Section 275. The Film Production Services Tax Credit Act of
12 2008 is amended by changing Section 45 as follows:

13 (35 ILCS 16/45)

14 Sec. 45. Evaluation of tax credit program; reports to the
15 General Assembly.

16 (a) The Department shall evaluate the tax credit program.
17 The evaluation must include an assessment of the effectiveness
18 of the program in creating and retaining new jobs in Illinois
19 and of the revenue impact of the program, and may include a
20 review of the practices and experiences of other states or
21 nations with similar programs. Upon completion of this
22 evaluation, the Department shall determine the overall success
23 of the program, and may make a recommendation to extend,
24 modify, or not extend the program based on this evaluation.

1 (b) At the end of each fiscal quarter, the Department must
2 submit to the General Assembly a report that includes, without
3 limitation, the following information:

4 (1) the economic impact of the tax credit program,
5 including the number of jobs created and retained,
6 including whether the job positions are entry level,
7 management, talent-related, vendor-related, or
8 production-related;

9 (2) the amount of film production spending brought to
10 Illinois, including the amount of spending and type of
11 Illinois vendors hired in connection with an accredited
12 production; and

13 (3) an overall picture of whether the human
14 infrastructure of the motion picture industry in Illinois
15 reflects the geographical, racial and ethnic, gender, and
16 income-level diversity of the State of Illinois.

17 (c) At the end of each fiscal year, the Department must
18 submit to the General Assembly a report that includes the
19 following information:

20 (1) an identification of each vendor that provided
21 goods or services that were included in an accredited
22 production's Illinois production spending, provided that
23 the accredited production's Illinois production spending
24 attributable to that vendor exceeds, in the aggregate,
25 \$10,000 or 10% of the accredited production's Illinois
26 production spending, whichever is less;

1 (2) the amount paid to each identified vendor by the
2 accredited production;

3 (3) for each identified vendor, a statement as to
4 whether the vendor is a minority-owned business or a
5 women-owned business, as defined under Section 2 of the
6 Business Enterprise for Minorities, Women, and Persons
7 with Disabilities Act, based on the best efforts of an
8 accredited production; and

9 (4) a description of any steps taken by the Department
10 to encourage accredited productions to use vendors who are
11 a minority-owned business or a women-owned business.

12 (Source: P.A. 100-391, eff. 8-25-17; 100-603, eff. 7-13-18;
13 revised 7-31-18.)

14 Section 280. The Historic Preservation Tax Credit Act is
15 amended by changing Section 10 as follows:

16 (35 ILCS 31/10)

17 Sec. 10. Allowable credit.

18 (a) To the extent authorized by this Act, for taxable years
19 beginning on or after January 1, 2019 and ending on or before
20 December 31, 2023, there shall be allowed a tax credit against
21 the tax imposed by subsections (a) and (b) of Section 201 of
22 the Illinois Income Tax Act in an aggregate amount equal to 25%
23 of qualified expenditures incurred by a qualified taxpayer
24 undertaking a qualified rehabilitation plan of a qualified

1 historic structure, provided that the total amount of such
2 expenditures must (i) equal \$5,000 or more or (ii) exceed the
3 adjusted basis of the qualified historic structure on the first
4 day the qualified rehabilitation plan commenced. If the
5 qualified rehabilitation plan spans multiple years, the
6 aggregate credit for the entire project shall be allowed in the
7 last taxable year.

8 (b) To obtain a tax credit pursuant to this Section, the
9 taxpayer must apply with the Division. The Division shall
10 determine the amount of eligible rehabilitation expenditures
11 within 45 days after receipt of a complete application. The
12 taxpayer must provide to the Division a third-party cost
13 certification conducted by a certified public accountant
14 verifying (i) the qualified and non-qualified rehabilitation
15 expenses and (ii) that the qualified expenditures exceed the
16 adjusted basis of the qualified historic structure on the first
17 day the qualified rehabilitation plan commenced. The
18 accountant shall provide appropriate review and testing of
19 invoices. The Division is authorized, but not required, to
20 accept this third-party cost certification to determine the
21 amount of qualified expenditures. The Division and the National
22 Park Service shall determine whether the rehabilitation is
23 consistent with the Standards of the Secretary of the United
24 States Department of the Interior.

25 (c) If the amount of any tax credit awarded under this Act
26 exceeds the qualified taxpayer's income tax liability for the

1 year in which the qualified rehabilitation plan was placed in
2 service, the excess amount may be carried forward for deduction
3 from the taxpayer's income tax liability in the next succeeding
4 year or years until the total amount of the credit has been
5 used, except that a credit may not be carried forward for
6 deduction after the tenth taxable year after the taxable year
7 in which the qualified rehabilitation plan was placed in
8 service. Upon completion and review of the project, the
9 Division shall issue a single certificate in the amount of the
10 eligible credits equal to 25% of the qualified expenditures
11 incurred during the eligible taxable years. At the time the
12 certificate is issued, an issuance fee up to the maximum amount
13 of 2% of the amount of the credits issued by the certificate
14 may be collected from the applicant to administer the Act. If
15 collected, this issuance fee shall be directed to the Division
16 Historic Property Administrative Fund or other such fund as
17 appropriate for use of the Division in the administration of
18 the Historic Preservation Tax Credit Program. The taxpayer must
19 attach the certificate or legal documentation of her or his
20 proportional share of the certificate to the tax return on
21 which the credits are to be claimed. The tax credit under this
22 Section may not reduce the taxpayer's liability to less than
23 zero. If the amount of the credit exceeds the tax liability for
24 the year, the excess credit may be carried forward and applied
25 to the tax liability of the 10 taxable years following the
26 excess credit year.

1 (d) If the taxpayer is (i) a corporation having an election
2 in effect under Subchapter S of the federal Internal Revenue
3 Code, (ii) a partnership, or (iii) a limited liability company,
4 the credit provided under this Act may be claimed by the
5 shareholders of the corporation, the partners of the
6 partnership, or the members of the limited liability company in
7 the same manner as those shareholders, partners, or members
8 account for their proportionate shares of the income or losses
9 of the corporation, partnership, or limited liability company,
10 or as provided in the bylaws or other executed agreement of the
11 corporation, partnership, or limited liability company.
12 Credits granted to a partnership, a limited liability company
13 taxed as a partnership, or other multiple owners of property
14 shall be passed through to the partners, members, or owners
15 respectively on a pro rata basis or pursuant to an executed
16 agreement among the partners, members, or owners documenting
17 any alternate distribution method.

18 (e) If a recapture event occurs during the recapture period
19 with respect to a qualified historic structure, then for any
20 taxable year in which the credits are allowed as specified in
21 this Act, the tax under the applicable Section of this Act
22 shall be increased by applying the recapture percentage set
23 forth below to the tax decrease resulting from the application
24 of credits allowed under this Act to the taxable year in
25 question.

26 For the purposes of this subsection, the recapture

1 percentage shall be determined as follows:

2 (1) if the recapture event occurs within the first year
3 after commencement of the recapture period, then the
4 recapture percentage is 100%;

5 (2) if the recapture event occurs within the second
6 year after commencement of the recapture period, then the
7 recapture percentage is 80%;

8 (3) if the recapture event occurs within the third year
9 after commencement of the recapture period, then the
10 recapture percentage is 60%;

11 (4) if the recapture event occurs within the fourth
12 year after commencement of the recapture period, then the
13 recapture percentage is 40%; and

14 (5) if the recapture event occurs within the fifth year
15 after commencement of the recapture period, then the
16 recapture percentage is 20%.

17 In the case of any recapture event, the carryforwards under
18 this Act shall be adjusted by reason of such event.

19 (f) ~~(d)~~ The Division may adopt rules to implement this
20 Section in addition to the rules expressly authorized herein.

21 (Source: P.A. 100-629, eff. 1-1-19; revised 10-1-18.)

22 Section 285. The Use Tax Act is amended by changing Section
23 3-5 as follows:

24 (35 ILCS 105/3-5)

1 Sec. 3-5. Exemptions. Use of the following tangible
2 personal property is exempt from the tax imposed by this Act:

3 (1) Personal property purchased from a corporation,
4 society, association, foundation, institution, or
5 organization, other than a limited liability company, that is
6 organized and operated as a not-for-profit service enterprise
7 for the benefit of persons 65 years of age or older if the
8 personal property was not purchased by the enterprise for the
9 purpose of resale by the enterprise.

10 (2) Personal property purchased by a not-for-profit
11 Illinois county fair association for use in conducting,
12 operating, or promoting the county fair.

13 (3) Personal property purchased by a not-for-profit arts or
14 cultural organization that establishes, by proof required by
15 the Department by rule, that it has received an exemption under
16 Section 501(c)(3) of the Internal Revenue Code and that is
17 organized and operated primarily for the presentation or
18 support of arts or cultural programming, activities, or
19 services. These organizations include, but are not limited to,
20 music and dramatic arts organizations such as symphony
21 orchestras and theatrical groups, arts and cultural service
22 organizations, local arts councils, visual arts organizations,
23 and media arts organizations. On and after July 1, 2001 (the
24 effective date of Public Act 92-35), however, an entity
25 otherwise eligible for this exemption shall not make tax-free
26 purchases unless it has an active identification number issued

1 by the Department.

2 (4) Personal property purchased by a governmental body, by
3 a corporation, society, association, foundation, or
4 institution organized and operated exclusively for charitable,
5 religious, or educational purposes, or by a not-for-profit
6 corporation, society, association, foundation, institution, or
7 organization that has no compensated officers or employees and
8 that is organized and operated primarily for the recreation of
9 persons 55 years of age or older. A limited liability company
10 may qualify for the exemption under this paragraph only if the
11 limited liability company is organized and operated
12 exclusively for educational purposes. On and after July 1,
13 1987, however, no entity otherwise eligible for this exemption
14 shall make tax-free purchases unless it has an active exemption
15 identification number issued by the Department.

16 (5) Until July 1, 2003, a passenger car that is a
17 replacement vehicle to the extent that the purchase price of
18 the car is subject to the Replacement Vehicle Tax.

19 (6) Until July 1, 2003 and beginning again on September 1,
20 2004 through August 30, 2014, graphic arts machinery and
21 equipment, including repair and replacement parts, both new and
22 used, and including that manufactured on special order,
23 certified by the purchaser to be used primarily for graphic
24 arts production, and including machinery and equipment
25 purchased for lease. Equipment includes chemicals or chemicals
26 acting as catalysts but only if the chemicals or chemicals

1 acting as catalysts effect a direct and immediate change upon a
2 graphic arts product. Beginning on July 1, 2017, graphic arts
3 machinery and equipment is included in the manufacturing and
4 assembling machinery and equipment exemption under paragraph
5 (18).

6 (7) Farm chemicals.

7 (8) Legal tender, currency, medallions, or gold or silver
8 coinage issued by the State of Illinois, the government of the
9 United States of America, or the government of any foreign
10 country, and bullion.

11 (9) Personal property purchased from a teacher-sponsored
12 student organization affiliated with an elementary or
13 secondary school located in Illinois.

14 (10) A motor vehicle that is used for automobile renting,
15 as defined in the Automobile Renting Occupation and Use Tax
16 Act.

17 (11) Farm machinery and equipment, both new and used,
18 including that manufactured on special order, certified by the
19 purchaser to be used primarily for production agriculture or
20 State or federal agricultural programs, including individual
21 replacement parts for the machinery and equipment, including
22 machinery and equipment purchased for lease, and including
23 implements of husbandry defined in Section 1-130 of the
24 Illinois Vehicle Code, farm machinery and agricultural
25 chemical and fertilizer spreaders, and nurse wagons required to
26 be registered under Section 3-809 of the Illinois Vehicle Code,

1 but excluding other motor vehicles required to be registered
2 under the Illinois Vehicle Code. Horticultural polyhouses or
3 hoop houses used for propagating, growing, or overwintering
4 plants shall be considered farm machinery and equipment under
5 this item (11). Agricultural chemical tender tanks and dry
6 boxes shall include units sold separately from a motor vehicle
7 required to be licensed and units sold mounted on a motor
8 vehicle required to be licensed if the selling price of the
9 tender is separately stated.

10 Farm machinery and equipment shall include precision
11 farming equipment that is installed or purchased to be
12 installed on farm machinery and equipment including, but not
13 limited to, tractors, harvesters, sprayers, planters, seeders,
14 or spreaders. Precision farming equipment includes, but is not
15 limited to, soil testing sensors, computers, monitors,
16 software, global positioning and mapping systems, and other
17 such equipment.

18 Farm machinery and equipment also includes computers,
19 sensors, software, and related equipment used primarily in the
20 computer-assisted operation of production agriculture
21 facilities, equipment, and activities such as, but not limited
22 to, the collection, monitoring, and correlation of animal and
23 crop data for the purpose of formulating animal diets and
24 agricultural chemicals. This item (11) is exempt from the
25 provisions of Section 3-90.

26 (12) Until June 30, 2013, fuel and petroleum products sold

1 to or used by an air common carrier, certified by the carrier
2 to be used for consumption, shipment, or storage in the conduct
3 of its business as an air common carrier, for a flight destined
4 for or returning from a location or locations outside the
5 United States without regard to previous or subsequent domestic
6 stopovers.

7 Beginning July 1, 2013, fuel and petroleum products sold to
8 or used by an air carrier, certified by the carrier to be used
9 for consumption, shipment, or storage in the conduct of its
10 business as an air common carrier, for a flight that (i) is
11 engaged in foreign trade or is engaged in trade between the
12 United States and any of its possessions and (ii) transports at
13 least one individual or package for hire from the city of
14 origination to the city of final destination on the same
15 aircraft, without regard to a change in the flight number of
16 that aircraft.

17 (13) Proceeds of mandatory service charges separately
18 stated on customers' bills for the purchase and consumption of
19 food and beverages purchased at retail from a retailer, to the
20 extent that the proceeds of the service charge are in fact
21 turned over as tips or as a substitute for tips to the
22 employees who participate directly in preparing, serving,
23 hosting or cleaning up the food or beverage function with
24 respect to which the service charge is imposed.

25 (14) Until July 1, 2003, oil field exploration, drilling,
26 and production equipment, including (i) rigs and parts of rigs,

1 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and
2 tubular goods, including casing and drill strings, (iii) pumps
3 and pump-jack units, (iv) storage tanks and flow lines, (v) any
4 individual replacement part for oil field exploration,
5 drilling, and production equipment, and (vi) machinery and
6 equipment purchased for lease; but excluding motor vehicles
7 required to be registered under the Illinois Vehicle Code.

8 (15) Photoprocessing machinery and equipment, including
9 repair and replacement parts, both new and used, including that
10 manufactured on special order, certified by the purchaser to be
11 used primarily for photoprocessing, and including
12 photoprocessing machinery and equipment purchased for lease.

13 (16) Until July 1, 2023, coal and aggregate exploration,
14 mining, off-highway hauling, processing, maintenance, and
15 reclamation equipment, including replacement parts and
16 equipment, and including equipment purchased for lease, but
17 excluding motor vehicles required to be registered under the
18 Illinois Vehicle Code. The changes made to this Section by
19 Public Act 97-767 apply on and after July 1, 2003, but no claim
20 for credit or refund is allowed on or after August 16, 2013
21 (the effective date of Public Act 98-456) for such taxes paid
22 during the period beginning July 1, 2003 and ending on August
23 16, 2013 (the effective date of Public Act 98-456).

24 (17) Until July 1, 2003, distillation machinery and
25 equipment, sold as a unit or kit, assembled or installed by the
26 retailer, certified by the user to be used only for the

1 production of ethyl alcohol that will be used for consumption
2 as motor fuel or as a component of motor fuel for the personal
3 use of the user, and not subject to sale or resale.

4 (18) Manufacturing and assembling machinery and equipment
5 used primarily in the process of manufacturing or assembling
6 tangible personal property for wholesale or retail sale or
7 lease, whether that sale or lease is made directly by the
8 manufacturer or by some other person, whether the materials
9 used in the process are owned by the manufacturer or some other
10 person, or whether that sale or lease is made apart from or as
11 an incident to the seller's engaging in the service occupation
12 of producing machines, tools, dies, jigs, patterns, gauges, or
13 other similar items of no commercial value on special order for
14 a particular purchaser. The exemption provided by this
15 paragraph (18) does not include machinery and equipment used in
16 (i) the generation of electricity for wholesale or retail sale;
17 (ii) the generation or treatment of natural or artificial gas
18 for wholesale or retail sale that is delivered to customers
19 through pipes, pipelines, or mains; or (iii) the treatment of
20 water for wholesale or retail sale that is delivered to
21 customers through pipes, pipelines, or mains. The provisions of
22 Public Act 98-583 are declaratory of existing law as to the
23 meaning and scope of this exemption. Beginning on July 1, 2017,
24 the exemption provided by this paragraph (18) includes, but is
25 not limited to, graphic arts machinery and equipment, as
26 defined in paragraph (6) of this Section.

1 (19) Personal property delivered to a purchaser or
2 purchaser's donee inside Illinois when the purchase order for
3 that personal property was received by a florist located
4 outside Illinois who has a florist located inside Illinois
5 deliver the personal property.

6 (20) Semen used for artificial insemination of livestock
7 for direct agricultural production.

8 (21) Horses, or interests in horses, registered with and
9 meeting the requirements of any of the Arabian Horse Club
10 Registry of America, Appaloosa Horse Club, American Quarter
11 Horse Association, United States Trotting Association, or
12 Jockey Club, as appropriate, used for purposes of breeding or
13 racing for prizes. This item (21) is exempt from the provisions
14 of Section 3-90, and the exemption provided for under this item
15 (21) applies for all periods beginning May 30, 1995, but no
16 claim for credit or refund is allowed on or after January 1,
17 2008 for such taxes paid during the period beginning May 30,
18 2000 and ending on January 1, 2008.

19 (22) Computers and communications equipment utilized for
20 any hospital purpose and equipment used in the diagnosis,
21 analysis, or treatment of hospital patients purchased by a
22 lessor who leases the equipment, under a lease of one year or
23 longer executed or in effect at the time the lessor would
24 otherwise be subject to the tax imposed by this Act, to a
25 hospital that has been issued an active tax exemption
26 identification number by the Department under Section 1g of the

1 Retailers' Occupation Tax Act. If the equipment is leased in a
2 manner that does not qualify for this exemption or is used in
3 any other non-exempt manner, the lessor shall be liable for the
4 tax imposed under this Act or the Service Use Tax Act, as the
5 case may be, based on the fair market value of the property at
6 the time the non-qualifying use occurs. No lessor shall collect
7 or attempt to collect an amount (however designated) that
8 purports to reimburse that lessor for the tax imposed by this
9 Act or the Service Use Tax Act, as the case may be, if the tax
10 has not been paid by the lessor. If a lessor improperly
11 collects any such amount from the lessee, the lessee shall have
12 a legal right to claim a refund of that amount from the lessor.
13 If, however, that amount is not refunded to the lessee for any
14 reason, the lessor is liable to pay that amount to the
15 Department.

16 (23) Personal property purchased by a lessor who leases the
17 property, under a lease of one year or longer executed or in
18 effect at the time the lessor would otherwise be subject to the
19 tax imposed by this Act, to a governmental body that has been
20 issued an active sales tax exemption identification number by
21 the Department under Section 1g of the Retailers' Occupation
22 Tax Act. If the property is leased in a manner that does not
23 qualify for this exemption or used in any other non-exempt
24 manner, the lessor shall be liable for the tax imposed under
25 this Act or the Service Use Tax Act, as the case may be, based
26 on the fair market value of the property at the time the

1 non-qualifying use occurs. No lessor shall collect or attempt
2 to collect an amount (however designated) that purports to
3 reimburse that lessor for the tax imposed by this Act or the
4 Service Use Tax Act, as the case may be, if the tax has not been
5 paid by the lessor. If a lessor improperly collects any such
6 amount from the lessee, the lessee shall have a legal right to
7 claim a refund of that amount from the lessor. If, however,
8 that amount is not refunded to the lessee for any reason, the
9 lessor is liable to pay that amount to the Department.

10 (24) Beginning with taxable years ending on or after
11 December 31, 1995 and ending with taxable years ending on or
12 before December 31, 2004, personal property that is donated for
13 disaster relief to be used in a State or federally declared
14 disaster area in Illinois or bordering Illinois by a
15 manufacturer or retailer that is registered in this State to a
16 corporation, society, association, foundation, or institution
17 that has been issued a sales tax exemption identification
18 number by the Department that assists victims of the disaster
19 who reside within the declared disaster area.

20 (25) Beginning with taxable years ending on or after
21 December 31, 1995 and ending with taxable years ending on or
22 before December 31, 2004, personal property that is used in the
23 performance of infrastructure repairs in this State, including
24 but not limited to municipal roads and streets, access roads,
25 bridges, sidewalks, waste disposal systems, water and sewer
26 line extensions, water distribution and purification

1 facilities, storm water drainage and retention facilities, and
2 sewage treatment facilities, resulting from a State or
3 federally declared disaster in Illinois or bordering Illinois
4 when such repairs are initiated on facilities located in the
5 declared disaster area within 6 months after the disaster.

6 (26) Beginning July 1, 1999, game or game birds purchased
7 at a "game breeding and hunting preserve area" as that term is
8 used in the Wildlife Code. This paragraph is exempt from the
9 provisions of Section 3-90.

10 (27) A motor vehicle, as that term is defined in Section
11 1-146 of the Illinois Vehicle Code, that is donated to a
12 corporation, limited liability company, society, association,
13 foundation, or institution that is determined by the Department
14 to be organized and operated exclusively for educational
15 purposes. For purposes of this exemption, "a corporation,
16 limited liability company, society, association, foundation,
17 or institution organized and operated exclusively for
18 educational purposes" means all tax-supported public schools,
19 private schools that offer systematic instruction in useful
20 branches of learning by methods common to public schools and
21 that compare favorably in their scope and intensity with the
22 course of study presented in tax-supported schools, and
23 vocational or technical schools or institutes organized and
24 operated exclusively to provide a course of study of not less
25 than 6 weeks duration and designed to prepare individuals to
26 follow a trade or to pursue a manual, technical, mechanical,

1 industrial, business, or commercial occupation.

2 (28) Beginning January 1, 2000, personal property,
3 including food, purchased through fundraising events for the
4 benefit of a public or private elementary or secondary school,
5 a group of those schools, or one or more school districts if
6 the events are sponsored by an entity recognized by the school
7 district that consists primarily of volunteers and includes
8 parents and teachers of the school children. This paragraph
9 does not apply to fundraising events (i) for the benefit of
10 private home instruction or (ii) for which the fundraising
11 entity purchases the personal property sold at the events from
12 another individual or entity that sold the property for the
13 purpose of resale by the fundraising entity and that profits
14 from the sale to the fundraising entity. This paragraph is
15 exempt from the provisions of Section 3-90.

16 (29) Beginning January 1, 2000 and through December 31,
17 2001, new or used automatic vending machines that prepare and
18 serve hot food and beverages, including coffee, soup, and other
19 items, and replacement parts for these machines. Beginning
20 January 1, 2002 and through June 30, 2003, machines and parts
21 for machines used in commercial, coin-operated amusement and
22 vending business if a use or occupation tax is paid on the
23 gross receipts derived from the use of the commercial,
24 coin-operated amusement and vending machines. This paragraph
25 is exempt from the provisions of Section 3-90.

26 (30) Beginning January 1, 2001 and through June 30, 2016,

1 food for human consumption that is to be consumed off the
2 premises where it is sold (other than alcoholic beverages, soft
3 drinks, and food that has been prepared for immediate
4 consumption) and prescription and nonprescription medicines,
5 drugs, medical appliances, and insulin, urine testing
6 materials, syringes, and needles used by diabetics, for human
7 use, when purchased for use by a person receiving medical
8 assistance under Article V of the Illinois Public Aid Code who
9 resides in a licensed long-term care facility, as defined in
10 the Nursing Home Care Act, or in a licensed facility as defined
11 in the ID/DD Community Care Act, the MC/DD Act, or the
12 Specialized Mental Health Rehabilitation Act of 2013.

13 (31) Beginning on August 2, 2001 (the effective date of
14 Public Act 92-227), computers and communications equipment
15 utilized for any hospital purpose and equipment used in the
16 diagnosis, analysis, or treatment of hospital patients
17 purchased by a lessor who leases the equipment, under a lease
18 of one year or longer executed or in effect at the time the
19 lessor would otherwise be subject to the tax imposed by this
20 Act, to a hospital that has been issued an active tax exemption
21 identification number by the Department under Section 1g of the
22 Retailers' Occupation Tax Act. If the equipment is leased in a
23 manner that does not qualify for this exemption or is used in
24 any other nonexempt manner, the lessor shall be liable for the
25 tax imposed under this Act or the Service Use Tax Act, as the
26 case may be, based on the fair market value of the property at

1 the time the nonqualifying use occurs. No lessor shall collect
2 or attempt to collect an amount (however designated) that
3 purports to reimburse that lessor for the tax imposed by this
4 Act or the Service Use Tax Act, as the case may be, if the tax
5 has not been paid by the lessor. If a lessor improperly
6 collects any such amount from the lessee, the lessee shall have
7 a legal right to claim a refund of that amount from the lessor.
8 If, however, that amount is not refunded to the lessee for any
9 reason, the lessor is liable to pay that amount to the
10 Department. This paragraph is exempt from the provisions of
11 Section 3-90.

12 (32) Beginning on August 2, 2001 (the effective date of
13 Public Act 92-227), personal property purchased by a lessor who
14 leases the property, under a lease of one year or longer
15 executed or in effect at the time the lessor would otherwise be
16 subject to the tax imposed by this Act, to a governmental body
17 that has been issued an active sales tax exemption
18 identification number by the Department under Section 1g of the
19 Retailers' Occupation Tax Act. If the property is leased in a
20 manner that does not qualify for this exemption or used in any
21 other nonexempt manner, the lessor shall be liable for the tax
22 imposed under this Act or the Service Use Tax Act, as the case
23 may be, based on the fair market value of the property at the
24 time the nonqualifying use occurs. No lessor shall collect or
25 attempt to collect an amount (however designated) that purports
26 to reimburse that lessor for the tax imposed by this Act or the

1 Service Use Tax Act, as the case may be, if the tax has not been
2 paid by the lessor. If a lessor improperly collects any such
3 amount from the lessee, the lessee shall have a legal right to
4 claim a refund of that amount from the lessor. If, however,
5 that amount is not refunded to the lessee for any reason, the
6 lessor is liable to pay that amount to the Department. This
7 paragraph is exempt from the provisions of Section 3-90.

8 (33) On and after July 1, 2003 and through June 30, 2004,
9 the use in this State of motor vehicles of the second division
10 with a gross vehicle weight in excess of 8,000 pounds and that
11 are subject to the commercial distribution fee imposed under
12 Section 3-815.1 of the Illinois Vehicle Code. Beginning on July
13 1, 2004 and through June 30, 2005, the use in this State of
14 motor vehicles of the second division: (i) with a gross vehicle
15 weight rating in excess of 8,000 pounds; (ii) that are subject
16 to the commercial distribution fee imposed under Section
17 3-815.1 of the Illinois Vehicle Code; and (iii) that are
18 primarily used for commercial purposes. Through June 30, 2005,
19 this exemption applies to repair and replacement parts added
20 after the initial purchase of such a motor vehicle if that
21 motor vehicle is used in a manner that would qualify for the
22 rolling stock exemption otherwise provided for in this Act. For
23 purposes of this paragraph, the term "used for commercial
24 purposes" means the transportation of persons or property in
25 furtherance of any commercial or industrial enterprise,
26 whether for-hire or not.

1 (34) Beginning January 1, 2008, tangible personal property
2 used in the construction or maintenance of a community water
3 supply, as defined under Section 3.145 of the Environmental
4 Protection Act, that is operated by a not-for-profit
5 corporation that holds a valid water supply permit issued under
6 Title IV of the Environmental Protection Act. This paragraph is
7 exempt from the provisions of Section 3-90.

8 (35) Beginning January 1, 2010, materials, parts,
9 equipment, components, and furnishings incorporated into or
10 upon an aircraft as part of the modification, refurbishment,
11 completion, replacement, repair, or maintenance of the
12 aircraft. This exemption includes consumable supplies used in
13 the modification, refurbishment, completion, replacement,
14 repair, and maintenance of aircraft, but excludes any
15 materials, parts, equipment, components, and consumable
16 supplies used in the modification, replacement, repair, and
17 maintenance of aircraft engines or power plants, whether such
18 engines or power plants are installed or uninstalled upon any
19 such aircraft. "Consumable supplies" include, but are not
20 limited to, adhesive, tape, sandpaper, general purpose
21 lubricants, cleaning solution, latex gloves, and protective
22 films. This exemption applies only to the use of qualifying
23 tangible personal property by persons who modify, refurbish,
24 complete, repair, replace, or maintain aircraft and who (i)
25 hold an Air Agency Certificate and are empowered to operate an
26 approved repair station by the Federal Aviation

1 Administration, (ii) have a Class IV Rating, and (iii) conduct
2 operations in accordance with Part 145 of the Federal Aviation
3 Regulations. The exemption does not include aircraft operated
4 by a commercial air carrier providing scheduled passenger air
5 service pursuant to authority issued under Part 121 or Part 129
6 of the Federal Aviation Regulations. The changes made to this
7 paragraph (35) by Public Act 98-534 are declarative of existing
8 law.

9 (36) Tangible personal property purchased by a
10 public-facilities corporation, as described in Section
11 11-65-10 of the Illinois Municipal Code, for purposes of
12 constructing or furnishing a municipal convention hall, but
13 only if the legal title to the municipal convention hall is
14 transferred to the municipality without any further
15 consideration by or on behalf of the municipality at the time
16 of the completion of the municipal convention hall or upon the
17 retirement or redemption of any bonds or other debt instruments
18 issued by the public-facilities corporation in connection with
19 the development of the municipal convention hall. This
20 exemption includes existing public-facilities corporations as
21 provided in Section 11-65-25 of the Illinois Municipal Code.
22 This paragraph is exempt from the provisions of Section 3-90.

23 (37) Beginning January 1, 2017, menstrual pads, tampons,
24 and menstrual cups.

25 (38) Merchandise that is subject to the Rental Purchase
26 Agreement Occupation and Use Tax. The purchaser must certify

1 that the item is purchased to be rented subject to a rental
2 purchase agreement, as defined in the Rental Purchase Agreement
3 Act, and provide proof of registration under the Rental
4 Purchase Agreement Occupation and Use Tax Act. This paragraph
5 is exempt from the provisions of Section 3-90.

6 (39) Tangible personal property purchased by a purchaser
7 who is exempt from the tax imposed by this Act by operation of
8 federal law. This paragraph is exempt from the provisions of
9 Section 3-90.

10 (Source: P.A. 99-180, eff. 7-29-15; 99-855, eff. 8-19-16;
11 100-22, eff. 7-6-17; 100-437, eff. 1-1-18; 100-594, eff.
12 6-29-18; 100-863, eff. 8-14-18; 100-1171, eff. 1-4-19; revised
13 1-8-19.)

14 Section 290. The Service Use Tax Act is amended by changing
15 Section 3-5 as follows:

16 (35 ILCS 110/3-5)

17 Sec. 3-5. Exemptions. Use of the following tangible
18 personal property is exempt from the tax imposed by this Act:

19 (1) Personal property purchased from a corporation,
20 society, association, foundation, institution, or
21 organization, other than a limited liability company, that is
22 organized and operated as a not-for-profit service enterprise
23 for the benefit of persons 65 years of age or older if the
24 personal property was not purchased by the enterprise for the

1 purpose of resale by the enterprise.

2 (2) Personal property purchased by a non-profit Illinois
3 county fair association for use in conducting, operating, or
4 promoting the county fair.

5 (3) Personal property purchased by a not-for-profit arts or
6 cultural organization that establishes, by proof required by
7 the Department by rule, that it has received an exemption under
8 Section 501(c)(3) of the Internal Revenue Code and that is
9 organized and operated primarily for the presentation or
10 support of arts or cultural programming, activities, or
11 services. These organizations include, but are not limited to,
12 music and dramatic arts organizations such as symphony
13 orchestras and theatrical groups, arts and cultural service
14 organizations, local arts councils, visual arts organizations,
15 and media arts organizations. On and after July 1, 2001 (the
16 effective date of Public Act 92-35) ~~this amendatory Act of the~~
17 ~~92nd General Assembly~~, however, an entity otherwise eligible
18 for this exemption shall not make tax-free purchases unless it
19 has an active identification number issued by the Department.

20 (4) Legal tender, currency, medallions, or gold or silver
21 coinage issued by the State of Illinois, the government of the
22 United States of America, or the government of any foreign
23 country, and bullion.

24 (5) Until July 1, 2003 and beginning again on September 1,
25 2004 through August 30, 2014, graphic arts machinery and
26 equipment, including repair and replacement parts, both new and

1 used, and including that manufactured on special order or
2 purchased for lease, certified by the purchaser to be used
3 primarily for graphic arts production. Equipment includes
4 chemicals or chemicals acting as catalysts but only if the
5 chemicals or chemicals acting as catalysts effect a direct and
6 immediate change upon a graphic arts product. Beginning on July
7 1, 2017, graphic arts machinery and equipment is included in
8 the manufacturing and assembling machinery and equipment
9 exemption under Section 2 of this Act.

10 (6) Personal property purchased from a teacher-sponsored
11 student organization affiliated with an elementary or
12 secondary school located in Illinois.

13 (7) Farm machinery and equipment, both new and used,
14 including that manufactured on special order, certified by the
15 purchaser to be used primarily for production agriculture or
16 State or federal agricultural programs, including individual
17 replacement parts for the machinery and equipment, including
18 machinery and equipment purchased for lease, and including
19 implements of husbandry defined in Section 1-130 of the
20 Illinois Vehicle Code, farm machinery and agricultural
21 chemical and fertilizer spreaders, and nurse wagons required to
22 be registered under Section 3-809 of the Illinois Vehicle Code,
23 but excluding other motor vehicles required to be registered
24 under the Illinois Vehicle Code. Horticultural polyhouses or
25 hoop houses used for propagating, growing, or overwintering
26 plants shall be considered farm machinery and equipment under

1 this item (7). Agricultural chemical tender tanks and dry boxes
2 shall include units sold separately from a motor vehicle
3 required to be licensed and units sold mounted on a motor
4 vehicle required to be licensed if the selling price of the
5 tender is separately stated.

6 Farm machinery and equipment shall include precision
7 farming equipment that is installed or purchased to be
8 installed on farm machinery and equipment including, but not
9 limited to, tractors, harvesters, sprayers, planters, seeders,
10 or spreaders. Precision farming equipment includes, but is not
11 limited to, soil testing sensors, computers, monitors,
12 software, global positioning and mapping systems, and other
13 such equipment.

14 Farm machinery and equipment also includes computers,
15 sensors, software, and related equipment used primarily in the
16 computer-assisted operation of production agriculture
17 facilities, equipment, and activities such as, but not limited
18 to, the collection, monitoring, and correlation of animal and
19 crop data for the purpose of formulating animal diets and
20 agricultural chemicals. This item (7) is exempt from the
21 provisions of Section 3-75.

22 (8) Until June 30, 2013, fuel and petroleum products sold
23 to or used by an air common carrier, certified by the carrier
24 to be used for consumption, shipment, or storage in the conduct
25 of its business as an air common carrier, for a flight destined
26 for or returning from a location or locations outside the

1 United States without regard to previous or subsequent domestic
2 stopovers.

3 Beginning July 1, 2013, fuel and petroleum products sold to
4 or used by an air carrier, certified by the carrier to be used
5 for consumption, shipment, or storage in the conduct of its
6 business as an air common carrier, for a flight that (i) is
7 engaged in foreign trade or is engaged in trade between the
8 United States and any of its possessions and (ii) transports at
9 least one individual or package for hire from the city of
10 origination to the city of final destination on the same
11 aircraft, without regard to a change in the flight number of
12 that aircraft.

13 (9) Proceeds of mandatory service charges separately
14 stated on customers' bills for the purchase and consumption of
15 food and beverages acquired as an incident to the purchase of a
16 service from a serviceman, to the extent that the proceeds of
17 the service charge are in fact turned over as tips or as a
18 substitute for tips to the employees who participate directly
19 in preparing, serving, hosting or cleaning up the food or
20 beverage function with respect to which the service charge is
21 imposed.

22 (10) Until July 1, 2003, oil field exploration, drilling,
23 and production equipment, including (i) rigs and parts of rigs,
24 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and
25 tubular goods, including casing and drill strings, (iii) pumps
26 and pump-jack units, (iv) storage tanks and flow lines, (v) any

1 individual replacement part for oil field exploration,
2 drilling, and production equipment, and (vi) machinery and
3 equipment purchased for lease; but excluding motor vehicles
4 required to be registered under the Illinois Vehicle Code.

5 (11) Proceeds from the sale of photoprocessing machinery
6 and equipment, including repair and replacement parts, both new
7 and used, including that manufactured on special order,
8 certified by the purchaser to be used primarily for
9 photoprocessing, and including photoprocessing machinery and
10 equipment purchased for lease.

11 (12) Until July 1, 2023, coal and aggregate exploration,
12 mining, off-highway hauling, processing, maintenance, and
13 reclamation equipment, including replacement parts and
14 equipment, and including equipment purchased for lease, but
15 excluding motor vehicles required to be registered under the
16 Illinois Vehicle Code. The changes made to this Section by
17 Public Act 97-767 apply on and after July 1, 2003, but no claim
18 for credit or refund is allowed on or after August 16, 2013
19 (the effective date of Public Act 98-456) for such taxes paid
20 during the period beginning July 1, 2003 and ending on August
21 16, 2013 (the effective date of Public Act 98-456).

22 (13) Semen used for artificial insemination of livestock
23 for direct agricultural production.

24 (14) Horses, or interests in horses, registered with and
25 meeting the requirements of any of the Arabian Horse Club
26 Registry of America, Appaloosa Horse Club, American Quarter

1 Horse Association, United States Trotting Association, or
2 Jockey Club, as appropriate, used for purposes of breeding or
3 racing for prizes. This item (14) is exempt from the provisions
4 of Section 3-75, and the exemption provided for under this item
5 (14) applies for all periods beginning May 30, 1995, but no
6 claim for credit or refund is allowed on or after January 1,
7 2008 (the effective date of Public Act 95-88) ~~this amendatory~~
8 ~~Act of the 95th General Assembly~~ for such taxes paid during the
9 period beginning May 30, 2000 and ending on January 1, 2008
10 (the effective date of Public Act 95-88) ~~this amendatory Act of~~
11 ~~the 95th General Assembly.~~

12 (15) Computers and communications equipment utilized for
13 any hospital purpose and equipment used in the diagnosis,
14 analysis, or treatment of hospital patients purchased by a
15 lessor who leases the equipment, under a lease of one year or
16 longer executed or in effect at the time the lessor would
17 otherwise be subject to the tax imposed by this Act, to a
18 hospital that has been issued an active tax exemption
19 identification number by the Department under Section 1g of the
20 Retailers' Occupation Tax Act. If the equipment is leased in a
21 manner that does not qualify for this exemption or is used in
22 any other non-exempt manner, the lessor shall be liable for the
23 tax imposed under this Act or the Use Tax Act, as the case may
24 be, based on the fair market value of the property at the time
25 the non-qualifying use occurs. No lessor shall collect or
26 attempt to collect an amount (however designated) that purports

1 to reimburse that lessor for the tax imposed by this Act or the
2 Use Tax Act, as the case may be, if the tax has not been paid by
3 the lessor. If a lessor improperly collects any such amount
4 from the lessee, the lessee shall have a legal right to claim a
5 refund of that amount from the lessor. If, however, that amount
6 is not refunded to the lessee for any reason, the lessor is
7 liable to pay that amount to the Department.

8 (16) Personal property purchased by a lessor who leases the
9 property, under a lease of one year or longer executed or in
10 effect at the time the lessor would otherwise be subject to the
11 tax imposed by this Act, to a governmental body that has been
12 issued an active tax exemption identification number by the
13 Department under Section 1g of the Retailers' Occupation Tax
14 Act. If the property is leased in a manner that does not
15 qualify for this exemption or is used in any other non-exempt
16 manner, the lessor shall be liable for the tax imposed under
17 this Act or the Use Tax Act, as the case may be, based on the
18 fair market value of the property at the time the
19 non-qualifying use occurs. No lessor shall collect or attempt
20 to collect an amount (however designated) that purports to
21 reimburse that lessor for the tax imposed by this Act or the
22 Use Tax Act, as the case may be, if the tax has not been paid by
23 the lessor. If a lessor improperly collects any such amount
24 from the lessee, the lessee shall have a legal right to claim a
25 refund of that amount from the lessor. If, however, that amount
26 is not refunded to the lessee for any reason, the lessor is

1 liable to pay that amount to the Department.

2 (17) Beginning with taxable years ending on or after
3 December 31, 1995 and ending with taxable years ending on or
4 before December 31, 2004, personal property that is donated for
5 disaster relief to be used in a State or federally declared
6 disaster area in Illinois or bordering Illinois by a
7 manufacturer or retailer that is registered in this State to a
8 corporation, society, association, foundation, or institution
9 that has been issued a sales tax exemption identification
10 number by the Department that assists victims of the disaster
11 who reside within the declared disaster area.

12 (18) Beginning with taxable years ending on or after
13 December 31, 1995 and ending with taxable years ending on or
14 before December 31, 2004, personal property that is used in the
15 performance of infrastructure repairs in this State, including
16 but not limited to municipal roads and streets, access roads,
17 bridges, sidewalks, waste disposal systems, water and sewer
18 line extensions, water distribution and purification
19 facilities, storm water drainage and retention facilities, and
20 sewage treatment facilities, resulting from a State or
21 federally declared disaster in Illinois or bordering Illinois
22 when such repairs are initiated on facilities located in the
23 declared disaster area within 6 months after the disaster.

24 (19) Beginning July 1, 1999, game or game birds purchased
25 at a "game breeding and hunting preserve area" as that term is
26 used in the Wildlife Code. This paragraph is exempt from the

1 provisions of Section 3-75.

2 (20) A motor vehicle, as that term is defined in Section
3 1-146 of the Illinois Vehicle Code, that is donated to a
4 corporation, limited liability company, society, association,
5 foundation, or institution that is determined by the Department
6 to be organized and operated exclusively for educational
7 purposes. For purposes of this exemption, "a corporation,
8 limited liability company, society, association, foundation,
9 or institution organized and operated exclusively for
10 educational purposes" means all tax-supported public schools,
11 private schools that offer systematic instruction in useful
12 branches of learning by methods common to public schools and
13 that compare favorably in their scope and intensity with the
14 course of study presented in tax-supported schools, and
15 vocational or technical schools or institutes organized and
16 operated exclusively to provide a course of study of not less
17 than 6 weeks duration and designed to prepare individuals to
18 follow a trade or to pursue a manual, technical, mechanical,
19 industrial, business, or commercial occupation.

20 (21) Beginning January 1, 2000, personal property,
21 including food, purchased through fundraising events for the
22 benefit of a public or private elementary or secondary school,
23 a group of those schools, or one or more school districts if
24 the events are sponsored by an entity recognized by the school
25 district that consists primarily of volunteers and includes
26 parents and teachers of the school children. This paragraph

1 does not apply to fundraising events (i) for the benefit of
2 private home instruction or (ii) for which the fundraising
3 entity purchases the personal property sold at the events from
4 another individual or entity that sold the property for the
5 purpose of resale by the fundraising entity and that profits
6 from the sale to the fundraising entity. This paragraph is
7 exempt from the provisions of Section 3-75.

8 (22) Beginning January 1, 2000 and through December 31,
9 2001, new or used automatic vending machines that prepare and
10 serve hot food and beverages, including coffee, soup, and other
11 items, and replacement parts for these machines. Beginning
12 January 1, 2002 and through June 30, 2003, machines and parts
13 for machines used in commercial, coin-operated amusement and
14 vending business if a use or occupation tax is paid on the
15 gross receipts derived from the use of the commercial,
16 coin-operated amusement and vending machines. This paragraph
17 is exempt from the provisions of Section 3-75.

18 (23) Beginning August 23, 2001 and through June 30, 2016,
19 food for human consumption that is to be consumed off the
20 premises where it is sold (other than alcoholic beverages, soft
21 drinks, and food that has been prepared for immediate
22 consumption) and prescription and nonprescription medicines,
23 drugs, medical appliances, and insulin, urine testing
24 materials, syringes, and needles used by diabetics, for human
25 use, when purchased for use by a person receiving medical
26 assistance under Article V of the Illinois Public Aid Code who

1 resides in a licensed long-term care facility, as defined in
2 the Nursing Home Care Act, or in a licensed facility as defined
3 in the ID/DD Community Care Act, the MC/DD Act, or the
4 Specialized Mental Health Rehabilitation Act of 2013.

5 (24) Beginning on August 2, 2001 (the effective date of
6 Public Act 92-227) ~~this amendatory Act of the 92nd General~~
7 ~~Assembly~~, computers and communications equipment utilized for
8 any hospital purpose and equipment used in the diagnosis,
9 analysis, or treatment of hospital patients purchased by a
10 lessor who leases the equipment, under a lease of one year or
11 longer executed or in effect at the time the lessor would
12 otherwise be subject to the tax imposed by this Act, to a
13 hospital that has been issued an active tax exemption
14 identification number by the Department under Section 1g of the
15 Retailers' Occupation Tax Act. If the equipment is leased in a
16 manner that does not qualify for this exemption or is used in
17 any other nonexempt manner, the lessor shall be liable for the
18 tax imposed under this Act or the Use Tax Act, as the case may
19 be, based on the fair market value of the property at the time
20 the nonqualifying use occurs. No lessor shall collect or
21 attempt to collect an amount (however designated) that purports
22 to reimburse that lessor for the tax imposed by this Act or the
23 Use Tax Act, as the case may be, if the tax has not been paid by
24 the lessor. If a lessor improperly collects any such amount
25 from the lessee, the lessee shall have a legal right to claim a
26 refund of that amount from the lessor. If, however, that amount

1 is not refunded to the lessee for any reason, the lessor is
2 liable to pay that amount to the Department. This paragraph is
3 exempt from the provisions of Section 3-75.

4 (25) Beginning on August 2, 2001 (the effective date of
5 Public Act 92-227) ~~this amendatory Act of the 92nd General~~
6 ~~Assembly~~, personal property purchased by a lessor who leases
7 the property, under a lease of one year or longer executed or
8 in effect at the time the lessor would otherwise be subject to
9 the tax imposed by this Act, to a governmental body that has
10 been issued an active tax exemption identification number by
11 the Department under Section 1g of the Retailers' Occupation
12 Tax Act. If the property is leased in a manner that does not
13 qualify for this exemption or is used in any other nonexempt
14 manner, the lessor shall be liable for the tax imposed under
15 this Act or the Use Tax Act, as the case may be, based on the
16 fair market value of the property at the time the nonqualifying
17 use occurs. No lessor shall collect or attempt to collect an
18 amount (however designated) that purports to reimburse that
19 lessor for the tax imposed by this Act or the Use Tax Act, as
20 the case may be, if the tax has not been paid by the lessor. If
21 a lessor improperly collects any such amount from the lessee,
22 the lessee shall have a legal right to claim a refund of that
23 amount from the lessor. If, however, that amount is not
24 refunded to the lessee for any reason, the lessor is liable to
25 pay that amount to the Department. This paragraph is exempt
26 from the provisions of Section 3-75.

1 (26) Beginning January 1, 2008, tangible personal property
2 used in the construction or maintenance of a community water
3 supply, as defined under Section 3.145 of the Environmental
4 Protection Act, that is operated by a not-for-profit
5 corporation that holds a valid water supply permit issued under
6 Title IV of the Environmental Protection Act. This paragraph is
7 exempt from the provisions of Section 3-75.

8 (27) Beginning January 1, 2010, materials, parts,
9 equipment, components, and furnishings incorporated into or
10 upon an aircraft as part of the modification, refurbishment,
11 completion, replacement, repair, or maintenance of the
12 aircraft. This exemption includes consumable supplies used in
13 the modification, refurbishment, completion, replacement,
14 repair, and maintenance of aircraft, but excludes any
15 materials, parts, equipment, components, and consumable
16 supplies used in the modification, replacement, repair, and
17 maintenance of aircraft engines or power plants, whether such
18 engines or power plants are installed or uninstalled upon any
19 such aircraft. "Consumable supplies" include, but are not
20 limited to, adhesive, tape, sandpaper, general purpose
21 lubricants, cleaning solution, latex gloves, and protective
22 films. This exemption applies only to the use of qualifying
23 tangible personal property transferred incident to the
24 modification, refurbishment, completion, replacement, repair,
25 or maintenance of aircraft by persons who (i) hold an Air
26 Agency Certificate and are empowered to operate an approved

1 repair station by the Federal Aviation Administration, (ii)
2 have a Class IV Rating, and (iii) conduct operations in
3 accordance with Part 145 of the Federal Aviation Regulations.
4 The exemption does not include aircraft operated by a
5 commercial air carrier providing scheduled passenger air
6 service pursuant to authority issued under Part 121 or Part 129
7 of the Federal Aviation Regulations. The changes made to this
8 paragraph (27) by Public Act 98-534 are declarative of existing
9 law.

10 (28) Tangible personal property purchased by a
11 public-facilities corporation, as described in Section
12 11-65-10 of the Illinois Municipal Code, for purposes of
13 constructing or furnishing a municipal convention hall, but
14 only if the legal title to the municipal convention hall is
15 transferred to the municipality without any further
16 consideration by or on behalf of the municipality at the time
17 of the completion of the municipal convention hall or upon the
18 retirement or redemption of any bonds or other debt instruments
19 issued by the public-facilities corporation in connection with
20 the development of the municipal convention hall. This
21 exemption includes existing public-facilities corporations as
22 provided in Section 11-65-25 of the Illinois Municipal Code.
23 This paragraph is exempt from the provisions of Section 3-75.

24 (29) Beginning January 1, 2017, menstrual pads, tampons,
25 and menstrual cups.

26 (30) Tangible personal property transferred to a purchaser

1 who is exempt from the tax imposed by this Act by operation of
2 federal law. This paragraph is exempt from the provisions of
3 Section 3-75.

4 (Source: P.A. 99-180, eff. 7-29-15; 99-855, eff. 8-19-16;
5 100-22, eff. 7-6-17; 100-594, eff. 6-29-18; 100-1171, eff.
6 1-4-19; revised 1-8-19.)

7 Section 295. The Service Occupation Tax Act is amended by
8 changing Section 3-5 as follows:

9 (35 ILCS 115/3-5)

10 Sec. 3-5. Exemptions. The following tangible personal
11 property is exempt from the tax imposed by this Act:

12 (1) Personal property sold by a corporation, society,
13 association, foundation, institution, or organization, other
14 than a limited liability company, that is organized and
15 operated as a not-for-profit service enterprise for the benefit
16 of persons 65 years of age or older if the personal property
17 was not purchased by the enterprise for the purpose of resale
18 by the enterprise.

19 (2) Personal property purchased by a not-for-profit
20 Illinois county fair association for use in conducting,
21 operating, or promoting the county fair.

22 (3) Personal property purchased by any not-for-profit arts
23 or cultural organization that establishes, by proof required by
24 the Department by rule, that it has received an exemption under

1 Section 501(c)(3) of the Internal Revenue Code and that is
2 organized and operated primarily for the presentation or
3 support of arts or cultural programming, activities, or
4 services. These organizations include, but are not limited to,
5 music and dramatic arts organizations such as symphony
6 orchestras and theatrical groups, arts and cultural service
7 organizations, local arts councils, visual arts organizations,
8 and media arts organizations. On and after July 1, 2001 (the
9 effective date of Public Act 92-35) ~~this amendatory Act of the~~
10 ~~92nd General Assembly~~, however, an entity otherwise eligible
11 for this exemption shall not make tax-free purchases unless it
12 has an active identification number issued by the Department.

13 (4) Legal tender, currency, medallions, or gold or silver
14 coinage issued by the State of Illinois, the government of the
15 United States of America, or the government of any foreign
16 country, and bullion.

17 (5) Until July 1, 2003 and beginning again on September 1,
18 2004 through August 30, 2014, graphic arts machinery and
19 equipment, including repair and replacement parts, both new and
20 used, and including that manufactured on special order or
21 purchased for lease, certified by the purchaser to be used
22 primarily for graphic arts production. Equipment includes
23 chemicals or chemicals acting as catalysts but only if the
24 chemicals or chemicals acting as catalysts effect a direct and
25 immediate change upon a graphic arts product. Beginning on July
26 1, 2017, graphic arts machinery and equipment is included in

1 the manufacturing and assembling machinery and equipment
2 exemption under Section 2 of this Act.

3 (6) Personal property sold by a teacher-sponsored student
4 organization affiliated with an elementary or secondary school
5 located in Illinois.

6 (7) Farm machinery and equipment, both new and used,
7 including that manufactured on special order, certified by the
8 purchaser to be used primarily for production agriculture or
9 State or federal agricultural programs, including individual
10 replacement parts for the machinery and equipment, including
11 machinery and equipment purchased for lease, and including
12 implements of husbandry defined in Section 1-130 of the
13 Illinois Vehicle Code, farm machinery and agricultural
14 chemical and fertilizer spreaders, and nurse wagons required to
15 be registered under Section 3-809 of the Illinois Vehicle Code,
16 but excluding other motor vehicles required to be registered
17 under the Illinois Vehicle Code. Horticultural polyhouses or
18 hoop houses used for propagating, growing, or overwintering
19 plants shall be considered farm machinery and equipment under
20 this item (7). Agricultural chemical tender tanks and dry boxes
21 shall include units sold separately from a motor vehicle
22 required to be licensed and units sold mounted on a motor
23 vehicle required to be licensed if the selling price of the
24 tender is separately stated.

25 Farm machinery and equipment shall include precision
26 farming equipment that is installed or purchased to be

1 installed on farm machinery and equipment including, but not
2 limited to, tractors, harvesters, sprayers, planters, seeders,
3 or spreaders. Precision farming equipment includes, but is not
4 limited to, soil testing sensors, computers, monitors,
5 software, global positioning and mapping systems, and other
6 such equipment.

7 Farm machinery and equipment also includes computers,
8 sensors, software, and related equipment used primarily in the
9 computer-assisted operation of production agriculture
10 facilities, equipment, and activities such as, but not limited
11 to, the collection, monitoring, and correlation of animal and
12 crop data for the purpose of formulating animal diets and
13 agricultural chemicals. This item (7) is exempt from the
14 provisions of Section 3-55.

15 (8) Until June 30, 2013, fuel and petroleum products sold
16 to or used by an air common carrier, certified by the carrier
17 to be used for consumption, shipment, or storage in the conduct
18 of its business as an air common carrier, for a flight destined
19 for or returning from a location or locations outside the
20 United States without regard to previous or subsequent domestic
21 stopovers.

22 Beginning July 1, 2013, fuel and petroleum products sold to
23 or used by an air carrier, certified by the carrier to be used
24 for consumption, shipment, or storage in the conduct of its
25 business as an air common carrier, for a flight that (i) is
26 engaged in foreign trade or is engaged in trade between the

1 United States and any of its possessions and (ii) transports at
2 least one individual or package for hire from the city of
3 origination to the city of final destination on the same
4 aircraft, without regard to a change in the flight number of
5 that aircraft.

6 (9) Proceeds of mandatory service charges separately
7 stated on customers' bills for the purchase and consumption of
8 food and beverages, to the extent that the proceeds of the
9 service charge are in fact turned over as tips or as a
10 substitute for tips to the employees who participate directly
11 in preparing, serving, hosting or cleaning up the food or
12 beverage function with respect to which the service charge is
13 imposed.

14 (10) Until July 1, 2003, oil field exploration, drilling,
15 and production equipment, including (i) rigs and parts of rigs,
16 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and
17 tubular goods, including casing and drill strings, (iii) pumps
18 and pump-jack units, (iv) storage tanks and flow lines, (v) any
19 individual replacement part for oil field exploration,
20 drilling, and production equipment, and (vi) machinery and
21 equipment purchased for lease; but excluding motor vehicles
22 required to be registered under the Illinois Vehicle Code.

23 (11) Photoprocessing machinery and equipment, including
24 repair and replacement parts, both new and used, including that
25 manufactured on special order, certified by the purchaser to be
26 used primarily for photoprocessing, and including

1 photoprocessing machinery and equipment purchased for lease.

2 (12) Until July 1, 2023, coal and aggregate exploration,
3 mining, off-highway hauling, processing, maintenance, and
4 reclamation equipment, including replacement parts and
5 equipment, and including equipment purchased for lease, but
6 excluding motor vehicles required to be registered under the
7 Illinois Vehicle Code. The changes made to this Section by
8 Public Act 97-767 apply on and after July 1, 2003, but no claim
9 for credit or refund is allowed on or after August 16, 2013
10 (the effective date of Public Act 98-456) for such taxes paid
11 during the period beginning July 1, 2003 and ending on August
12 16, 2013 (the effective date of Public Act 98-456).

13 (13) Beginning January 1, 1992 and through June 30, 2016,
14 food for human consumption that is to be consumed off the
15 premises where it is sold (other than alcoholic beverages, soft
16 drinks and food that has been prepared for immediate
17 consumption) and prescription and non-prescription medicines,
18 drugs, medical appliances, and insulin, urine testing
19 materials, syringes, and needles used by diabetics, for human
20 use, when purchased for use by a person receiving medical
21 assistance under Article V of the Illinois Public Aid Code who
22 resides in a licensed long-term care facility, as defined in
23 the Nursing Home Care Act, or in a licensed facility as defined
24 in the ID/DD Community Care Act, the MC/DD Act, or the
25 Specialized Mental Health Rehabilitation Act of 2013.

26 (14) Semen used for artificial insemination of livestock

1 for direct agricultural production.

2 (15) Horses, or interests in horses, registered with and
3 meeting the requirements of any of the Arabian Horse Club
4 Registry of America, Appaloosa Horse Club, American Quarter
5 Horse Association, United States Trotting Association, or
6 Jockey Club, as appropriate, used for purposes of breeding or
7 racing for prizes. This item (15) is exempt from the provisions
8 of Section 3-55, and the exemption provided for under this item
9 (15) applies for all periods beginning May 30, 1995, but no
10 claim for credit or refund is allowed on or after January 1,
11 2008 (the effective date of Public Act 95-88) for such taxes
12 paid during the period beginning May 30, 2000 and ending on
13 January 1, 2008 (the effective date of Public Act 95-88).

14 (16) Computers and communications equipment utilized for
15 any hospital purpose and equipment used in the diagnosis,
16 analysis, or treatment of hospital patients sold to a lessor
17 who leases the equipment, under a lease of one year or longer
18 executed or in effect at the time of the purchase, to a
19 hospital that has been issued an active tax exemption
20 identification number by the Department under Section 1g of the
21 Retailers' Occupation Tax Act.

22 (17) Personal property sold to a lessor who leases the
23 property, under a lease of one year or longer executed or in
24 effect at the time of the purchase, to a governmental body that
25 has been issued an active tax exemption identification number
26 by the Department under Section 1g of the Retailers' Occupation

1 Tax Act.

2 (18) Beginning with taxable years ending on or after
3 December 31, 1995 and ending with taxable years ending on or
4 before December 31, 2004, personal property that is donated for
5 disaster relief to be used in a State or federally declared
6 disaster area in Illinois or bordering Illinois by a
7 manufacturer or retailer that is registered in this State to a
8 corporation, society, association, foundation, or institution
9 that has been issued a sales tax exemption identification
10 number by the Department that assists victims of the disaster
11 who reside within the declared disaster area.

12 (19) Beginning with taxable years ending on or after
13 December 31, 1995 and ending with taxable years ending on or
14 before December 31, 2004, personal property that is used in the
15 performance of infrastructure repairs in this State, including
16 but not limited to municipal roads and streets, access roads,
17 bridges, sidewalks, waste disposal systems, water and sewer
18 line extensions, water distribution and purification
19 facilities, storm water drainage and retention facilities, and
20 sewage treatment facilities, resulting from a State or
21 federally declared disaster in Illinois or bordering Illinois
22 when such repairs are initiated on facilities located in the
23 declared disaster area within 6 months after the disaster.

24 (20) Beginning July 1, 1999, game or game birds sold at a
25 "game breeding and hunting preserve area" as that term is used
26 in the Wildlife Code. This paragraph is exempt from the

1 provisions of Section 3-55.

2 (21) A motor vehicle, as that term is defined in Section
3 1-146 of the Illinois Vehicle Code, that is donated to a
4 corporation, limited liability company, society, association,
5 foundation, or institution that is determined by the Department
6 to be organized and operated exclusively for educational
7 purposes. For purposes of this exemption, "a corporation,
8 limited liability company, society, association, foundation,
9 or institution organized and operated exclusively for
10 educational purposes" means all tax-supported public schools,
11 private schools that offer systematic instruction in useful
12 branches of learning by methods common to public schools and
13 that compare favorably in their scope and intensity with the
14 course of study presented in tax-supported schools, and
15 vocational or technical schools or institutes organized and
16 operated exclusively to provide a course of study of not less
17 than 6 weeks duration and designed to prepare individuals to
18 follow a trade or to pursue a manual, technical, mechanical,
19 industrial, business, or commercial occupation.

20 (22) Beginning January 1, 2000, personal property,
21 including food, purchased through fundraising events for the
22 benefit of a public or private elementary or secondary school,
23 a group of those schools, or one or more school districts if
24 the events are sponsored by an entity recognized by the school
25 district that consists primarily of volunteers and includes
26 parents and teachers of the school children. This paragraph

1 does not apply to fundraising events (i) for the benefit of
2 private home instruction or (ii) for which the fundraising
3 entity purchases the personal property sold at the events from
4 another individual or entity that sold the property for the
5 purpose of resale by the fundraising entity and that profits
6 from the sale to the fundraising entity. This paragraph is
7 exempt from the provisions of Section 3-55.

8 (23) Beginning January 1, 2000 and through December 31,
9 2001, new or used automatic vending machines that prepare and
10 serve hot food and beverages, including coffee, soup, and other
11 items, and replacement parts for these machines. Beginning
12 January 1, 2002 and through June 30, 2003, machines and parts
13 for machines used in commercial, coin-operated amusement and
14 vending business if a use or occupation tax is paid on the
15 gross receipts derived from the use of the commercial,
16 coin-operated amusement and vending machines. This paragraph
17 is exempt from the provisions of Section 3-55.

18 (24) Beginning on August 2, 2001 (the effective date of
19 Public Act 92-227) ~~this amendatory Act of the 92nd General~~
20 ~~Assembly~~, computers and communications equipment utilized for
21 any hospital purpose and equipment used in the diagnosis,
22 analysis, or treatment of hospital patients sold to a lessor
23 who leases the equipment, under a lease of one year or longer
24 executed or in effect at the time of the purchase, to a
25 hospital that has been issued an active tax exemption
26 identification number by the Department under Section 1g of the

1 Retailers' Occupation Tax Act. This paragraph is exempt from
2 the provisions of Section 3-55.

3 (25) Beginning on August 2, 2001 (the effective date of
4 Public Act 92-227) ~~this amendatory Act of the 92nd General~~
5 ~~Assembly~~, personal property sold to a lessor who leases the
6 property, under a lease of one year or longer executed or in
7 effect at the time of the purchase, to a governmental body that
8 has been issued an active tax exemption identification number
9 by the Department under Section 1g of the Retailers' Occupation
10 Tax Act. This paragraph is exempt from the provisions of
11 Section 3-55.

12 (26) Beginning on January 1, 2002 and through June 30,
13 2016, tangible personal property purchased from an Illinois
14 retailer by a taxpayer engaged in centralized purchasing
15 activities in Illinois who will, upon receipt of the property
16 in Illinois, temporarily store the property in Illinois (i) for
17 the purpose of subsequently transporting it outside this State
18 for use or consumption thereafter solely outside this State or
19 (ii) for the purpose of being processed, fabricated, or
20 manufactured into, attached to, or incorporated into other
21 tangible personal property to be transported outside this State
22 and thereafter used or consumed solely outside this State. The
23 Director of Revenue shall, pursuant to rules adopted in
24 accordance with the Illinois Administrative Procedure Act,
25 issue a permit to any taxpayer in good standing with the
26 Department who is eligible for the exemption under this

1 paragraph (26). The permit issued under this paragraph (26)
2 shall authorize the holder, to the extent and in the manner
3 specified in the rules adopted under this Act, to purchase
4 tangible personal property from a retailer exempt from the
5 taxes imposed by this Act. Taxpayers shall maintain all
6 necessary books and records to substantiate the use and
7 consumption of all such tangible personal property outside of
8 the State of Illinois.

9 (27) Beginning January 1, 2008, tangible personal property
10 used in the construction or maintenance of a community water
11 supply, as defined under Section 3.145 of the Environmental
12 Protection Act, that is operated by a not-for-profit
13 corporation that holds a valid water supply permit issued under
14 Title IV of the Environmental Protection Act. This paragraph is
15 exempt from the provisions of Section 3-55.

16 (28) Tangible personal property sold to a
17 public-facilities corporation, as described in Section
18 11-65-10 of the Illinois Municipal Code, for purposes of
19 constructing or furnishing a municipal convention hall, but
20 only if the legal title to the municipal convention hall is
21 transferred to the municipality without any further
22 consideration by or on behalf of the municipality at the time
23 of the completion of the municipal convention hall or upon the
24 retirement or redemption of any bonds or other debt instruments
25 issued by the public-facilities corporation in connection with
26 the development of the municipal convention hall. This

1 exemption includes existing public-facilities corporations as
2 provided in Section 11-65-25 of the Illinois Municipal Code.
3 This paragraph is exempt from the provisions of Section 3-55.

4 (29) Beginning January 1, 2010, materials, parts,
5 equipment, components, and furnishings incorporated into or
6 upon an aircraft as part of the modification, refurbishment,
7 completion, replacement, repair, or maintenance of the
8 aircraft. This exemption includes consumable supplies used in
9 the modification, refurbishment, completion, replacement,
10 repair, and maintenance of aircraft, but excludes any
11 materials, parts, equipment, components, and consumable
12 supplies used in the modification, replacement, repair, and
13 maintenance of aircraft engines or power plants, whether such
14 engines or power plants are installed or uninstalled upon any
15 such aircraft. "Consumable supplies" include, but are not
16 limited to, adhesive, tape, sandpaper, general purpose
17 lubricants, cleaning solution, latex gloves, and protective
18 films. This exemption applies only to the transfer of
19 qualifying tangible personal property incident to the
20 modification, refurbishment, completion, replacement, repair,
21 or maintenance of an aircraft by persons who (i) hold an Air
22 Agency Certificate and are empowered to operate an approved
23 repair station by the Federal Aviation Administration, (ii)
24 have a Class IV Rating, and (iii) conduct operations in
25 accordance with Part 145 of the Federal Aviation Regulations.
26 The exemption does not include aircraft operated by a

1 commercial air carrier providing scheduled passenger air
2 service pursuant to authority issued under Part 121 or Part 129
3 of the Federal Aviation Regulations. The changes made to this
4 paragraph (29) by Public Act 98-534 are declarative of existing
5 law.

6 (30) Beginning January 1, 2017, menstrual pads, tampons,
7 and menstrual cups.

8 (31) Tangible personal property transferred to a purchaser
9 who is exempt from tax by operation of federal law. This
10 paragraph is exempt from the provisions of Section 3-55.

11 (Source: P.A. 99-180, eff. 7-29-15; 99-855, eff. 8-19-16;
12 100-22, eff. 7-6-17; 100-594, eff. 6-29-18; 100-1171, eff.
13 1-4-19; revised 1-8-19.)

14 Section 300. The Retailers' Occupation Tax Act is amended
15 by changing Section 2-5 as follows:

16 (35 ILCS 120/2-5)

17 Sec. 2-5. Exemptions. Gross receipts from proceeds from the
18 sale of the following tangible personal property are exempt
19 from the tax imposed by this Act:

20 (1) Farm chemicals.

21 (2) Farm machinery and equipment, both new and used,
22 including that manufactured on special order, certified by
23 the purchaser to be used primarily for production
24 agriculture or State or federal agricultural programs,

1 including individual replacement parts for the machinery
2 and equipment, including machinery and equipment purchased
3 for lease, and including implements of husbandry defined in
4 Section 1-130 of the Illinois Vehicle Code, farm machinery
5 and agricultural chemical and fertilizer spreaders, and
6 nurse wagons required to be registered under Section 3-809
7 of the Illinois Vehicle Code, but excluding other motor
8 vehicles required to be registered under the Illinois
9 Vehicle Code. Horticultural polyhouses or hoop houses used
10 for propagating, growing, or overwintering plants shall be
11 considered farm machinery and equipment under this item
12 (2). Agricultural chemical tender tanks and dry boxes shall
13 include units sold separately from a motor vehicle required
14 to be licensed and units sold mounted on a motor vehicle
15 required to be licensed, if the selling price of the tender
16 is separately stated.

17 Farm machinery and equipment shall include precision
18 farming equipment that is installed or purchased to be
19 installed on farm machinery and equipment including, but
20 not limited to, tractors, harvesters, sprayers, planters,
21 seeders, or spreaders. Precision farming equipment
22 includes, but is not limited to, soil testing sensors,
23 computers, monitors, software, global positioning and
24 mapping systems, and other such equipment.

25 Farm machinery and equipment also includes computers,
26 sensors, software, and related equipment used primarily in

1 the computer-assisted operation of production agriculture
2 facilities, equipment, and activities such as, but not
3 limited to, the collection, monitoring, and correlation of
4 animal and crop data for the purpose of formulating animal
5 diets and agricultural chemicals. This item (2) is exempt
6 from the provisions of Section 2-70.

7 (3) Until July 1, 2003, distillation machinery and
8 equipment, sold as a unit or kit, assembled or installed by
9 the retailer, certified by the user to be used only for the
10 production of ethyl alcohol that will be used for
11 consumption as motor fuel or as a component of motor fuel
12 for the personal use of the user, and not subject to sale
13 or resale.

14 (4) Until July 1, 2003 and beginning again September 1,
15 2004 through August 30, 2014, graphic arts machinery and
16 equipment, including repair and replacement parts, both
17 new and used, and including that manufactured on special
18 order or purchased for lease, certified by the purchaser to
19 be used primarily for graphic arts production. Equipment
20 includes chemicals or chemicals acting as catalysts but
21 only if the chemicals or chemicals acting as catalysts
22 effect a direct and immediate change upon a graphic arts
23 product. Beginning on July 1, 2017, graphic arts machinery
24 and equipment is included in the manufacturing and
25 assembling machinery and equipment exemption under
26 paragraph (14).

1 (5) A motor vehicle that is used for automobile
2 renting, as defined in the Automobile Renting Occupation
3 and Use Tax Act. This paragraph is exempt from the
4 provisions of Section 2-70.

5 (6) Personal property sold by a teacher-sponsored
6 student organization affiliated with an elementary or
7 secondary school located in Illinois.

8 (7) Until July 1, 2003, proceeds of that portion of the
9 selling price of a passenger car the sale of which is
10 subject to the Replacement Vehicle Tax.

11 (8) Personal property sold to an Illinois county fair
12 association for use in conducting, operating, or promoting
13 the county fair.

14 (9) Personal property sold to a not-for-profit arts or
15 cultural organization that establishes, by proof required
16 by the Department by rule, that it has received an
17 exemption under Section 501(c)(3) of the Internal Revenue
18 Code and that is organized and operated primarily for the
19 presentation or support of arts or cultural programming,
20 activities, or services. These organizations include, but
21 are not limited to, music and dramatic arts organizations
22 such as symphony orchestras and theatrical groups, arts and
23 cultural service organizations, local arts councils,
24 visual arts organizations, and media arts organizations.
25 On and after July 1, 2001 (the effective date of Public Act
26 92-35), however, an entity otherwise eligible for this

1 exemption shall not make tax-free purchases unless it has
2 an active identification number issued by the Department.

3 (10) Personal property sold by a corporation, society,
4 association, foundation, institution, or organization,
5 other than a limited liability company, that is organized
6 and operated as a not-for-profit service enterprise for the
7 benefit of persons 65 years of age or older if the personal
8 property was not purchased by the enterprise for the
9 purpose of resale by the enterprise.

10 (11) Personal property sold to a governmental body, to
11 a corporation, society, association, foundation, or
12 institution organized and operated exclusively for
13 charitable, religious, or educational purposes, or to a
14 not-for-profit corporation, society, association,
15 foundation, institution, or organization that has no
16 compensated officers or employees and that is organized and
17 operated primarily for the recreation of persons 55 years
18 of age or older. A limited liability company may qualify
19 for the exemption under this paragraph only if the limited
20 liability company is organized and operated exclusively
21 for educational purposes. On and after July 1, 1987,
22 however, no entity otherwise eligible for this exemption
23 shall make tax-free purchases unless it has an active
24 identification number issued by the Department.

25 (12) (Blank).

26 (12-5) On and after July 1, 2003 and through June 30,

1 2004, motor vehicles of the second division with a gross
2 vehicle weight in excess of 8,000 pounds that are subject
3 to the commercial distribution fee imposed under Section
4 3-815.1 of the Illinois Vehicle Code. Beginning on July 1,
5 2004 and through June 30, 2005, the use in this State of
6 motor vehicles of the second division: (i) with a gross
7 vehicle weight rating in excess of 8,000 pounds; (ii) that
8 are subject to the commercial distribution fee imposed
9 under Section 3-815.1 of the Illinois Vehicle Code; and
10 (iii) that are primarily used for commercial purposes.
11 Through June 30, 2005, this exemption applies to repair and
12 replacement parts added after the initial purchase of such
13 a motor vehicle if that motor vehicle is used in a manner
14 that would qualify for the rolling stock exemption
15 otherwise provided for in this Act. For purposes of this
16 paragraph, "used for commercial purposes" means the
17 transportation of persons or property in furtherance of any
18 commercial or industrial enterprise whether for-hire or
19 not.

20 (13) Proceeds from sales to owners, lessors, or
21 shippers of tangible personal property that is utilized by
22 interstate carriers for hire for use as rolling stock
23 moving in interstate commerce and equipment operated by a
24 telecommunications provider, licensed as a common carrier
25 by the Federal Communications Commission, which is
26 permanently installed in or affixed to aircraft moving in

1 interstate commerce.

2 (14) Machinery and equipment that will be used by the
3 purchaser, or a lessee of the purchaser, primarily in the
4 process of manufacturing or assembling tangible personal
5 property for wholesale or retail sale or lease, whether the
6 sale or lease is made directly by the manufacturer or by
7 some other person, whether the materials used in the
8 process are owned by the manufacturer or some other person,
9 or whether the sale or lease is made apart from or as an
10 incident to the seller's engaging in the service occupation
11 of producing machines, tools, dies, jigs, patterns,
12 gauges, or other similar items of no commercial value on
13 special order for a particular purchaser. The exemption
14 provided by this paragraph (14) does not include machinery
15 and equipment used in (i) the generation of electricity for
16 wholesale or retail sale; (ii) the generation or treatment
17 of natural or artificial gas for wholesale or retail sale
18 that is delivered to customers through pipes, pipelines, or
19 mains; or (iii) the treatment of water for wholesale or
20 retail sale that is delivered to customers through pipes,
21 pipelines, or mains. The provisions of Public Act 98-583
22 are declaratory of existing law as to the meaning and scope
23 of this exemption. Beginning on July 1, 2017, the exemption
24 provided by this paragraph (14) includes, but is not
25 limited to, graphic arts machinery and equipment, as
26 defined in paragraph (4) of this Section.

1 (15) Proceeds of mandatory service charges separately
2 stated on customers' bills for purchase and consumption of
3 food and beverages, to the extent that the proceeds of the
4 service charge are in fact turned over as tips or as a
5 substitute for tips to the employees who participate
6 directly in preparing, serving, hosting or cleaning up the
7 food or beverage function with respect to which the service
8 charge is imposed.

9 (16) Tangible personal property sold to a purchaser if
10 the purchaser is exempt from use tax by operation of
11 federal law. This paragraph is exempt from the provisions
12 of Section 2-70.

13 (17) Tangible personal property sold to a common
14 carrier by rail or motor that receives the physical
15 possession of the property in Illinois and that transports
16 the property, or shares with another common carrier in the
17 transportation of the property, out of Illinois on a
18 standard uniform bill of lading showing the seller of the
19 property as the shipper or consignor of the property to a
20 destination outside Illinois, for use outside Illinois.

21 (18) Legal tender, currency, medallions, or gold or
22 silver coinage issued by the State of Illinois, the
23 government of the United States of America, or the
24 government of any foreign country, and bullion.

25 (19) Until July 1, 2003, oil field exploration,
26 drilling, and production equipment, including (i) rigs and

1 parts of rigs, rotary rigs, cable tool rigs, and workover
2 rigs, (ii) pipe and tubular goods, including casing and
3 drill strings, (iii) pumps and pump-jack units, (iv)
4 storage tanks and flow lines, (v) any individual
5 replacement part for oil field exploration, drilling, and
6 production equipment, and (vi) machinery and equipment
7 purchased for lease; but excluding motor vehicles required
8 to be registered under the Illinois Vehicle Code.

9 (20) Photoprocessing machinery and equipment,
10 including repair and replacement parts, both new and used,
11 including that manufactured on special order, certified by
12 the purchaser to be used primarily for photoprocessing, and
13 including photoprocessing machinery and equipment
14 purchased for lease.

15 (21) Until July 1, 2023, coal and aggregate
16 exploration, mining, off-highway hauling, processing,
17 maintenance, and reclamation equipment, including
18 replacement parts and equipment, and including equipment
19 purchased for lease, but excluding motor vehicles required
20 to be registered under the Illinois Vehicle Code. The
21 changes made to this Section by Public Act 97-767 apply on
22 and after July 1, 2003, but no claim for credit or refund
23 is allowed on or after August 16, 2013 (the effective date
24 of Public Act 98-456) for such taxes paid during the period
25 beginning July 1, 2003 and ending on August 16, 2013 (the
26 effective date of Public Act 98-456).

1 (22) Until June 30, 2013, fuel and petroleum products
2 sold to or used by an air carrier, certified by the carrier
3 to be used for consumption, shipment, or storage in the
4 conduct of its business as an air common carrier, for a
5 flight destined for or returning from a location or
6 locations outside the United States without regard to
7 previous or subsequent domestic stopovers.

8 Beginning July 1, 2013, fuel and petroleum products
9 sold to or used by an air carrier, certified by the carrier
10 to be used for consumption, shipment, or storage in the
11 conduct of its business as an air common carrier, for a
12 flight that (i) is engaged in foreign trade or is engaged
13 in trade between the United States and any of its
14 possessions and (ii) transports at least one individual or
15 package for hire from the city of origination to the city
16 of final destination on the same aircraft, without regard
17 to a change in the flight number of that aircraft.

18 (23) A transaction in which the purchase order is
19 received by a florist who is located outside Illinois, but
20 who has a florist located in Illinois deliver the property
21 to the purchaser or the purchaser's donee in Illinois.

22 (24) Fuel consumed or used in the operation of ships,
23 barges, or vessels that are used primarily in or for the
24 transportation of property or the conveyance of persons for
25 hire on rivers bordering on this State if the fuel is
26 delivered by the seller to the purchaser's barge, ship, or

1 vessel while it is afloat upon that bordering river.

2 (25) Except as provided in item (25-5) of this Section,
3 a motor vehicle sold in this State to a nonresident even
4 though the motor vehicle is delivered to the nonresident in
5 this State, if the motor vehicle is not to be titled in
6 this State, and if a drive-away permit is issued to the
7 motor vehicle as provided in Section 3-603 of the Illinois
8 Vehicle Code or if the nonresident purchaser has vehicle
9 registration plates to transfer to the motor vehicle upon
10 returning to his or her home state. The issuance of the
11 drive-away permit or having the out-of-state registration
12 plates to be transferred is prima facie evidence that the
13 motor vehicle will not be titled in this State.

14 (25-5) The exemption under item (25) does not apply if
15 the state in which the motor vehicle will be titled does
16 not allow a reciprocal exemption for a motor vehicle sold
17 and delivered in that state to an Illinois resident but
18 titled in Illinois. The tax collected under this Act on the
19 sale of a motor vehicle in this State to a resident of
20 another state that does not allow a reciprocal exemption
21 shall be imposed at a rate equal to the state's rate of tax
22 on taxable property in the state in which the purchaser is
23 a resident, except that the tax shall not exceed the tax
24 that would otherwise be imposed under this Act. At the time
25 of the sale, the purchaser shall execute a statement,
26 signed under penalty of perjury, of his or her intent to

1 title the vehicle in the state in which the purchaser is a
2 resident within 30 days after the sale and of the fact of
3 the payment to the State of Illinois of tax in an amount
4 equivalent to the state's rate of tax on taxable property
5 in his or her state of residence and shall submit the
6 statement to the appropriate tax collection agency in his
7 or her state of residence. In addition, the retailer must
8 retain a signed copy of the statement in his or her
9 records. Nothing in this item shall be construed to require
10 the removal of the vehicle from this state following the
11 filing of an intent to title the vehicle in the purchaser's
12 state of residence if the purchaser titles the vehicle in
13 his or her state of residence within 30 days after the date
14 of sale. The tax collected under this Act in accordance
15 with this item (25-5) shall be proportionately distributed
16 as if the tax were collected at the 6.25% general rate
17 imposed under this Act.

18 (25-7) Beginning on July 1, 2007, no tax is imposed
19 under this Act on the sale of an aircraft, as defined in
20 Section 3 of the Illinois Aeronautics Act, if all of the
21 following conditions are met:

22 (1) the aircraft leaves this State within 15 days
23 after the later of either the issuance of the final
24 billing for the sale of the aircraft, or the authorized
25 approval for return to service, completion of the
26 maintenance record entry, and completion of the test

1 flight and ground test for inspection, as required by
2 14 C.F.R. 91.407;

3 (2) the aircraft is not based or registered in this
4 State after the sale of the aircraft; and

5 (3) the seller retains in his or her books and
6 records and provides to the Department a signed and
7 dated certification from the purchaser, on a form
8 prescribed by the Department, certifying that the
9 requirements of this item (25-7) are met. The
10 certificate must also include the name and address of
11 the purchaser, the address of the location where the
12 aircraft is to be titled or registered, the address of
13 the primary physical location of the aircraft, and
14 other information that the Department may reasonably
15 require.

16 For purposes of this item (25-7):

17 "Based in this State" means hangared, stored, or
18 otherwise used, excluding post-sale customizations as
19 defined in this Section, for 10 or more days in each
20 12-month period immediately following the date of the sale
21 of the aircraft.

22 "Registered in this State" means an aircraft
23 registered with the Department of Transportation,
24 Aeronautics Division, or titled or registered with the
25 Federal Aviation Administration to an address located in
26 this State.

1 This paragraph (25-7) is exempt from the provisions of
2 Section 2-70.

3 (26) Semen used for artificial insemination of
4 livestock for direct agricultural production.

5 (27) Horses, or interests in horses, registered with
6 and meeting the requirements of any of the Arabian Horse
7 Club Registry of America, Appaloosa Horse Club, American
8 Quarter Horse Association, United States Trotting
9 Association, or Jockey Club, as appropriate, used for
10 purposes of breeding or racing for prizes. This item (27)
11 is exempt from the provisions of Section 2-70, and the
12 exemption provided for under this item (27) applies for all
13 periods beginning May 30, 1995, but no claim for credit or
14 refund is allowed on or after January 1, 2008 (the
15 effective date of Public Act 95-88) for such taxes paid
16 during the period beginning May 30, 2000 and ending on
17 January 1, 2008 (the effective date of Public Act 95-88).

18 (28) Computers and communications equipment utilized
19 for any hospital purpose and equipment used in the
20 diagnosis, analysis, or treatment of hospital patients
21 sold to a lessor who leases the equipment, under a lease of
22 one year or longer executed or in effect at the time of the
23 purchase, to a hospital that has been issued an active tax
24 exemption identification number by the Department under
25 Section 1g of this Act.

26 (29) Personal property sold to a lessor who leases the

1 property, under a lease of one year or longer executed or
2 in effect at the time of the purchase, to a governmental
3 body that has been issued an active tax exemption
4 identification number by the Department under Section 1g of
5 this Act.

6 (30) Beginning with taxable years ending on or after
7 December 31, 1995 and ending with taxable years ending on
8 or before December 31, 2004, personal property that is
9 donated for disaster relief to be used in a State or
10 federally declared disaster area in Illinois or bordering
11 Illinois by a manufacturer or retailer that is registered
12 in this State to a corporation, society, association,
13 foundation, or institution that has been issued a sales tax
14 exemption identification number by the Department that
15 assists victims of the disaster who reside within the
16 declared disaster area.

17 (31) Beginning with taxable years ending on or after
18 December 31, 1995 and ending with taxable years ending on
19 or before December 31, 2004, personal property that is used
20 in the performance of infrastructure repairs in this State,
21 including but not limited to municipal roads and streets,
22 access roads, bridges, sidewalks, waste disposal systems,
23 water and sewer line extensions, water distribution and
24 purification facilities, storm water drainage and
25 retention facilities, and sewage treatment facilities,
26 resulting from a State or federally declared disaster in

1 Illinois or bordering Illinois when such repairs are
2 initiated on facilities located in the declared disaster
3 area within 6 months after the disaster.

4 (32) Beginning July 1, 1999, game or game birds sold at
5 a "game breeding and hunting preserve area" as that term is
6 used in the Wildlife Code. This paragraph is exempt from
7 the provisions of Section 2-70.

8 (33) A motor vehicle, as that term is defined in
9 Section 1-146 of the Illinois Vehicle Code, that is donated
10 to a corporation, limited liability company, society,
11 association, foundation, or institution that is determined
12 by the Department to be organized and operated exclusively
13 for educational purposes. For purposes of this exemption,
14 "a corporation, limited liability company, society,
15 association, foundation, or institution organized and
16 operated exclusively for educational purposes" means all
17 tax-supported public schools, private schools that offer
18 systematic instruction in useful branches of learning by
19 methods common to public schools and that compare favorably
20 in their scope and intensity with the course of study
21 presented in tax-supported schools, and vocational or
22 technical schools or institutes organized and operated
23 exclusively to provide a course of study of not less than 6
24 weeks duration and designed to prepare individuals to
25 follow a trade or to pursue a manual, technical,
26 mechanical, industrial, business, or commercial

1 occupation.

2 (34) Beginning January 1, 2000, personal property,
3 including food, purchased through fundraising events for
4 the benefit of a public or private elementary or secondary
5 school, a group of those schools, or one or more school
6 districts if the events are sponsored by an entity
7 recognized by the school district that consists primarily
8 of volunteers and includes parents and teachers of the
9 school children. This paragraph does not apply to
10 fundraising events (i) for the benefit of private home
11 instruction or (ii) for which the fundraising entity
12 purchases the personal property sold at the events from
13 another individual or entity that sold the property for the
14 purpose of resale by the fundraising entity and that
15 profits from the sale to the fundraising entity. This
16 paragraph is exempt from the provisions of Section 2-70.

17 (35) Beginning January 1, 2000 and through December 31,
18 2001, new or used automatic vending machines that prepare
19 and serve hot food and beverages, including coffee, soup,
20 and other items, and replacement parts for these machines.
21 Beginning January 1, 2002 and through June 30, 2003,
22 machines and parts for machines used in commercial,
23 coin-operated amusement and vending business if a use or
24 occupation tax is paid on the gross receipts derived from
25 the use of the commercial, coin-operated amusement and
26 vending machines. This paragraph is exempt from the

1 provisions of Section 2-70.

2 (35-5) Beginning August 23, 2001 and through June 30,
3 2016, food for human consumption that is to be consumed off
4 the premises where it is sold (other than alcoholic
5 beverages, soft drinks, and food that has been prepared for
6 immediate consumption) and prescription and
7 nonprescription medicines, drugs, medical appliances, and
8 insulin, urine testing materials, syringes, and needles
9 used by diabetics, for human use, when purchased for use by
10 a person receiving medical assistance under Article V of
11 the Illinois Public Aid Code who resides in a licensed
12 long-term care facility, as defined in the Nursing Home
13 Care Act, or a licensed facility as defined in the ID/DD
14 Community Care Act, the MC/DD Act, or the Specialized
15 Mental Health Rehabilitation Act of 2013.

16 (36) Beginning August 2, 2001, computers and
17 communications equipment utilized for any hospital purpose
18 and equipment used in the diagnosis, analysis, or treatment
19 of hospital patients sold to a lessor who leases the
20 equipment, under a lease of one year or longer executed or
21 in effect at the time of the purchase, to a hospital that
22 has been issued an active tax exemption identification
23 number by the Department under Section 1g of this Act. This
24 paragraph is exempt from the provisions of Section 2-70.

25 (37) Beginning August 2, 2001, personal property sold
26 to a lessor who leases the property, under a lease of one

1 year or longer executed or in effect at the time of the
2 purchase, to a governmental body that has been issued an
3 active tax exemption identification number by the
4 Department under Section 1g of this Act. This paragraph is
5 exempt from the provisions of Section 2-70.

6 (38) Beginning on January 1, 2002 and through June 30,
7 2016, tangible personal property purchased from an
8 Illinois retailer by a taxpayer engaged in centralized
9 purchasing activities in Illinois who will, upon receipt of
10 the property in Illinois, temporarily store the property in
11 Illinois (i) for the purpose of subsequently transporting
12 it outside this State for use or consumption thereafter
13 solely outside this State or (ii) for the purpose of being
14 processed, fabricated, or manufactured into, attached to,
15 or incorporated into other tangible personal property to be
16 transported outside this State and thereafter used or
17 consumed solely outside this State. The Director of Revenue
18 shall, pursuant to rules adopted in accordance with the
19 Illinois Administrative Procedure Act, issue a permit to
20 any taxpayer in good standing with the Department who is
21 eligible for the exemption under this paragraph (38). The
22 permit issued under this paragraph (38) shall authorize the
23 holder, to the extent and in the manner specified in the
24 rules adopted under this Act, to purchase tangible personal
25 property from a retailer exempt from the taxes imposed by
26 this Act. Taxpayers shall maintain all necessary books and

1 records to substantiate the use and consumption of all such
2 tangible personal property outside of the State of
3 Illinois.

4 (39) Beginning January 1, 2008, tangible personal
5 property used in the construction or maintenance of a
6 community water supply, as defined under Section 3.145 of
7 the Environmental Protection Act, that is operated by a
8 not-for-profit corporation that holds a valid water supply
9 permit issued under Title IV of the Environmental
10 Protection Act. This paragraph is exempt from the
11 provisions of Section 2-70.

12 (40) Beginning January 1, 2010, materials, parts,
13 equipment, components, and furnishings incorporated into
14 or upon an aircraft as part of the modification,
15 refurbishment, completion, replacement, repair, or
16 maintenance of the aircraft. This exemption includes
17 consumable supplies used in the modification,
18 refurbishment, completion, replacement, repair, and
19 maintenance of aircraft, but excludes any materials,
20 parts, equipment, components, and consumable supplies used
21 in the modification, replacement, repair, and maintenance
22 of aircraft engines or power plants, whether such engines
23 or power plants are installed or uninstalled upon any such
24 aircraft. "Consumable supplies" include, but are not
25 limited to, adhesive, tape, sandpaper, general purpose
26 lubricants, cleaning solution, latex gloves, and

1 protective films. This exemption applies only to the sale
2 of qualifying tangible personal property to persons who
3 modify, refurbish, complete, replace, or maintain an
4 aircraft and who (i) hold an Air Agency Certificate and are
5 empowered to operate an approved repair station by the
6 Federal Aviation Administration, (ii) have a Class IV
7 Rating, and (iii) conduct operations in accordance with
8 Part 145 of the Federal Aviation Regulations. The exemption
9 does not include aircraft operated by a commercial air
10 carrier providing scheduled passenger air service pursuant
11 to authority issued under Part 121 or Part 129 of the
12 Federal Aviation Regulations. The changes made to this
13 paragraph (40) by Public Act 98-534 are declarative of
14 existing law.

15 (41) Tangible personal property sold to a
16 public-facilities corporation, as described in Section
17 11-65-10 of the Illinois Municipal Code, for purposes of
18 constructing or furnishing a municipal convention hall,
19 but only if the legal title to the municipal convention
20 hall is transferred to the municipality without any further
21 consideration by or on behalf of the municipality at the
22 time of the completion of the municipal convention hall or
23 upon the retirement or redemption of any bonds or other
24 debt instruments issued by the public-facilities
25 corporation in connection with the development of the
26 municipal convention hall. This exemption includes

1 existing public-facilities corporations as provided in
2 Section 11-65-25 of the Illinois Municipal Code. This
3 paragraph is exempt from the provisions of Section 2-70.

4 (42) Beginning January 1, 2017, menstrual pads,
5 tampons, and menstrual cups.

6 (43) Merchandise that is subject to the Rental Purchase
7 Agreement Occupation and Use Tax. The purchaser must
8 certify that the item is purchased to be rented subject to
9 a rental purchase agreement, as defined in the Rental
10 Purchase Agreement Act, and provide proof of registration
11 under the Rental Purchase Agreement Occupation and Use Tax
12 Act. This paragraph is exempt from the provisions of
13 Section 2-70.

14 (Source: P.A. 99-180, eff. 7-29-15; 99-855, eff. 8-19-16;
15 100-22, eff. 7-6-17; 100-321, eff. 8-24-17; 100-437, eff.
16 1-1-18; 100-594, eff. 6-29-18; 100-863, eff. 8-14-18;
17 100-1171, eff. 1-4-19; revised 1-8-19.)

18 Section 305. The Property Tax Code is amended by changing
19 Sections 10-745, 21-245, and 21-385 as follows:

20 (35 ILCS 200/10-745)

21 Sec. 10-745. Real estate taxes. Notwithstanding the
22 provisions of Section 9-175 of this Code, the owner of the
23 commercial solar energy system shall be liable for the real
24 estate taxes for the land and real property improvements of a

1 ground installed commercial solar energy system.
2 Notwithstanding the foregoing ~~forgoing~~, the owner of the land
3 upon which a commercial solar energy system is installed may
4 pay any unpaid tax of the commercial solar energy system parcel
5 prior to the initiation of any tax sale proceedings.

6 (Source: P.A. 100-781, eff. 8-10-18; revised 10-3-18.)

7 (35 ILCS 200/21-245)

8 Sec. 21-245. Automation fee. In all counties, each person
9 purchasing any property at a sale under this Code⁷ shall pay to
10 the county collector, prior to the issuance of any tax
11 certificate, an automation fee set by the county collector of
12 not more than \$10 for each item purchased. A like sum shall be
13 paid for each year that all or a portion of the subsequent
14 taxes are paid by a tax purchaser and posted to the tax
15 judgment, sale, redemption and forfeiture record where the
16 underlying certificate is recorded. In counties with less than
17 3,000,000 inhabitants:

18 (a) The fee shall be paid at the time of the purchase
19 if the record keeping system used for processing the
20 delinquent property tax sales is automated or has been
21 approved for automation by the county board. The fee shall
22 be collected in the same manner as other fees or costs.

23 (b) Fees collected under this Section shall be retained
24 by the county treasurer in a fund designated as the Tax
25 Sale Automation Fund. The fund shall be audited by the

1 county auditor. The county board, with the approval of the
2 county treasurer, shall make expenditures from the fund (1)
3 to pay any costs related to the automation of property tax
4 collections and delinquent property tax sales, including
5 the cost of hardware, software, research and development,
6 and personnel and (2) to defray the cost of providing
7 electronic access to property tax collection records and
8 delinquent tax sale records.

9 (Source: P.A. 100-1070, eff. 1-1-19; revised 10-3-18.)

10 (35 ILCS 200/21-385)

11 Sec. 21-385. Extension of period of redemption. The
12 purchaser or his or her assignee of property sold for
13 nonpayment of general taxes or special assessments may extend
14 the period of redemption at any time before the expiration of
15 the original period of redemption, or thereafter prior to the
16 expiration of any extended period of redemption, for a period
17 which will expire not later than 3 years from the date of sale,
18 by filing with the county clerk of the county in which the
19 property is located a written notice to that effect describing
20 the property, stating the date of the sale and specifying the
21 extended period of redemption. Upon receiving the notice, the
22 county clerk shall stamp the date of receipt upon the notice.
23 If the notice is submitted as an electronic record, the county
24 clerk shall acknowledge receipt of the record and shall provide
25 confirmation in the same manner to the certificate holder. The

1 confirmation from the county clerk shall include the date of
2 receipt and shall serve as proof that the notice was filed with
3 the county clerk. The county clerk shall not be required to
4 extend the period of redemption unless the purchaser or his or
5 her assignee obtains this acknowledgement of delivery. If prior
6 to the expiration of the period of redemption or extended
7 period of redemption a petition for tax deed has been filed
8 under Section 22-30, upon application of the petitioner, the
9 court shall allow the purchaser or his or her assignee to
10 extend the period of redemption after expiration of the
11 original period or any extended period of redemption, provided
12 that any extension allowed will expire not later than 3 years
13 from the date of sale, unless the certificate has been assigned
14 to the county collector by order of the court which ordered the
15 property sold, in which case the period of redemption shall be
16 extended for such period as may be designated by the holder of
17 the certificate, such period not to exceed 36 months from the
18 date of the assignment to the collector. If the period of
19 redemption is extended, the purchaser or his or her assignee
20 must give the notices provided for in Section 22-10 at the
21 specified times prior to the expiration of the extended period
22 of redemption by causing a sheriff (or if he or she is
23 disqualified, a coroner) of the county in which the property,
24 or any part thereof, is located to serve the notices as
25 provided in Sections 22-15 and 22-20. The notices may also be
26 served as provided in Sections 22-15 and 22-20 by a special

1 process server appointed by the court under Section 22-15.

2 (Source: P.A. 100-890, eff. 1-1-19; 100-975, eff. 8-19-18;
3 revised 10-2-18.)

4 Section 310. The Illinois Pension Code is amended by
5 changing Sections 1-162, 14-152.1, 15-107, 15-155, 15-198,
6 16-158, and 16-203 as follows:

7 (40 ILCS 5/1-162)

8 Sec. 1-162. Optional benefits for certain Tier 2 members of
9 pension funds under Articles 8, 9, 10, 11, 12, and 17.

10 (a) As used in this Section:

11 "Affected pension fund" means a pension fund established
12 under Article 8, 9, 10, 11, 12, or 17 that the governing body
13 of the unit of local government has designated as an affected
14 pension fund by adoption of a resolution or ordinance.

15 "Resolution or ordinance date" means the date on which the
16 governing body of the unit of local government designates a
17 pension fund under Article 8, 9, 10, 11, 12, or 17 as an
18 affected pension fund by adoption of a resolution or ordinance
19 or July 1, 2018, whichever is later.

20 (b) Notwithstanding any other provision of this Code to the
21 contrary, the provisions of this Section apply to a person who
22 first becomes a member or a participant in an affected pension
23 fund on or after 6 months after the resolution or ordinance
24 date and who does not make the election under subsection (c).

1 (c) In lieu of the benefits provided under this Section, a
2 member or participant may irrevocably elect the benefits under
3 Section 1-160 and the benefits otherwise applicable to that
4 member or participant. The election must be made within 30 days
5 after becoming a member or participant. Each affected pension
6 fund shall establish procedures for making this election.

7 (d) "Final average salary" means the average monthly (or
8 annual) salary obtained by dividing the total salary or
9 earnings calculated under the Article applicable to the member
10 or participant during the last 120 months (or 10 years) of
11 service in which the total salary or earnings calculated under
12 the applicable Article was the highest by the number of months
13 (or years) of service in that period. For the purposes of a
14 person who first becomes a member or participant of an affected
15 pension fund on or after 6 months after the ordinance or
16 resolution date, in this Code, "final average salary" shall be
17 substituted for the following:

18 (1) In Articles 8, 9, 10, 11, and 12, "highest average
19 annual salary for any 4 consecutive years within the last
20 10 years of service immediately preceding the date of
21 withdrawal".

22 (2) In Article 17, "average salary".

23 (e) Beginning 6 months after the resolution or ordinance
24 date, for all purposes under this Code (including without
25 limitation the calculation of benefits and employee
26 contributions), the annual earnings, salary, or wages (based on

1 the plan year) of a member or participant to whom this Section
2 applies shall not at any time exceed the federal Social
3 Security Wage Base then in effect.

4 (f) A member or participant is entitled to a retirement
5 annuity upon written application if he or she has attained the
6 normal retirement age determined by the Social Security
7 Administration for that member or participant's year of birth,
8 but no earlier than 67 years of age, and has at least 10 years
9 of service credit and is otherwise eligible under the
10 requirements of the applicable Article.

11 (g) The amount of the retirement annuity to which a member
12 or participant is entitled shall be computed by multiplying
13 1.25% for each year of service credit by his or her final
14 average salary.

15 (h) Any retirement annuity or supplemental annuity shall be
16 subject to annual increases on the first anniversary of the
17 annuity start date. Each annual increase shall be one-half the
18 annual unadjusted percentage increase (but not less than zero)
19 in the consumer price index-w for the 12 months ending with the
20 September preceding each November 1 of the originally granted
21 retirement annuity. If the annual unadjusted percentage change
22 in the consumer price index-w for the 12 months ending with the
23 September preceding each November 1 is zero or there is a
24 decrease, then the annuity shall not be increased.

25 For the purposes of this Section, "consumer price index-w"
26 means the index published by the Bureau of Labor Statistics of

1 the United States Department of Labor that measures the average
2 change in prices of goods and services purchased by Urban Wage
3 Earners and Clerical Workers, United States city average, all
4 items, 1982-84 = 100. The new amount resulting from each annual
5 adjustment shall be determined by the Public Pension Division
6 of the Department of Insurance and made available to the boards
7 of the retirement systems and pension funds by November 1 of
8 each year.

9 (i) The initial survivor's or widow's annuity of an
10 otherwise eligible survivor or widow of a retired member or
11 participant who first became a member or participant on or
12 after 6 months after the resolution or ordinance date shall be
13 in the amount of 66 2/3% of the retired member's or
14 participant's retirement annuity at the date of death. In the
15 case of the death of a member or participant who has not
16 retired and who first became a member or participant on or
17 after 6 months after the resolution or ordinance date,
18 eligibility for a survivor's or widow's annuity shall be
19 determined by the applicable Article of this Code. The benefit
20 shall be 66 2/3% of the earned annuity without a reduction due
21 to age. A child's annuity of an otherwise eligible child shall
22 be in the amount prescribed under each Article if applicable.

23 (j) In lieu of any other employee contributions, except for
24 the contribution to the defined contribution plan under
25 subsection (k) of this Section, each employee shall contribute
26 6.2% of his or her ~~or~~ salary to the affected pension fund.

1 However, the employee contribution under this subsection shall
2 not exceed the amount of the normal cost of the benefits under
3 this Section (except for the defined contribution plan under
4 subsection (k) of this Section), expressed as a percentage of
5 payroll and determined on or before November 1 of each year by
6 the board of trustees of the affected pension fund. If the
7 board of trustees of the affected pension fund determines that
8 the 6.2% employee contribution rate exceeds the normal cost of
9 the benefits under this Section (except for the defined
10 contribution plan under subsection (k) of this Section), then
11 on or before December 1 of that year, the board of trustees
12 shall certify the amount of the normal cost of the benefits
13 under this Section (except for the defined contribution plan
14 under subsection (k) of this Section), expressed as a
15 percentage of payroll, to the State Actuary and the Commission
16 on Government Forecasting and Accountability, and the employee
17 contribution under this subsection shall be reduced to that
18 amount beginning January 1 of the following year. Thereafter,
19 if the normal cost of the benefits under this Section (except
20 for the defined contribution plan under subsection (k) of this
21 Section), expressed as a percentage of payroll and determined
22 on or before November 1 of each year by the board of trustees
23 of the affected pension fund, exceeds 6.2% of salary, then on
24 or before December 1 of that year, the board of trustees shall
25 certify the normal cost to the State Actuary and the Commission
26 on Government Forecasting and Accountability, and the employee

1 contributions shall revert back to 6.2% of salary beginning
2 January 1 of the following year.

3 (k) No later than 5 months after the resolution or
4 ordinance date, an affected pension fund shall prepare and
5 implement a defined contribution plan for members or
6 participants who are subject to this Section. The defined
7 contribution plan developed under this subsection shall be a
8 plan that aggregates employer and employee contributions in
9 individual participant accounts which, after meeting any other
10 requirements, are used for payouts after retirement in
11 accordance with this subsection and any other applicable laws.

12 (1) Each member or participant shall contribute a
13 minimum of 4% of his or her salary to the defined
14 contribution plan.

15 (2) For each participant in the defined contribution
16 plan who has been employed with the same employer for at
17 least one year, employer contributions shall be paid into
18 that participant's accounts at a rate expressed as a
19 percentage of salary. This rate may be set for individual
20 employees, but shall be no higher than 6% of salary and
21 shall be no lower than 2% of salary.

22 (3) Employer contributions shall vest when those
23 contributions are paid into a member's or participant's
24 account.

25 (4) The defined contribution plan shall provide a
26 variety of options for investments. These options shall

1 include investments handled by the Illinois State Board of
2 Investment as well as private sector investment options.

3 (5) The defined contribution plan shall provide a
4 variety of options for payouts to retirees and their
5 survivors.

6 (6) To the extent authorized under federal law and as
7 authorized by the affected pension fund, the defined
8 contribution plan shall allow former participants in the
9 plan to transfer or roll over employee and employer
10 contributions, and the earnings thereon, into other
11 qualified retirement plans.

12 (7) Each affected pension fund shall reduce the
13 employee contributions credited to the member's defined
14 contribution plan account by an amount determined by that
15 affected pension fund to cover the cost of offering the
16 benefits under this subsection and any applicable
17 administrative fees.

18 (8) No person shall begin participating in the defined
19 contribution plan until it has attained qualified plan
20 status and received all necessary approvals from the U.S.
21 Internal Revenue Service.

22 (1) In the case of a conflict between the provisions of
23 this Section and any other provision of this Code, the
24 provisions of this Section shall control.

25 (Source: P.A. 100-23, eff. 7-6-17; revised 9-27-18.)

1 (40 ILCS 5/14-152.1)

2 Sec. 14-152.1. Application and expiration of new benefit
3 increases.

4 (a) As used in this Section, "new benefit increase" means
5 an increase in the amount of any benefit provided under this
6 Article, or an expansion of the conditions of eligibility for
7 any benefit under this Article, that results from an amendment
8 to this Code that takes effect after June 1, 2005 (the
9 effective date of Public Act 94-4). "New benefit increase",
10 however, does not include any benefit increase resulting from
11 the changes made to Article 1 or this Article by Public Act
12 96-37, Public Act 100-23, Public Act 100-587, or Public Act
13 100-611 ~~or this amendatory Act of the 100th General Assembly.~~

14 (b) Notwithstanding any other provision of this Code or any
15 subsequent amendment to this Code, every new benefit increase
16 is subject to this Section and shall be deemed to be granted
17 only in conformance with and contingent upon compliance with
18 the provisions of this Section.

19 (c) The Public Act enacting a new benefit increase must
20 identify and provide for payment to the System of additional
21 funding at least sufficient to fund the resulting annual
22 increase in cost to the System as it accrues.

23 Every new benefit increase is contingent upon the General
24 Assembly providing the additional funding required under this
25 subsection. The Commission on Government Forecasting and
26 Accountability shall analyze whether adequate additional

1 funding has been provided for the new benefit increase and
2 shall report its analysis to the Public Pension Division of the
3 Department of Insurance. A new benefit increase created by a
4 Public Act that does not include the additional funding
5 required under this subsection is null and void. If the Public
6 Pension Division determines that the additional funding
7 provided for a new benefit increase under this subsection is or
8 has become inadequate, it may so certify to the Governor and
9 the State Comptroller and, in the absence of corrective action
10 by the General Assembly, the new benefit increase shall expire
11 at the end of the fiscal year in which the certification is
12 made.

13 (d) Every new benefit increase shall expire 5 years after
14 its effective date or on such earlier date as may be specified
15 in the language enacting the new benefit increase or provided
16 under subsection (c). This does not prevent the General
17 Assembly from extending or re-creating a new benefit increase
18 by law.

19 (e) Except as otherwise provided in the language creating
20 the new benefit increase, a new benefit increase that expires
21 under this Section continues to apply to persons who applied
22 and qualified for the affected benefit while the new benefit
23 increase was in effect and to the affected beneficiaries and
24 alternate payees of such persons, but does not apply to any
25 other person, including without limitation a person who
26 continues in service after the expiration date and did not

1 apply and qualify for the affected benefit while the new
2 benefit increase was in effect.

3 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
4 100-611, eff. 7-20-18; revised 7-25-18.)

5 (40 ILCS 5/15-107) (from Ch. 108 1/2, par. 15-107)

6 Sec. 15-107. Employee.

7 (a) "Employee" means any member of the educational,
8 administrative, secretarial, clerical, mechanical, labor or
9 other staff of an employer whose employment is permanent and
10 continuous or who is employed in a position in which services
11 are expected to be rendered on a continuous basis for at least
12 4 months or one academic term, whichever is less, who (A)
13 receives payment for personal services on a warrant issued
14 pursuant to a payroll voucher certified by an employer and
15 drawn by the State Comptroller upon the State Treasurer or by
16 an employer upon trust, federal or other funds, or (B) is on a
17 leave of absence without pay. Employment which is irregular,
18 intermittent or temporary shall not be considered continuous
19 for purposes of this paragraph.

20 However, a person is not an "employee" if he or she:

21 (1) is a student enrolled in and regularly attending
22 classes in a college or university which is an employer,
23 and is employed on a temporary basis at less than full
24 time;

25 (2) is currently receiving a retirement annuity or a

1 disability retirement annuity under Section 15-153.2 from
2 this System;

3 (3) is on a military leave of absence;

4 (4) is eligible to participate in the Federal Civil
5 Service Retirement System and is currently making
6 contributions to that system based upon earnings paid by an
7 employer;

8 (5) is on leave of absence without pay for more than 60
9 days immediately following termination of disability
10 benefits under this Article;

11 (6) is hired after June 30, 1979 as a public service
12 employment program participant under the Federal
13 Comprehensive Employment and Training Act and receives
14 earnings in whole or in part from funds provided under that
15 Act; or

16 (7) is employed on or after July 1, 1991 to perform
17 services that are excluded by subdivision (a)(7)(f) or
18 (a)(19) of Section 210 of the federal Social Security Act
19 from the definition of employment given in that Section (42
20 U.S.C. 410).

21 (b) Any employer may, by filing a written notice with the
22 board, exclude from the definition of "employee" all persons
23 employed pursuant to a federally funded contract entered into
24 after July 1, 1982 with a federal military department in a
25 program providing training in military courses to federal
26 military personnel on a military site owned by the United

1 States Government, if this exclusion is not prohibited by the
2 federally funded contract or federal laws or rules governing
3 the administration of the contract.

4 (c) Any person appointed by the Governor under the Civil
5 Administrative Code of Illinois ~~the State~~ is an employee, if he
6 or she is a participant in this system on the effective date of
7 the appointment.

8 (d) A participant on lay-off status under civil service
9 rules is considered an employee for not more than 120 days from
10 the date of the lay-off.

11 (e) A participant is considered an employee during (1) the
12 first 60 days of disability leave, (2) the period, not to
13 exceed one year, in which his or her eligibility for disability
14 benefits is being considered by the board or reviewed by the
15 courts, and (3) the period he or she receives disability
16 benefits under the provisions of Section 15-152, workers'
17 compensation or occupational disease benefits, or disability
18 income under an insurance contract financed wholly or partially
19 by the employer.

20 (f) Absences without pay, other than formal leaves of
21 absence, of less than 30 calendar days, are not considered as
22 an interruption of a person's status as an employee. If such
23 absences during any period of 12 months exceed 30 work days,
24 the employee status of the person is considered as interrupted
25 as of the 31st work day.

26 (g) A staff member whose employment contract requires

1 services during an academic term is to be considered an
2 employee during the summer and other vacation periods, unless
3 he or she declines an employment contract for the succeeding
4 academic term or his or her employment status is otherwise
5 terminated, and he or she receives no earnings during these
6 periods.

7 (h) An individual who was a participating employee employed
8 in the fire department of the University of Illinois's
9 Champaign-Urbana campus immediately prior to the elimination
10 of that fire department and who immediately after the
11 elimination of that fire department became employed by the fire
12 department of the City of Urbana or the City of Champaign shall
13 continue to be considered as an employee for purposes of this
14 Article for so long as the individual remains employed as a
15 firefighter by the City of Urbana or the City of Champaign. The
16 individual shall cease to be considered an employee under this
17 subsection (h) upon the first termination of the individual's
18 employment as a firefighter by the City of Urbana or the City
19 of Champaign.

20 (i) An individual who is employed on a full-time basis as
21 an officer or employee of a statewide teacher organization that
22 serves System participants or an officer of a national teacher
23 organization that serves System participants may participate
24 in the System and shall be deemed an employee, provided that
25 (1) the individual has previously earned creditable service
26 under this Article, (2) the individual files with the System an

1 irrevocable election to become a participant before January 5,
2 2012 (the effective date of Public Act 97-651) ~~this amendatory~~
3 ~~Act of the 97th General Assembly~~, (3) the individual does not
4 receive credit for that employment under any other Article of
5 this Code, and (4) the individual first became a full-time
6 employee of the teacher organization and becomes a participant
7 before January 5, 2012 (the effective date of Public Act
8 97-651) ~~this amendatory Act of the 97th General Assembly~~. An
9 employee under this subsection (i) is responsible for paying to
10 the System both (A) employee contributions based on the actual
11 compensation received for service with the teacher
12 organization and (B) employer contributions equal to the normal
13 costs (as defined in Section 15-155) resulting from that
14 service; all or any part of these contributions may be paid on
15 the employee's behalf or picked up for tax purposes (if
16 authorized under federal law) by the teacher organization.

17 A person who is an employee as defined in this subsection
18 (i) may establish service credit for similar employment prior
19 to becoming an employee under this subsection by paying to the
20 System for that employment the contributions specified in this
21 subsection, plus interest at the effective rate from the date
22 of service to the date of payment. However, credit shall not be
23 granted under this subsection for any such prior employment for
24 which the applicant received credit under any other provision
25 of this Code, or during which the applicant was on a leave of
26 absence under Section 15-113.2.

1 (j) A person employed by the State Board of Higher
2 Education in a position with the Illinois Century Network as of
3 June 30, 2004 shall be considered to be an employee for so long
4 as he or she remains continuously employed after that date by
5 the Department of Central Management Services in a position
6 with the Illinois Century Network, the Bureau of Communication
7 and Computer Services, or, if applicable, any successor bureau
8 and meets the requirements of subsection (a).

9 (k) The Board shall promulgate rules with respect to
10 determining whether any person is an employee within the
11 meaning of this Section. In the case of doubt as to whether any
12 person is an employee within the meaning of this Section or any
13 rule adopted by the Board, the decision of the Board shall be
14 final.

15 (Source: P.A. 99-830, eff. 1-1-17; 99-897, eff. 1-1-17; revised
16 9-27-18.)

17 (40 ILCS 5/15-155) (from Ch. 108 1/2, par. 15-155)

18 Sec. 15-155. Employer contributions.

19 (a) The State of Illinois shall make contributions by
20 appropriations of amounts which, together with the other
21 employer contributions from trust, federal, and other funds,
22 employee contributions, income from investments, and other
23 income of this System, will be sufficient to meet the cost of
24 maintaining and administering the System on a 90% funded basis
25 in accordance with actuarial recommendations.

1 The Board shall determine the amount of State contributions
2 required for each fiscal year on the basis of the actuarial
3 tables and other assumptions adopted by the Board and the
4 recommendations of the actuary, using the formula in subsection
5 (a-1).

6 (a-1) For State fiscal years 2012 through 2045, the minimum
7 contribution to the System to be made by the State for each
8 fiscal year shall be an amount determined by the System to be
9 sufficient to bring the total assets of the System up to 90% of
10 the total actuarial liabilities of the System by the end of
11 State fiscal year 2045. In making these determinations, the
12 required State contribution shall be calculated each year as a
13 level percentage of payroll over the years remaining to and
14 including fiscal year 2045 and shall be determined under the
15 projected unit credit actuarial cost method.

16 For each of State fiscal years 2018, 2019, and 2020, the
17 State shall make an additional contribution to the System equal
18 to 2% of the total payroll of each employee who is deemed to
19 have elected the benefits under Section 1-161 or who has made
20 the election under subsection (c) of Section 1-161.

21 A change in an actuarial or investment assumption that
22 increases or decreases the required State contribution and
23 first applies in State fiscal year 2018 or thereafter shall be
24 implemented in equal annual amounts over a 5-year period
25 beginning in the State fiscal year in which the actuarial
26 change first applies to the required State contribution.

1 A change in an actuarial or investment assumption that
2 increases or decreases the required State contribution and
3 first applied to the State contribution in fiscal year 2014,
4 2015, 2016, or 2017 shall be implemented:

5 (i) as already applied in State fiscal years before
6 2018; and

7 (ii) in the portion of the 5-year period beginning in
8 the State fiscal year in which the actuarial change first
9 applied that occurs in State fiscal year 2018 or
10 thereafter, by calculating the change in equal annual
11 amounts over that 5-year period and then implementing it at
12 the resulting annual rate in each of the remaining fiscal
13 years in that 5-year period.

14 For State fiscal years 1996 through 2005, the State
15 contribution to the System, as a percentage of the applicable
16 employee payroll, shall be increased in equal annual increments
17 so that by State fiscal year 2011, the State is contributing at
18 the rate required under this Section.

19 Notwithstanding any other provision of this Article, the
20 total required State contribution for State fiscal year 2006 is
21 \$166,641,900.

22 Notwithstanding any other provision of this Article, the
23 total required State contribution for State fiscal year 2007 is
24 \$252,064,100.

25 For each of State fiscal years 2008 through 2009, the State
26 contribution to the System, as a percentage of the applicable

1 employee payroll, shall be increased in equal annual increments
2 from the required State contribution for State fiscal year
3 2007, so that by State fiscal year 2011, the State is
4 contributing at the rate otherwise required under this Section.

5 Notwithstanding any other provision of this Article, the
6 total required State contribution for State fiscal year 2010 is
7 \$702,514,000 and shall be made from the State Pensions Fund and
8 proceeds of bonds sold in fiscal year 2010 pursuant to Section
9 7.2 of the General Obligation Bond Act, less (i) the pro rata
10 share of bond sale expenses determined by the System's share of
11 total bond proceeds, (ii) any amounts received from the General
12 Revenue Fund in fiscal year 2010, (iii) any reduction in bond
13 proceeds due to the issuance of discounted bonds, if
14 applicable.

15 Notwithstanding any other provision of this Article, the
16 total required State contribution for State fiscal year 2011 is
17 the amount recertified by the System on or before April 1, 2011
18 pursuant to Section 15-165 and shall be made from the State
19 Pensions Fund and proceeds of bonds sold in fiscal year 2011
20 pursuant to Section 7.2 of the General Obligation Bond Act,
21 less (i) the pro rata share of bond sale expenses determined by
22 the System's share of total bond proceeds, (ii) any amounts
23 received from the General Revenue Fund in fiscal year 2011, and
24 (iii) any reduction in bond proceeds due to the issuance of
25 discounted bonds, if applicable.

26 Beginning in State fiscal year 2046, the minimum State

1 contribution for each fiscal year shall be the amount needed to
2 maintain the total assets of the System at 90% of the total
3 actuarial liabilities of the System.

4 Amounts received by the System pursuant to Section 25 of
5 the Budget Stabilization Act or Section 8.12 of the State
6 Finance Act in any fiscal year do not reduce and do not
7 constitute payment of any portion of the minimum State
8 contribution required under this Article in that fiscal year.
9 Such amounts shall not reduce, and shall not be included in the
10 calculation of, the required State contributions under this
11 Article in any future year until the System has reached a
12 funding ratio of at least 90%. A reference in this Article to
13 the "required State contribution" or any substantially similar
14 term does not include or apply to any amounts payable to the
15 System under Section 25 of the Budget Stabilization Act.

16 Notwithstanding any other provision of this Section, the
17 required State contribution for State fiscal year 2005 and for
18 fiscal year 2008 and each fiscal year thereafter, as calculated
19 under this Section and certified under Section 15-165, shall
20 not exceed an amount equal to (i) the amount of the required
21 State contribution that would have been calculated under this
22 Section for that fiscal year if the System had not received any
23 payments under subsection (d) of Section 7.2 of the General
24 Obligation Bond Act, minus (ii) the portion of the State's
25 total debt service payments for that fiscal year on the bonds
26 issued in fiscal year 2003 for the purposes of that Section

1 7.2, as determined and certified by the Comptroller, that is
2 the same as the System's portion of the total moneys
3 distributed under subsection (d) of Section 7.2 of the General
4 Obligation Bond Act. In determining this maximum for State
5 fiscal years 2008 through 2010, however, the amount referred to
6 in item (i) shall be increased, as a percentage of the
7 applicable employee payroll, in equal increments calculated
8 from the sum of the required State contribution for State
9 fiscal year 2007 plus the applicable portion of the State's
10 total debt service payments for fiscal year 2007 on the bonds
11 issued in fiscal year 2003 for the purposes of Section 7.2 of
12 the General Obligation Bond Act, so that, by State fiscal year
13 2011, the State is contributing at the rate otherwise required
14 under this Section.

15 (a-2) Beginning in fiscal year 2018, each employer under
16 this Article shall pay to the System a required contribution
17 determined as a percentage of projected payroll and sufficient
18 to produce an annual amount equal to:

19 (i) for each of fiscal years 2018, 2019, and 2020, the
20 defined benefit normal cost of the defined benefit plan,
21 less the employee contribution, for each employee of that
22 employer who has elected or who is deemed to have elected
23 the benefits under Section 1-161 or who has made the
24 election under subsection (c) of Section 1-161; for fiscal
25 year 2021 and each fiscal year thereafter, the defined
26 benefit normal cost of the defined benefit plan, less the

1 employee contribution, plus 2%, for each employee of that
2 employer who has elected or who is deemed to have elected
3 the benefits under Section 1-161 or who has made the
4 election under subsection (c) of Section 1-161; plus

5 (ii) the amount required for that fiscal year to
6 amortize any unfunded actuarial accrued liability
7 associated with the present value of liabilities
8 attributable to the employer's account under Section
9 15-155.2, determined as a level percentage of payroll over
10 a 30-year rolling amortization period.

11 In determining contributions required under item (i) of
12 this subsection, the System shall determine an aggregate rate
13 for all employers, expressed as a percentage of projected
14 payroll.

15 In determining the contributions required under item (ii)
16 of this subsection, the amount shall be computed by the System
17 on the basis of the actuarial assumptions and tables used in
18 the most recent actuarial valuation of the System that is
19 available at the time of the computation.

20 The contributions required under this subsection (a-2)
21 shall be paid by an employer concurrently with that employer's
22 payroll payment period. The State, as the actual employer of an
23 employee, shall make the required contributions under this
24 subsection.

25 As used in this subsection, "academic year" means the
26 12-month period beginning September 1.

1 (b) If an employee is paid from trust or federal funds, the
2 employer shall pay to the Board contributions from those funds
3 which are sufficient to cover the accruing normal costs on
4 behalf of the employee. However, universities having employees
5 who are compensated out of local auxiliary funds, income funds,
6 or service enterprise funds are not required to pay such
7 contributions on behalf of those employees. The local auxiliary
8 funds, income funds, and service enterprise funds of
9 universities shall not be considered trust funds for the
10 purpose of this Article, but funds of alumni associations,
11 foundations, and athletic associations which are affiliated
12 with the universities included as employers under this Article
13 and other employers which do not receive State appropriations
14 are considered to be trust funds for the purpose of this
15 Article.

16 (b-1) The City of Urbana and the City of Champaign shall
17 each make employer contributions to this System for their
18 respective firefighter employees who participate in this
19 System pursuant to subsection (h) of Section 15-107. The rate
20 of contributions to be made by those municipalities shall be
21 determined annually by the Board on the basis of the actuarial
22 assumptions adopted by the Board and the recommendations of the
23 actuary, and shall be expressed as a percentage of salary for
24 each such employee. The Board shall certify the rate to the
25 affected municipalities as soon as may be practical. The
26 employer contributions required under this subsection shall be

1 remitted by the municipality to the System at the same time and
2 in the same manner as employee contributions.

3 (c) Through State fiscal year 1995: The total employer
4 contribution shall be apportioned among the various funds of
5 the State and other employers, whether trust, federal, or other
6 funds, in accordance with actuarial procedures approved by the
7 Board. State of Illinois contributions for employers receiving
8 State appropriations for personal services shall be payable
9 from appropriations made to the employers or to the System. The
10 contributions for Class I community colleges covering earnings
11 other than those paid from trust and federal funds, shall be
12 payable solely from appropriations to the Illinois Community
13 College Board or the System for employer contributions.

14 (d) Beginning in State fiscal year 1996, the required State
15 contributions to the System shall be appropriated directly to
16 the System and shall be payable through vouchers issued in
17 accordance with subsection (c) of Section 15-165, except as
18 provided in subsection (g).

19 (e) The State Comptroller shall draw warrants payable to
20 the System upon proper certification by the System or by the
21 employer in accordance with the appropriation laws and this
22 Code.

23 (f) Normal costs under this Section means liability for
24 pensions and other benefits which accrues to the System because
25 of the credits earned for service rendered by the participants
26 during the fiscal year and expenses of administering the

1 System, but shall not include the principal of or any
2 redemption premium or interest on any bonds issued by the Board
3 or any expenses incurred or deposits required in connection
4 therewith.

5 (g) For academic years beginning on or after June 1, 2005
6 and before July 1, 2018 and for earnings paid to a participant
7 under a contract or collective bargaining agreement entered
8 into, amended, or renewed before June 4, 2018 (the effective
9 date of Public Act 100-587) ~~this amendatory Act of the 100th~~
10 ~~General Assembly~~, if the amount of a participant's earnings for
11 any academic year used to determine the final rate of earnings,
12 determined on a full-time equivalent basis, exceeds the amount
13 of his or her earnings with the same employer for the previous
14 academic year, determined on a full-time equivalent basis, by
15 more than 6%, the participant's employer shall pay to the
16 System, in addition to all other payments required under this
17 Section and in accordance with guidelines established by the
18 System, the present value of the increase in benefits resulting
19 from the portion of the increase in earnings that is in excess
20 of 6%. This present value shall be computed by the System on
21 the basis of the actuarial assumptions and tables used in the
22 most recent actuarial valuation of the System that is available
23 at the time of the computation. The System may require the
24 employer to provide any pertinent information or
25 documentation.

26 Whenever it determines that a payment is or may be required

1 under this subsection (g), the System shall calculate the
2 amount of the payment and bill the employer for that amount.
3 The bill shall specify the calculations used to determine the
4 amount due. If the employer disputes the amount of the bill, it
5 may, within 30 days after receipt of the bill, apply to the
6 System in writing for a recalculation. The application must
7 specify in detail the grounds of the dispute and, if the
8 employer asserts that the calculation is subject to subsection
9 (h) or (i) of this Section or that subsection (g-1) applies,
10 must include an affidavit setting forth and attesting to all
11 facts within the employer's knowledge that are pertinent to the
12 applicability of that subsection. Upon receiving a timely
13 application for recalculation, the System shall review the
14 application and, if appropriate, recalculate the amount due.

15 The employer contributions required under this subsection
16 (g) may be paid in the form of a lump sum within 90 days after
17 receipt of the bill. If the employer contributions are not paid
18 within 90 days after receipt of the bill, then interest will be
19 charged at a rate equal to the System's annual actuarially
20 assumed rate of return on investment compounded annually from
21 the 91st day after receipt of the bill. Payments must be
22 concluded within 3 years after the employer's receipt of the
23 bill.

24 When assessing payment for any amount due under this
25 subsection (g), the System shall include earnings, to the
26 extent not established by a participant under Section 15-113.11

1 or 15-113.12, that would have been paid to the participant had
2 the participant not taken (i) periods of voluntary or
3 involuntary furlough occurring on or after July 1, 2015 and on
4 or before June 30, 2017 or (ii) periods of voluntary pay
5 reduction in lieu of furlough occurring on or after July 1,
6 2015 and on or before June 30, 2017. Determining earnings that
7 would have been paid to a participant had the participant not
8 taken periods of voluntary or involuntary furlough or periods
9 of voluntary pay reduction shall be the responsibility of the
10 employer, and shall be reported in a manner prescribed by the
11 System.

12 This subsection (g) does not apply to (1) Tier 2 hybrid
13 plan members and (2) Tier 2 defined benefit members who first
14 participate under this Article on or after the implementation
15 date of the Optional Hybrid Plan.

16 (g-1) For academic years beginning on or after July 1, 2018
17 and for earnings paid to a participant under a contract or
18 collective bargaining agreement entered into, amended, or
19 renewed on or after June 4, 2018 (the effective date of Public
20 Act 100-587) ~~this amendatory Act of the 100th General Assembly,~~
21 if the amount of a participant's earnings for any academic year
22 used to determine the final rate of earnings, determined on a
23 full-time equivalent basis, exceeds the amount of his or her
24 earnings with the same employer for the previous academic year,
25 determined on a full-time equivalent basis, by more than 3%,
26 then the participant's employer shall pay to the System, in

1 addition to all other payments required under this Section and
2 in accordance with guidelines established by the System, the
3 present value of the increase in benefits resulting from the
4 portion of the increase in earnings that is in excess of 3%.
5 This present value shall be computed by the System on the basis
6 of the actuarial assumptions and tables used in the most recent
7 actuarial valuation of the System that is available at the time
8 of the computation. The System may require the employer to
9 provide any pertinent information or documentation.

10 Whenever it determines that a payment is or may be required
11 under this subsection (g-1), the System shall calculate the
12 amount of the payment and bill the employer for that amount.
13 The bill shall specify the calculations used to determine the
14 amount due. If the employer disputes the amount of the bill, it
15 may, within 30 days after receipt of the bill, apply to the
16 System in writing for a recalculation. The application must
17 specify in detail the grounds of the dispute and, if the
18 employer asserts that subsection (g) of this Section applies,
19 must include an affidavit setting forth and attesting to all
20 facts within the employer's knowledge that are pertinent to the
21 applicability of subsection (g). Upon receiving a timely
22 application for recalculation, the System shall review the
23 application and, if appropriate, recalculate the amount due.

24 The employer contributions required under this subsection
25 (g-1) may be paid in the form of a lump sum within 90 days after
26 receipt of the bill. If the employer contributions are not paid

1 within 90 days after receipt of the bill, then interest shall
2 be charged at a rate equal to the System's annual actuarially
3 assumed rate of return on investment compounded annually from
4 the 91st day after receipt of the bill. Payments must be
5 concluded within 3 years after the employer's receipt of the
6 bill.

7 This subsection (g-1) does not apply to (1) Tier 2 hybrid
8 plan members and (2) Tier 2 defined benefit members who first
9 participate under this Article on or after the implementation
10 date of the Optional Hybrid Plan.

11 (h) This subsection (h) applies only to payments made or
12 salary increases given on or after June 1, 2005 but before July
13 1, 2011. The changes made by Public Act 94-1057 shall not
14 require the System to refund any payments received before July
15 31, 2006 (the effective date of Public Act 94-1057).

16 When assessing payment for any amount due under subsection
17 (g), the System shall exclude earnings increases paid to
18 participants under contracts or collective bargaining
19 agreements entered into, amended, or renewed before June 1,
20 2005.

21 When assessing payment for any amount due under subsection
22 (g), the System shall exclude earnings increases paid to a
23 participant at a time when the participant is 10 or more years
24 from retirement eligibility under Section 15-135.

25 When assessing payment for any amount due under subsection
26 (g), the System shall exclude earnings increases resulting from

1 overload work, including a contract for summer teaching, or
2 overtime when the employer has certified to the System, and the
3 System has approved the certification, that: (i) in the case of
4 overloads (A) the overload work is for the sole purpose of
5 academic instruction in excess of the standard number of
6 instruction hours for a full-time employee occurring during the
7 academic year that the overload is paid and (B) the earnings
8 increases are equal to or less than the rate of pay for
9 academic instruction computed using the participant's current
10 salary rate and work schedule; and (ii) in the case of
11 overtime, the overtime was necessary for the educational
12 mission.

13 When assessing payment for any amount due under subsection
14 (g), the System shall exclude any earnings increase resulting
15 from (i) a promotion for which the employee moves from one
16 classification to a higher classification under the State
17 Universities Civil Service System, (ii) a promotion in academic
18 rank for a tenured or tenure-track faculty position, or (iii) a
19 promotion that the Illinois Community College Board has
20 recommended in accordance with subsection (k) of this Section.
21 These earnings increases shall be excluded only if the
22 promotion is to a position that has existed and been filled by
23 a member for no less than one complete academic year and the
24 earnings increase as a result of the promotion is an increase
25 that results in an amount no greater than the average salary
26 paid for other similar positions.

1 (i) When assessing payment for any amount due under
2 subsection (g), the System shall exclude any salary increase
3 described in subsection (h) of this Section given on or after
4 July 1, 2011 but before July 1, 2014 under a contract or
5 collective bargaining agreement entered into, amended, or
6 renewed on or after June 1, 2005 but before July 1, 2011.
7 Notwithstanding any other provision of this Section, any
8 payments made or salary increases given after June 30, 2014
9 shall be used in assessing payment for any amount due under
10 subsection (g) of this Section.

11 (j) The System shall prepare a report and file copies of
12 the report with the Governor and the General Assembly by
13 January 1, 2007 that contains all of the following information:

14 (1) The number of recalculations required by the
15 changes made to this Section by Public Act 94-1057 for each
16 employer.

17 (2) The dollar amount by which each employer's
18 contribution to the System was changed due to
19 recalculations required by Public Act 94-1057.

20 (3) The total amount the System received from each
21 employer as a result of the changes made to this Section by
22 Public Act 94-4.

23 (4) The increase in the required State contribution
24 resulting from the changes made to this Section by Public
25 Act 94-1057.

26 (j-5) For State fiscal years beginning on or after July 1,

1 2017, if the amount of a participant's earnings for any State
2 fiscal year exceeds the amount of the salary set by law for the
3 Governor that is in effect on July 1 of that fiscal year, the
4 participant's employer shall pay to the System, in addition to
5 all other payments required under this Section and in
6 accordance with guidelines established by the System, an amount
7 determined by the System to be equal to the employer normal
8 cost, as established by the System and expressed as a total
9 percentage of payroll, multiplied by the amount of earnings in
10 excess of the amount of the salary set by law for the Governor.
11 This amount shall be computed by the System on the basis of the
12 actuarial assumptions and tables used in the most recent
13 actuarial valuation of the System that is available at the time
14 of the computation. The System may require the employer to
15 provide any pertinent information or documentation.

16 Whenever it determines that a payment is or may be required
17 under this subsection, the System shall calculate the amount of
18 the payment and bill the employer for that amount. The bill
19 shall specify the calculation used to determine the amount due.
20 If the employer disputes the amount of the bill, it may, within
21 30 days after receipt of the bill, apply to the System in
22 writing for a recalculation. The application must specify in
23 detail the grounds of the dispute. Upon receiving a timely
24 application for recalculation, the System shall review the
25 application and, if appropriate, recalculate the amount due.

26 The employer contributions required under this subsection

1 may be paid in the form of a lump sum within 90 days after
2 issuance of the bill. If the employer contributions are not
3 paid within 90 days after issuance of the bill, then interest
4 will be charged at a rate equal to the System's annual
5 actuarially assumed rate of return on investment compounded
6 annually from the 91st day after issuance of the bill. All
7 payments must be received within 3 years after issuance of the
8 bill. If the employer fails to make complete payment, including
9 applicable interest, within 3 years, then the System may, after
10 giving notice to the employer, certify the delinquent amount to
11 the State Comptroller, and the Comptroller shall thereupon
12 deduct the certified delinquent amount from State funds payable
13 to the employer and pay them instead to the System.

14 This subsection (j-5) does not apply to a participant's
15 earnings to the extent an employer pays the employer normal
16 cost of such earnings.

17 The changes made to this subsection (j-5) by Public Act
18 100-624 ~~this amendatory Act of the 100th General Assembly~~ are
19 intended to apply retroactively to July 6, 2017 (the effective
20 date of Public Act 100-23).

21 (k) The Illinois Community College Board shall adopt rules
22 for recommending lists of promotional positions submitted to
23 the Board by community colleges and for reviewing the
24 promotional lists on an annual basis. When recommending
25 promotional lists, the Board shall consider the similarity of
26 the positions submitted to those positions recognized for State

1 universities by the State Universities Civil Service System.
2 The Illinois Community College Board shall file a copy of its
3 findings with the System. The System shall consider the
4 findings of the Illinois Community College Board when making
5 determinations under this Section. The System shall not exclude
6 any earnings increases resulting from a promotion when the
7 promotion was not submitted by a community college. Nothing in
8 this subsection (k) shall require any community college to
9 submit any information to the Community College Board.

10 (l) For purposes of determining the required State
11 contribution to the System, the value of the System's assets
12 shall be equal to the actuarial value of the System's assets,
13 which shall be calculated as follows:

14 As of June 30, 2008, the actuarial value of the System's
15 assets shall be equal to the market value of the assets as of
16 that date. In determining the actuarial value of the System's
17 assets for fiscal years after June 30, 2008, any actuarial
18 gains or losses from investment return incurred in a fiscal
19 year shall be recognized in equal annual amounts over the
20 5-year period following that fiscal year.

21 (m) For purposes of determining the required State
22 contribution to the system for a particular year, the actuarial
23 value of assets shall be assumed to earn a rate of return equal
24 to the system's actuarially assumed rate of return.

25 (Source: P.A. 99-897, eff. 1-1-17; 100-23, eff. 7-6-17;
26 100-587, eff. 6-4-18; 100-624, eff. 7-20-18; revised 7-30-18.)

1 (40 ILCS 5/15-198)

2 Sec. 15-198. Application and expiration of new benefit
3 increases.

4 (a) As used in this Section, "new benefit increase" means
5 an increase in the amount of any benefit provided under this
6 Article, or an expansion of the conditions of eligibility for
7 any benefit under this Article, that results from an amendment
8 to this Code that takes effect after the effective date of this
9 amendatory Act of the 94th General Assembly. "New benefit
10 increase", however, does not include any benefit increase
11 resulting from the changes made to Article 1 or this Article by
12 Public Act 100-23, Public Act 100-587, or Public Act 100-769 ~~or~~
13 ~~this amendatory Act of the 100th General Assembly.~~

14 (b) Notwithstanding any other provision of this Code or any
15 subsequent amendment to this Code, every new benefit increase
16 is subject to this Section and shall be deemed to be granted
17 only in conformance with and contingent upon compliance with
18 the provisions of this Section.

19 (c) The Public Act enacting a new benefit increase must
20 identify and provide for payment to the System of additional
21 funding at least sufficient to fund the resulting annual
22 increase in cost to the System as it accrues.

23 Every new benefit increase is contingent upon the General
24 Assembly providing the additional funding required under this
25 subsection. The Commission on Government Forecasting and

1 Accountability shall analyze whether adequate additional
2 funding has been provided for the new benefit increase and
3 shall report its analysis to the Public Pension Division of the
4 Department of Insurance. A new benefit increase created by a
5 Public Act that does not include the additional funding
6 required under this subsection is null and void. If the Public
7 Pension Division determines that the additional funding
8 provided for a new benefit increase under this subsection is or
9 has become inadequate, it may so certify to the Governor and
10 the State Comptroller and, in the absence of corrective action
11 by the General Assembly, the new benefit increase shall expire
12 at the end of the fiscal year in which the certification is
13 made.

14 (d) Every new benefit increase shall expire 5 years after
15 its effective date or on such earlier date as may be specified
16 in the language enacting the new benefit increase or provided
17 under subsection (c). This does not prevent the General
18 Assembly from extending or re-creating a new benefit increase
19 by law.

20 (e) Except as otherwise provided in the language creating
21 the new benefit increase, a new benefit increase that expires
22 under this Section continues to apply to persons who applied
23 and qualified for the affected benefit while the new benefit
24 increase was in effect and to the affected beneficiaries and
25 alternate payees of such persons, but does not apply to any
26 other person, including without limitation a person who

1 continues in service after the expiration date and did not
2 apply and qualify for the affected benefit while the new
3 benefit increase was in effect.

4 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
5 100-769, eff. 8-10-18; revised 9-26-18.)

6 (40 ILCS 5/16-158) (from Ch. 108 1/2, par. 16-158)
7 Sec. 16-158. Contributions by State and other employing
8 units.

9 (a) The State shall make contributions to the System by
10 means of appropriations from the Common School Fund and other
11 State funds of amounts which, together with other employer
12 contributions, employee contributions, investment income, and
13 other income, will be sufficient to meet the cost of
14 maintaining and administering the System on a 90% funded basis
15 in accordance with actuarial recommendations.

16 The Board shall determine the amount of State contributions
17 required for each fiscal year on the basis of the actuarial
18 tables and other assumptions adopted by the Board and the
19 recommendations of the actuary, using the formula in subsection
20 (b-3).

21 (a-1) Annually, on or before November 15 until November 15,
22 2011, the Board shall certify to the Governor the amount of the
23 required State contribution for the coming fiscal year. The
24 certification under this subsection (a-1) shall include a copy
25 of the actuarial recommendations upon which it is based and

1 shall specifically identify the System's projected State
2 normal cost for that fiscal year.

3 On or before May 1, 2004, the Board shall recalculate and
4 recertify to the Governor the amount of the required State
5 contribution to the System for State fiscal year 2005, taking
6 into account the amounts appropriated to and received by the
7 System under subsection (d) of Section 7.2 of the General
8 Obligation Bond Act.

9 On or before July 1, 2005, the Board shall recalculate and
10 recertify to the Governor the amount of the required State
11 contribution to the System for State fiscal year 2006, taking
12 into account the changes in required State contributions made
13 by Public Act 94-4.

14 On or before April 1, 2011, the Board shall recalculate and
15 recertify to the Governor the amount of the required State
16 contribution to the System for State fiscal year 2011, applying
17 the changes made by Public Act 96-889 to the System's assets
18 and liabilities as of June 30, 2009 as though Public Act 96-889
19 was approved on that date.

20 (a-5) On or before November 1 of each year, beginning
21 November 1, 2012, the Board shall submit to the State Actuary,
22 the Governor, and the General Assembly a proposed certification
23 of the amount of the required State contribution to the System
24 for the next fiscal year, along with all of the actuarial
25 assumptions, calculations, and data upon which that proposed
26 certification is based. On or before January 1 of each year,

1 beginning January 1, 2013, the State Actuary shall issue a
2 preliminary report concerning the proposed certification and
3 identifying, if necessary, recommended changes in actuarial
4 assumptions that the Board must consider before finalizing its
5 certification of the required State contributions. On or before
6 January 15, 2013 and each January 15 thereafter, the Board
7 shall certify to the Governor and the General Assembly the
8 amount of the required State contribution for the next fiscal
9 year. The Board's certification must note any deviations from
10 the State Actuary's recommended changes, the reason or reasons
11 for not following the State Actuary's recommended changes, and
12 the fiscal impact of not following the State Actuary's
13 recommended changes on the required State contribution.

14 (a-10) By November 1, 2017, the Board shall recalculate and
15 recertify to the State Actuary, the Governor, and the General
16 Assembly the amount of the State contribution to the System for
17 State fiscal year 2018, taking into account the changes in
18 required State contributions made by Public Act 100-23. The
19 State Actuary shall review the assumptions and valuations
20 underlying the Board's revised certification and issue a
21 preliminary report concerning the proposed recertification and
22 identifying, if necessary, recommended changes in actuarial
23 assumptions that the Board must consider before finalizing its
24 certification of the required State contributions. The Board's
25 final certification must note any deviations from the State
26 Actuary's recommended changes, the reason or reasons for not

1 following the State Actuary's recommended changes, and the
2 fiscal impact of not following the State Actuary's recommended
3 changes on the required State contribution.

4 (a-15) On or after June 15, 2019, but no later than June
5 30, 2019, the Board shall recalculate and recertify to the
6 Governor and the General Assembly the amount of the State
7 contribution to the System for State fiscal year 2019, taking
8 into account the changes in required State contributions made
9 by Public Act 100-587 ~~this amendatory Act of the 100th General~~
10 ~~Assembly~~. The recalculation shall be made using assumptions
11 adopted by the Board for the original fiscal year 2019
12 certification. The monthly voucher for the 12th month of fiscal
13 year 2019 shall be paid by the Comptroller after the
14 recertification required pursuant to this subsection is
15 submitted to the Governor, Comptroller, and General Assembly.
16 The recertification submitted to the General Assembly shall be
17 filed with the Clerk of the House of Representatives and the
18 Secretary of the Senate in electronic form only, in the manner
19 that the Clerk and the Secretary shall direct.

20 (b) Through State fiscal year 1995, the State contributions
21 shall be paid to the System in accordance with Section 18-7 of
22 the School Code.

23 (b-1) Beginning in State fiscal year 1996, on the 15th day
24 of each month, or as soon thereafter as may be practicable, the
25 Board shall submit vouchers for payment of State contributions
26 to the System, in a total monthly amount of one-twelfth of the

1 required annual State contribution certified under subsection
2 (a-1). From March 5, 2004 (the effective date of Public Act
3 93-665) through June 30, 2004, the Board shall not submit
4 vouchers for the remainder of fiscal year 2004 in excess of the
5 fiscal year 2004 certified contribution amount determined
6 under this Section after taking into consideration the transfer
7 to the System under subsection (a) of Section 6z-61 of the
8 State Finance Act. These vouchers shall be paid by the State
9 Comptroller and Treasurer by warrants drawn on the funds
10 appropriated to the System for that fiscal year.

11 If in any month the amount remaining unexpended from all
12 other appropriations to the System for the applicable fiscal
13 year (including the appropriations to the System under Section
14 8.12 of the State Finance Act and Section 1 of the State
15 Pension Funds Continuing Appropriation Act) is less than the
16 amount lawfully vouchered under this subsection, the
17 difference shall be paid from the Common School Fund under the
18 continuing appropriation authority provided in Section 1.1 of
19 the State Pension Funds Continuing Appropriation Act.

20 (b-2) Allocations from the Common School Fund apportioned
21 to school districts not coming under this System shall not be
22 diminished or affected by the provisions of this Article.

23 (b-3) For State fiscal years 2012 through 2045, the minimum
24 contribution to the System to be made by the State for each
25 fiscal year shall be an amount determined by the System to be
26 sufficient to bring the total assets of the System up to 90% of

1 the total actuarial liabilities of the System by the end of
2 State fiscal year 2045. In making these determinations, the
3 required State contribution shall be calculated each year as a
4 level percentage of payroll over the years remaining to and
5 including fiscal year 2045 and shall be determined under the
6 projected unit credit actuarial cost method.

7 For each of State fiscal years 2018, 2019, and 2020, the
8 State shall make an additional contribution to the System equal
9 to 2% of the total payroll of each employee who is deemed to
10 have elected the benefits under Section 1-161 or who has made
11 the election under subsection (c) of Section 1-161.

12 A change in an actuarial or investment assumption that
13 increases or decreases the required State contribution and
14 first applies in State fiscal year 2018 or thereafter shall be
15 implemented in equal annual amounts over a 5-year period
16 beginning in the State fiscal year in which the actuarial
17 change first applies to the required State contribution.

18 A change in an actuarial or investment assumption that
19 increases or decreases the required State contribution and
20 first applied to the State contribution in fiscal year 2014,
21 2015, 2016, or 2017 shall be implemented:

22 (i) as already applied in State fiscal years before
23 2018; and

24 (ii) in the portion of the 5-year period beginning in
25 the State fiscal year in which the actuarial change first
26 applied that occurs in State fiscal year 2018 or

1 thereafter, by calculating the change in equal annual
2 amounts over that 5-year period and then implementing it at
3 the resulting annual rate in each of the remaining fiscal
4 years in that 5-year period.

5 For State fiscal years 1996 through 2005, the State
6 contribution to the System, as a percentage of the applicable
7 employee payroll, shall be increased in equal annual increments
8 so that by State fiscal year 2011, the State is contributing at
9 the rate required under this Section; except that in the
10 following specified State fiscal years, the State contribution
11 to the System shall not be less than the following indicated
12 percentages of the applicable employee payroll, even if the
13 indicated percentage will produce a State contribution in
14 excess of the amount otherwise required under this subsection
15 and subsection (a), and notwithstanding any contrary
16 certification made under subsection (a-1) before May 27, 1998
17 (the effective date of Public Act 90-582): 10.02% in FY 1999;
18 10.77% in FY 2000; 11.47% in FY 2001; 12.16% in FY 2002; 12.86%
19 in FY 2003; and 13.56% in FY 2004.

20 Notwithstanding any other provision of this Article, the
21 total required State contribution for State fiscal year 2006 is
22 \$534,627,700.

23 Notwithstanding any other provision of this Article, the
24 total required State contribution for State fiscal year 2007 is
25 \$738,014,500.

26 For each of State fiscal years 2008 through 2009, the State

1 contribution to the System, as a percentage of the applicable
2 employee payroll, shall be increased in equal annual increments
3 from the required State contribution for State fiscal year
4 2007, so that by State fiscal year 2011, the State is
5 contributing at the rate otherwise required under this Section.

6 Notwithstanding any other provision of this Article, the
7 total required State contribution for State fiscal year 2010 is
8 \$2,089,268,000 and shall be made from the proceeds of bonds
9 sold in fiscal year 2010 pursuant to Section 7.2 of the General
10 Obligation Bond Act, less (i) the pro rata share of bond sale
11 expenses determined by the System's share of total bond
12 proceeds, (ii) any amounts received from the Common School Fund
13 in fiscal year 2010, and (iii) any reduction in bond proceeds
14 due to the issuance of discounted bonds, if applicable.

15 Notwithstanding any other provision of this Article, the
16 total required State contribution for State fiscal year 2011 is
17 the amount recertified by the System on or before April 1, 2011
18 pursuant to subsection (a-1) of this Section and shall be made
19 from the proceeds of bonds sold in fiscal year 2011 pursuant to
20 Section 7.2 of the General Obligation Bond Act, less (i) the
21 pro rata share of bond sale expenses determined by the System's
22 share of total bond proceeds, (ii) any amounts received from
23 the Common School Fund in fiscal year 2011, and (iii) any
24 reduction in bond proceeds due to the issuance of discounted
25 bonds, if applicable. This amount shall include, in addition to
26 the amount certified by the System, an amount necessary to meet

1 employer contributions required by the State as an employer
2 under paragraph (e) of this Section, which may also be used by
3 the System for contributions required by paragraph (a) of
4 Section 16-127.

5 Beginning in State fiscal year 2046, the minimum State
6 contribution for each fiscal year shall be the amount needed to
7 maintain the total assets of the System at 90% of the total
8 actuarial liabilities of the System.

9 Amounts received by the System pursuant to Section 25 of
10 the Budget Stabilization Act or Section 8.12 of the State
11 Finance Act in any fiscal year do not reduce and do not
12 constitute payment of any portion of the minimum State
13 contribution required under this Article in that fiscal year.
14 Such amounts shall not reduce, and shall not be included in the
15 calculation of, the required State contributions under this
16 Article in any future year until the System has reached a
17 funding ratio of at least 90%. A reference in this Article to
18 the "required State contribution" or any substantially similar
19 term does not include or apply to any amounts payable to the
20 System under Section 25 of the Budget Stabilization Act.

21 Notwithstanding any other provision of this Section, the
22 required State contribution for State fiscal year 2005 and for
23 fiscal year 2008 and each fiscal year thereafter, as calculated
24 under this Section and certified under subsection (a-1), shall
25 not exceed an amount equal to (i) the amount of the required
26 State contribution that would have been calculated under this

1 Section for that fiscal year if the System had not received any
2 payments under subsection (d) of Section 7.2 of the General
3 Obligation Bond Act, minus (ii) the portion of the State's
4 total debt service payments for that fiscal year on the bonds
5 issued in fiscal year 2003 for the purposes of that Section
6 7.2, as determined and certified by the Comptroller, that is
7 the same as the System's portion of the total moneys
8 distributed under subsection (d) of Section 7.2 of the General
9 Obligation Bond Act. In determining this maximum for State
10 fiscal years 2008 through 2010, however, the amount referred to
11 in item (i) shall be increased, as a percentage of the
12 applicable employee payroll, in equal increments calculated
13 from the sum of the required State contribution for State
14 fiscal year 2007 plus the applicable portion of the State's
15 total debt service payments for fiscal year 2007 on the bonds
16 issued in fiscal year 2003 for the purposes of Section 7.2 of
17 the General Obligation Bond Act, so that, by State fiscal year
18 2011, the State is contributing at the rate otherwise required
19 under this Section.

20 (b-4) Beginning in fiscal year 2018, each employer under
21 this Article shall pay to the System a required contribution
22 determined as a percentage of projected payroll and sufficient
23 to produce an annual amount equal to:

24 (i) for each of fiscal years 2018, 2019, and 2020, the
25 defined benefit normal cost of the defined benefit plan,
26 less the employee contribution, for each employee of that

1 employer who has elected or who is deemed to have elected
2 the benefits under Section 1-161 or who has made the
3 election under subsection (b) of Section 1-161; for fiscal
4 year 2021 and each fiscal year thereafter, the defined
5 benefit normal cost of the defined benefit plan, less the
6 employee contribution, plus 2%, for each employee of that
7 employer who has elected or who is deemed to have elected
8 the benefits under Section 1-161 or who has made the
9 election under subsection (b) of Section 1-161; plus

10 (ii) the amount required for that fiscal year to
11 amortize any unfunded actuarial accrued liability
12 associated with the present value of liabilities
13 attributable to the employer's account under Section
14 16-158.3, determined as a level percentage of payroll over
15 a 30-year rolling amortization period.

16 In determining contributions required under item (i) of
17 this subsection, the System shall determine an aggregate rate
18 for all employers, expressed as a percentage of projected
19 payroll.

20 In determining the contributions required under item (ii)
21 of this subsection, the amount shall be computed by the System
22 on the basis of the actuarial assumptions and tables used in
23 the most recent actuarial valuation of the System that is
24 available at the time of the computation.

25 The contributions required under this subsection (b-4)
26 shall be paid by an employer concurrently with that employer's

1 payroll payment period. The State, as the actual employer of an
2 employee, shall make the required contributions under this
3 subsection.

4 (c) Payment of the required State contributions and of all
5 pensions, retirement annuities, death benefits, refunds, and
6 other benefits granted under or assumed by this System, and all
7 expenses in connection with the administration and operation
8 thereof, are obligations of the State.

9 If members are paid from special trust or federal funds
10 which are administered by the employing unit, whether school
11 district or other unit, the employing unit shall pay to the
12 System from such funds the full accruing retirement costs based
13 upon that service, which, beginning July 1, 2017, shall be at a
14 rate, expressed as a percentage of salary, equal to the total
15 employer's normal cost, expressed as a percentage of payroll,
16 as determined by the System. Employer contributions, based on
17 salary paid to members from federal funds, may be forwarded by
18 the distributing agency of the State of Illinois to the System
19 prior to allocation, in an amount determined in accordance with
20 guidelines established by such agency and the System. Any
21 contribution for fiscal year 2015 collected as a result of the
22 change made by Public Act 98-674 shall be considered a State
23 contribution under subsection (b-3) of this Section.

24 (d) Effective July 1, 1986, any employer of a teacher as
25 defined in paragraph (8) of Section 16-106 shall pay the
26 employer's normal cost of benefits based upon the teacher's

1 service, in addition to employee contributions, as determined
2 by the System. Such employer contributions shall be forwarded
3 monthly in accordance with guidelines established by the
4 System.

5 However, with respect to benefits granted under Section
6 16-133.4 or 16-133.5 to a teacher as defined in paragraph (8)
7 of Section 16-106, the employer's contribution shall be 12%
8 (rather than 20%) of the member's highest annual salary rate
9 for each year of creditable service granted, and the employer
10 shall also pay the required employee contribution on behalf of
11 the teacher. For the purposes of Sections 16-133.4 and
12 16-133.5, a teacher as defined in paragraph (8) of Section
13 16-106 who is serving in that capacity while on leave of
14 absence from another employer under this Article shall not be
15 considered an employee of the employer from which the teacher
16 is on leave.

17 (e) Beginning July 1, 1998, every employer of a teacher
18 shall pay to the System an employer contribution computed as
19 follows:

20 (1) Beginning July 1, 1998 through June 30, 1999, the
21 employer contribution shall be equal to 0.3% of each
22 teacher's salary.

23 (2) Beginning July 1, 1999 and thereafter, the employer
24 contribution shall be equal to 0.58% of each teacher's
25 salary.

26 The school district or other employing unit may pay these

1 employer contributions out of any source of funding available
2 for that purpose and shall forward the contributions to the
3 System on the schedule established for the payment of member
4 contributions.

5 These employer contributions are intended to offset a
6 portion of the cost to the System of the increases in
7 retirement benefits resulting from Public Act 90-582.

8 Each employer of teachers is entitled to a credit against
9 the contributions required under this subsection (e) with
10 respect to salaries paid to teachers for the period January 1,
11 2002 through June 30, 2003, equal to the amount paid by that
12 employer under subsection (a-5) of Section 6.6 of the State
13 Employees Group Insurance Act of 1971 with respect to salaries
14 paid to teachers for that period.

15 The additional 1% employee contribution required under
16 Section 16-152 by Public Act 90-582 is the responsibility of
17 the teacher and not the teacher's employer, unless the employer
18 agrees, through collective bargaining or otherwise, to make the
19 contribution on behalf of the teacher.

20 If an employer is required by a contract in effect on May
21 1, 1998 between the employer and an employee organization to
22 pay, on behalf of all its full-time employees covered by this
23 Article, all mandatory employee contributions required under
24 this Article, then the employer shall be excused from paying
25 the employer contribution required under this subsection (e)
26 for the balance of the term of that contract. The employer and

1 the employee organization shall jointly certify to the System
2 the existence of the contractual requirement, in such form as
3 the System may prescribe. This exclusion shall cease upon the
4 termination, extension, or renewal of the contract at any time
5 after May 1, 1998.

6 (f) For school years beginning on or after June 1, 2005 and
7 before July 1, 2018 and for salary paid to a teacher under a
8 contract or collective bargaining agreement entered into,
9 amended, or renewed before June 4, 2018 (the effective date of
10 Public Act 100-587) ~~this amendatory Act of the 100th General~~
11 ~~Assembly~~, if the amount of a teacher's salary for any school
12 year used to determine final average salary exceeds the
13 member's annual full-time salary rate with the same employer
14 for the previous school year by more than 6%, the teacher's
15 employer shall pay to the System, in addition to all other
16 payments required under this Section and in accordance with
17 guidelines established by the System, the present value of the
18 increase in benefits resulting from the portion of the increase
19 in salary that is in excess of 6%. This present value shall be
20 computed by the System on the basis of the actuarial
21 assumptions and tables used in the most recent actuarial
22 valuation of the System that is available at the time of the
23 computation. If a teacher's salary for the 2005-2006 school
24 year is used to determine final average salary under this
25 subsection (f), then the changes made to this subsection (f) by
26 Public Act 94-1057 shall apply in calculating whether the

1 increase in his or her salary is in excess of 6%. For the
2 purposes of this Section, change in employment under Section
3 10-21.12 of the School Code on or after June 1, 2005 shall
4 constitute a change in employer. The System may require the
5 employer to provide any pertinent information or
6 documentation. The changes made to this subsection (f) by
7 Public Act 94-1111 apply without regard to whether the teacher
8 was in service on or after its effective date.

9 Whenever it determines that a payment is or may be required
10 under this subsection, the System shall calculate the amount of
11 the payment and bill the employer for that amount. The bill
12 shall specify the calculations used to determine the amount
13 due. If the employer disputes the amount of the bill, it may,
14 within 30 days after receipt of the bill, apply to the System
15 in writing for a recalculation. The application must specify in
16 detail the grounds of the dispute and, if the employer asserts
17 that the calculation is subject to subsection (g) or (h) of
18 this Section or that subsection (f-1) of this Section applies,
19 must include an affidavit setting forth and attesting to all
20 facts within the employer's knowledge that are pertinent to the
21 applicability of that subsection. Upon receiving a timely
22 application for recalculation, the System shall review the
23 application and, if appropriate, recalculate the amount due.

24 The employer contributions required under this subsection
25 (f) may be paid in the form of a lump sum within 90 days after
26 receipt of the bill. If the employer contributions are not paid

1 within 90 days after receipt of the bill, then interest will be
2 charged at a rate equal to the System's annual actuarially
3 assumed rate of return on investment compounded annually from
4 the 91st day after receipt of the bill. Payments must be
5 concluded within 3 years after the employer's receipt of the
6 bill.

7 (f-1) For school years beginning on or after July 1, 2018
8 and for salary paid to a teacher under a contract or collective
9 bargaining agreement entered into, amended, or renewed on or
10 after June 4, 2018 (the effective date of Public Act 100-587)
11 ~~this amendatory Act of the 100th General Assembly~~, if the
12 amount of a teacher's salary for any school year used to
13 determine final average salary exceeds the member's annual
14 full-time salary rate with the same employer for the previous
15 school year by more than 3%, then the teacher's employer shall
16 pay to the System, in addition to all other payments required
17 under this Section and in accordance with guidelines
18 established by the System, the present value of the increase in
19 benefits resulting from the portion of the increase in salary
20 that is in excess of 3%. This present value shall be computed
21 by the System on the basis of the actuarial assumptions and
22 tables used in the most recent actuarial valuation of the
23 System that is available at the time of the computation. The
24 System may require the employer to provide any pertinent
25 information or documentation.

26 Whenever it determines that a payment is or may be required

1 under this subsection (f-1), the System shall calculate the
2 amount of the payment and bill the employer for that amount.
3 The bill shall specify the calculations used to determine the
4 amount due. If the employer disputes the amount of the bill, it
5 shall, within 30 days after receipt of the bill, apply to the
6 System in writing for a recalculation. The application must
7 specify in detail the grounds of the dispute and, if the
8 employer asserts that subsection (f) of this Section applies,
9 must include an affidavit setting forth and attesting to all
10 facts within the employer's knowledge that are pertinent to the
11 applicability of subsection (f). Upon receiving a timely
12 application for recalculation, the System shall review the
13 application and, if appropriate, recalculate the amount due.

14 The employer contributions required under this subsection
15 (f-1) may be paid in the form of a lump sum within 90 days after
16 receipt of the bill. If the employer contributions are not paid
17 within 90 days after receipt of the bill, then interest shall
18 be charged at a rate equal to the System's annual actuarially
19 assumed rate of return on investment compounded annually from
20 the 91st day after receipt of the bill. Payments must be
21 concluded within 3 years after the employer's receipt of the
22 bill.

23 (g) This subsection (g) applies only to payments made or
24 salary increases given on or after June 1, 2005 but before July
25 1, 2011. The changes made by Public Act 94-1057 shall not
26 require the System to refund any payments received before July

1 31, 2006 (the effective date of Public Act 94-1057).

2 When assessing payment for any amount due under subsection
3 (f), the System shall exclude salary increases paid to teachers
4 under contracts or collective bargaining agreements entered
5 into, amended, or renewed before June 1, 2005.

6 When assessing payment for any amount due under subsection
7 (f), the System shall exclude salary increases paid to a
8 teacher at a time when the teacher is 10 or more years from
9 retirement eligibility under Section 16-132 or 16-133.2.

10 When assessing payment for any amount due under subsection
11 (f), the System shall exclude salary increases resulting from
12 overload work, including summer school, when the school
13 district has certified to the System, and the System has
14 approved the certification, that (i) the overload work is for
15 the sole purpose of classroom instruction in excess of the
16 standard number of classes for a full-time teacher in a school
17 district during a school year and (ii) the salary increases are
18 equal to or less than the rate of pay for classroom instruction
19 computed on the teacher's current salary and work schedule.

20 When assessing payment for any amount due under subsection
21 (f), the System shall exclude a salary increase resulting from
22 a promotion (i) for which the employee is required to hold a
23 certificate or supervisory endorsement issued by the State
24 Teacher Certification Board that is a different certification
25 or supervisory endorsement than is required for the teacher's
26 previous position and (ii) to a position that has existed and

1 been filled by a member for no less than one complete academic
2 year and the salary increase from the promotion is an increase
3 that results in an amount no greater than the lesser of the
4 average salary paid for other similar positions in the district
5 requiring the same certification or the amount stipulated in
6 the collective bargaining agreement for a similar position
7 requiring the same certification.

8 When assessing payment for any amount due under subsection
9 (f), the System shall exclude any payment to the teacher from
10 the State of Illinois or the State Board of Education over
11 which the employer does not have discretion, notwithstanding
12 that the payment is included in the computation of final
13 average salary.

14 (h) When assessing payment for any amount due under
15 subsection (f), the System shall exclude any salary increase
16 described in subsection (g) of this Section given on or after
17 July 1, 2011 but before July 1, 2014 under a contract or
18 collective bargaining agreement entered into, amended, or
19 renewed on or after June 1, 2005 but before July 1, 2011.
20 Notwithstanding any other provision of this Section, any
21 payments made or salary increases given after June 30, 2014
22 shall be used in assessing payment for any amount due under
23 subsection (f) of this Section.

24 (i) The System shall prepare a report and file copies of
25 the report with the Governor and the General Assembly by
26 January 1, 2007 that contains all of the following information:

1 (1) The number of recalculations required by the
2 changes made to this Section by Public Act 94-1057 for each
3 employer.

4 (2) The dollar amount by which each employer's
5 contribution to the System was changed due to
6 recalculations required by Public Act 94-1057.

7 (3) The total amount the System received from each
8 employer as a result of the changes made to this Section by
9 Public Act 94-4.

10 (4) The increase in the required State contribution
11 resulting from the changes made to this Section by Public
12 Act 94-1057.

13 (i-5) For school years beginning on or after July 1, 2017,
14 if the amount of a participant's salary for any school year
15 exceeds the amount of the salary set for the Governor, the
16 participant's employer shall pay to the System, in addition to
17 all other payments required under this Section and in
18 accordance with guidelines established by the System, an amount
19 determined by the System to be equal to the employer normal
20 cost, as established by the System and expressed as a total
21 percentage of payroll, multiplied by the amount of salary in
22 excess of the amount of the salary set for the Governor. This
23 amount shall be computed by the System on the basis of the
24 actuarial assumptions and tables used in the most recent
25 actuarial valuation of the System that is available at the time
26 of the computation. The System may require the employer to

1 provide any pertinent information or documentation.

2 Whenever it determines that a payment is or may be required
3 under this subsection, the System shall calculate the amount of
4 the payment and bill the employer for that amount. The bill
5 shall specify the calculations used to determine the amount
6 due. If the employer disputes the amount of the bill, it may,
7 within 30 days after receipt of the bill, apply to the System
8 in writing for a recalculation. The application must specify in
9 detail the grounds of the dispute. Upon receiving a timely
10 application for recalculation, the System shall review the
11 application and, if appropriate, recalculate the amount due.

12 The employer contributions required under this subsection
13 may be paid in the form of a lump sum within 90 days after
14 receipt of the bill. If the employer contributions are not paid
15 within 90 days after receipt of the bill, then interest will be
16 charged at a rate equal to the System's annual actuarially
17 assumed rate of return on investment compounded annually from
18 the 91st day after receipt of the bill. Payments must be
19 concluded within 3 years after the employer's receipt of the
20 bill.

21 (j) For purposes of determining the required State
22 contribution to the System, the value of the System's assets
23 shall be equal to the actuarial value of the System's assets,
24 which shall be calculated as follows:

25 As of June 30, 2008, the actuarial value of the System's
26 assets shall be equal to the market value of the assets as of

1 that date. In determining the actuarial value of the System's
2 assets for fiscal years after June 30, 2008, any actuarial
3 gains or losses from investment return incurred in a fiscal
4 year shall be recognized in equal annual amounts over the
5 5-year period following that fiscal year.

6 (k) For purposes of determining the required State
7 contribution to the system for a particular year, the actuarial
8 value of assets shall be assumed to earn a rate of return equal
9 to the system's actuarially assumed rate of return.

10 (Source: P.A. 100-23, eff. 7-6-17; 100-340, eff. 8-25-17;
11 100-587, eff. 6-4-18; 100-624, eff. 7-20-18; 100-863, eff.
12 8-14-18; revised 10-4-18.)

13 (40 ILCS 5/16-203)

14 Sec. 16-203. Application and expiration of new benefit
15 increases.

16 (a) As used in this Section, "new benefit increase" means
17 an increase in the amount of any benefit provided under this
18 Article, or an expansion of the conditions of eligibility for
19 any benefit under this Article, that results from an amendment
20 to this Code that takes effect after June 1, 2005 (the
21 effective date of Public Act 94-4). "New benefit increase",
22 however, does not include any benefit increase resulting from
23 the changes made to Article 1 or this Article by Public Act
24 95-910, Public Act 100-23, Public Act 100-587, Public Act
25 100-743, or Public Act 100-769 ~~or by this amendatory Act of the~~

1 ~~100th General Assembly.~~

2 (b) Notwithstanding any other provision of this Code or any
3 subsequent amendment to this Code, every new benefit increase
4 is subject to this Section and shall be deemed to be granted
5 only in conformance with and contingent upon compliance with
6 the provisions of this Section.

7 (c) The Public Act enacting a new benefit increase must
8 identify and provide for payment to the System of additional
9 funding at least sufficient to fund the resulting annual
10 increase in cost to the System as it accrues.

11 Every new benefit increase is contingent upon the General
12 Assembly providing the additional funding required under this
13 subsection. The Commission on Government Forecasting and
14 Accountability shall analyze whether adequate additional
15 funding has been provided for the new benefit increase and
16 shall report its analysis to the Public Pension Division of the
17 Department of Insurance. A new benefit increase created by a
18 Public Act that does not include the additional funding
19 required under this subsection is null and void. If the Public
20 Pension Division determines that the additional funding
21 provided for a new benefit increase under this subsection is or
22 has become inadequate, it may so certify to the Governor and
23 the State Comptroller and, in the absence of corrective action
24 by the General Assembly, the new benefit increase shall expire
25 at the end of the fiscal year in which the certification is
26 made.

1 (d) Every new benefit increase shall expire 5 years after
2 its effective date or on such earlier date as may be specified
3 in the language enacting the new benefit increase or provided
4 under subsection (c). This does not prevent the General
5 Assembly from extending or re-creating a new benefit increase
6 by law.

7 (e) Except as otherwise provided in the language creating
8 the new benefit increase, a new benefit increase that expires
9 under this Section continues to apply to persons who applied
10 and qualified for the affected benefit while the new benefit
11 increase was in effect and to the affected beneficiaries and
12 alternate payees of such persons, but does not apply to any
13 other person, including without limitation a person who
14 continues in service after the expiration date and did not
15 apply and qualify for the affected benefit while the new
16 benefit increase was in effect.

17 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
18 100-743, eff. 8-10-18; 100-769, eff. 8-10-18; revised
19 10-15-18.)

20 Section 315. The Property Assessed Clean Energy Act is
21 amended by changing Sections 5 and 30 as follows:

22 (50 ILCS 50/5)

23 Sec. 5. Definitions. As used in this Act:

24 "Alternative energy improvement" means the installation or

1 upgrade of electrical wiring, outlets, or charging stations to
2 charge a motor vehicle that is fully or partially powered by
3 electricity.

4 "Assessment contract" means a voluntary written contract
5 between the local unit of government (or a permitted assignee)
6 and record owner governing the terms and conditions of
7 financing and assessment under a program.

8 "Authority" means the Illinois Finance Authority.

9 "PACE area" means an area within the jurisdictional
10 boundaries of a local unit of government created by an
11 ordinance or resolution of the local unit of government to
12 provide financing for energy projects under a property assessed
13 clean energy program. A local unit of government may create
14 more than one PACE area under the program, and PACE areas may
15 be separate, overlapping, or coterminous.

16 "Energy efficiency improvement" means equipment, devices,
17 or materials intended to decrease energy consumption or promote
18 a more efficient use of electricity, natural gas, propane, or
19 other forms of energy on property, including, but not limited
20 to, all of the following:

21 (1) insulation in walls, roofs, floors, foundations,
22 or heating and cooling distribution systems;

23 (2) storm windows and doors, multi-glazed windows and
24 doors, heat-absorbing or heat-reflective glazed and coated
25 window and door systems, and additional glazing,
26 reductions in glass area, and other window and door system

- 1 modifications that reduce energy consumption;
- 2 (3) automated energy control systems;
- 3 (4) high efficiency heating, ventilating, or
4 air-conditioning and distribution system modifications or
5 replacements;
- 6 (5) caulking, weather-stripping, and air sealing;
- 7 (6) replacement or modification of lighting fixtures
8 to reduce the energy use of the lighting system;
- 9 (7) energy controls or recovery systems;
- 10 (8) day lighting systems;
- 11 (8.1) any energy efficiency project, as defined in
12 Section 825-65 of the Illinois Finance Authority Act; and
- 13 (9) any other installation or modification of
14 equipment, devices, or materials approved as a utility
15 cost-savings measure by the governing body.

16 "Energy project" means the installation or modification of
17 an alternative energy improvement, energy efficiency
18 improvement, or water use improvement, or the acquisition,
19 installation, or improvement of a renewable energy system that
20 is affixed to a stabilized existing property (including new
21 construction).

22 "Governing body" means the county board or board of county
23 commissioners of a county, the city council of a city, or the
24 board of trustees of a village.

25 "Local unit of government" means a county, city, or
26 village.

1 "Permitted assignee" means (i) any body politic and
2 corporate, (ii) any bond trustee, or (iii) any warehouse
3 lender, or any other assignee of a local unit of government
4 designated in an assessment contract.

5 "Person" means an individual, firm, partnership,
6 association, corporation, limited liability company,
7 unincorporated joint venture, trust, or any other type of
8 entity that is recognized by law and has the title to or
9 interest in property. "Person" does not include a local unit of
10 government or a homeowner's or condominium association, but
11 does include other governmental entities that are not local
12 units of government.

13 "Program administrator" means a for-profit entity or
14 not-for-profit ~~not-for-profit~~ entity that will administer a
15 program on behalf of or at the discretion of the local unit of
16 government. It or its affiliates, consultants, or advisors
17 shall have done business as a program administrator or capital
18 provider for a minimum of 18 months and shall be responsible
19 for arranging capital for the acquisition of bonds issued by
20 the local unit of government or the Authority to finance energy
21 projects.

22 "Property" means privately-owned commercial, industrial,
23 non-residential agricultural, or multi-family (of 5 or more
24 units) real property located within the local unit of
25 government, but does not include property owned by a local unit
26 of government or a homeowner's or condominium association.

1 "Property assessed clean energy program" or "program"
2 means a program as described in Section 10.

3 "Record owner" means the person who is the titleholder or
4 owner of the beneficial interest in property.

5 "Renewable energy resource" includes energy and its
6 associated renewable energy credit or renewable energy credits
7 from wind energy, solar thermal energy, photovoltaic cells and
8 panels, biodiesel, anaerobic digestion, and hydropower that
9 does not involve new construction or significant expansion of
10 hydropower dams. For purposes of this Act, landfill gas
11 produced in the State is considered a renewable energy
12 resource. The term "renewable energy resources" does not
13 include the incineration or burning of any solid material.

14 "Renewable energy system" means a fixture, product,
15 device, or interacting group of fixtures, products, or devices
16 on the customer's side of the meter that use one or more
17 renewable energy resources to generate electricity, and
18 specifically includes any renewable energy project, as defined
19 in Section 825-65 of the Illinois Finance Authority Act.

20 "Warehouse fund" means any fund established by a local unit
21 of government, body politic and corporate, or warehouse lender.

22 "Warehouse lender" means any financial institution
23 participating in a PACE area that finances an energy project
24 from lawfully available funds in anticipation of issuing bonds
25 as described in Section 35.

26 "Water use improvement" means any fixture, product,

1 system, device, or interacting group thereof for or serving any
2 property that has the effect of conserving water resources
3 through improved water management or efficiency.

4 (Source: P.A. 100-77, eff. 8-11-17; 100-980, eff. 1-1-19;
5 revised 9-28-18.)

6 (50 ILCS 50/30)

7 Sec. 30. Assessments constitute a lien; billing.

8 (a) An assessment imposed under a property assessed clean
9 energy program pursuant to an assessment contract, including
10 any interest on the assessment and any penalty, shall, upon
11 recording of the assessment contract in the county in which the
12 PACE area is located, constitute a lien against the property on
13 which the assessment is imposed until the assessment, including
14 any interest or penalty, is paid in full. The lien of the
15 assessment contract shall run with the property until the
16 assessment is paid in full and a satisfaction or release for
17 the same has been recorded with the local unit of government
18 and shall have the same priority and status as other property
19 tax and assessment liens. The local unit of government (or any
20 permitted assignee) shall have all rights and remedies in the
21 case of default or delinquency in the payment of an assessment
22 as it does with respect to delinquent property taxes. When the
23 assessment, including any interest and penalty, is paid, the
24 lien shall be removed from the property.

25 (a-5) The assessment shall be imposed by the local unit of

1 government against each lot, block, tract, ~~track~~ and parcel of
2 land within the PACE area to be assessed in accordance with an
3 assessment roll setting forth: (i) a description of the method
4 of spreading the assessment; (ii) a list of lots, blocks,
5 tracts and parcels of land in the PACE area; and (iii) the
6 amount assessed on each parcel. The assessment roll shall be
7 filed with the county clerk of the county in which the PACE
8 area is located for use in establishing the lien and collecting
9 the assessment.

10 (b) Installments of assessments due under a program may be
11 included in each tax bill issued under the Property Tax Code
12 and may be collected at the same time and in the same manner as
13 taxes collected under the Property Tax Code. Alternatively,
14 installments may be billed and collected as provided in a
15 special assessment ordinance of general applicability adopted
16 by the local unit of government pursuant to State law or local
17 charter. In no event will partial payment of an assessment be
18 allowed.

19 (Source: P.A. 100-77, eff. 8-11-17; 100-980, eff. 1-1-19;
20 revised 9-28-18.)

21 Section 320. The Illinois Police Training Act is amended by
22 changing Sections 7 and 10.22 as follows:

23 (50 ILCS 705/7) (from Ch. 85, par. 507)

24 Sec. 7. Rules and standards for schools. The Board shall

1 adopt rules and minimum standards for such schools which shall
2 include, but not be limited to, the following:

3 a. The curriculum for probationary police officers
4 which shall be offered by all certified schools shall
5 include, but not be limited to, courses of procedural
6 justice, arrest and use and control tactics, search and
7 seizure, including temporary questioning, civil rights,
8 human rights, human relations, cultural competency,
9 including implicit bias and racial and ethnic sensitivity,
10 criminal law, law of criminal procedure, constitutional
11 and proper use of law enforcement authority, vehicle and
12 traffic law including uniform and non-discriminatory
13 enforcement of the Illinois Vehicle Code, traffic control
14 and accident investigation, techniques of obtaining
15 physical evidence, court testimonies, statements, reports,
16 firearms training, training in the use of electronic
17 control devices, including the psychological and
18 physiological effects of the use of those devices on
19 humans, first-aid (including cardiopulmonary
20 resuscitation), training in the administration of opioid
21 antagonists as defined in paragraph (1) of subsection (e)
22 of Section 5-23 of the Substance Use Disorder Act, handling
23 of juvenile offenders, recognition of mental conditions
24 and crises, including, but not limited to, the disease of
25 addiction, which require immediate assistance and response
26 and methods to safeguard and provide assistance to a person

1 in need of mental treatment, recognition of abuse, neglect,
2 financial exploitation, and self-neglect of adults with
3 disabilities and older adults, as defined in Section 2 of
4 the Adult Protective Services Act, crimes against the
5 elderly, law of evidence, the hazards of high-speed police
6 vehicle chases with an emphasis on alternatives to the
7 high-speed chase, and physical training. The curriculum
8 shall include specific training in techniques for
9 immediate response to and investigation of cases of
10 domestic violence and of sexual assault of adults and
11 children, including cultural perceptions and common myths
12 of sexual assault and sexual abuse as well as interview
13 techniques that are age sensitive and are trauma informed,
14 victim centered, and victim sensitive. The curriculum
15 shall include training in techniques designed to promote
16 effective communication at the initial contact with crime
17 victims and ways to comprehensively explain to victims and
18 witnesses their rights under the Rights of Crime Victims
19 and Witnesses Act and the Crime Victims Compensation Act.
20 The curriculum shall also include training in effective
21 recognition of and responses to stress, trauma, and
22 post-traumatic stress experienced by police officers. The
23 curriculum shall also include a block of instruction aimed
24 at identifying and interacting with persons with autism and
25 other developmental or physical disabilities, reducing
26 barriers to reporting crimes against persons with autism,

1 and addressing the unique challenges presented by cases
2 involving victims or witnesses with autism and other
3 developmental disabilities. The curriculum for permanent
4 police officers shall include, but not be limited to: (1)
5 refresher and in-service training in any of the courses
6 listed above in this subparagraph, (2) advanced courses in
7 any of the subjects listed above in this subparagraph, (3)
8 training for supervisory personnel, and (4) specialized
9 training in subjects and fields to be selected by the
10 board. The training in the use of electronic control
11 devices shall be conducted for probationary police
12 officers, including University police officers.

13 b. Minimum courses of study, attendance requirements
14 and equipment requirements.

15 c. Minimum requirements for instructors.

16 d. Minimum basic training requirements, which a
17 probationary police officer must satisfactorily complete
18 before being eligible for permanent employment as a local
19 law enforcement officer for a participating local
20 governmental agency. Those requirements shall include
21 training in first aid (including cardiopulmonary
22 resuscitation).

23 e. Minimum basic training requirements, which a
24 probationary county corrections officer must
25 satisfactorily complete before being eligible for
26 permanent employment as a county corrections officer for a

1 participating local governmental agency.

2 f. Minimum basic training requirements which a
3 probationary court security officer must satisfactorily
4 complete before being eligible for permanent employment as
5 a court security officer for a participating local
6 governmental agency. The Board shall establish those
7 training requirements which it considers appropriate for
8 court security officers and shall certify schools to
9 conduct that training.

10 A person hired to serve as a court security officer
11 must obtain from the Board a certificate (i) attesting to
12 his or her successful completion of the training course;
13 (ii) attesting to his or her satisfactory completion of a
14 training program of similar content and number of hours
15 that has been found acceptable by the Board under the
16 provisions of this Act; or (iii) attesting to the Board's
17 determination that the training course is unnecessary
18 because of the person's extensive prior law enforcement
19 experience.

20 Individuals who currently serve as court security
21 officers shall be deemed qualified to continue to serve in
22 that capacity so long as they are certified as provided by
23 this Act within 24 months of June 1, 1997 (the effective
24 date of Public Act 89-685). Failure to be so certified,
25 absent a waiver from the Board, shall cause the officer to
26 forfeit his or her position.

1 All individuals hired as court security officers on or
2 after June 1, 1997 (the effective date of Public Act
3 89-685) shall be certified within 12 months of the date of
4 their hire, unless a waiver has been obtained by the Board,
5 or they shall forfeit their positions.

6 The Sheriff's Merit Commission, if one exists, or the
7 Sheriff's Office if there is no Sheriff's Merit Commission,
8 shall maintain a list of all individuals who have filed
9 applications to become court security officers and who meet
10 the eligibility requirements established under this Act.
11 Either the Sheriff's Merit Commission, or the Sheriff's
12 Office if no Sheriff's Merit Commission exists, shall
13 establish a schedule of reasonable intervals for
14 verification of the applicants' qualifications under this
15 Act and as established by the Board.

16 g. Minimum in-service training requirements, which a
17 police officer must satisfactorily complete every 3 years.
18 Those requirements shall include constitutional and proper
19 use of law enforcement authority, procedural justice,
20 civil rights, human rights, mental health awareness and
21 response, and cultural competency.

22 h. Minimum in-service training requirements, which a
23 police officer must satisfactorily complete at least
24 annually. Those requirements shall include law updates and
25 use of force training which shall include scenario based
26 training, or similar training approved by the Board.

1 (Source: P.A. 99-352, eff. 1-1-16; 99-480, eff. 9-9-15; 99-642,
2 eff. 7-28-16; 99-801, eff. 1-1-17; 100-121, eff. 1-1-18;
3 100-247, eff. 1-1-18; 100-759, eff. 1-1-19; 100-863, eff.
4 8-14-18; 100-910, eff. 1-1-19; revised 9-28-19.)

5 (50 ILCS 705/10.22)

6 Sec. 10.22. School resource officers.

7 (a) The Board shall develop or approve a course for school
8 resource officers as defined in Section 10-20.68 ~~10-20.67~~ of
9 the School Code.

10 (b) The school resource officer course shall be developed
11 within one year after January 1, 2019 (the effective date of
12 Public Act 100-984) ~~this amendatory Act of the 100th General~~
13 ~~Assembly~~ and shall be created in consultation with
14 organizations demonstrating expertise and or experience in the
15 areas of youth and adolescent developmental issues,
16 educational administrative issues, prevention of child abuse
17 and exploitation, youth mental health treatment, and juvenile
18 advocacy.

19 (c) The Board shall develop a process allowing law
20 enforcement agencies to request a waiver of this training
21 requirement for any specific individual assigned as a school
22 resource officer. Applications for these waivers may be
23 submitted by a local law enforcement agency chief administrator
24 for any officer whose prior training and experience may qualify
25 for a waiver of the training requirement of this subsection

1 (c). The Board may issue a waiver at its discretion, based
2 solely on the prior training and experience of an officer.

3 (d) Upon completion, the employing agency shall be issued a
4 certificate attesting to a specific officer's completion of the
5 school resource officer training. Additionally, a letter of
6 approval shall be issued to the employing agency for any
7 officer who is approved for a training waiver under this
8 subsection (d).

9 (Source: P.A. 100-984, eff. 1-1-19; revised 10-22-18.)

10 Section 325. The Missing Persons Identification Act is
11 amended by changing Sections 10 and 20 as follows:

12 (50 ILCS 722/10)

13 Sec. 10. Law enforcement analysis and reporting of missing
14 person information.

15 (a) Prompt determination of high-risk missing person.

16 (1) Definition. "High-risk missing person" means a
17 person whose whereabouts are not currently known and whose
18 circumstances indicate that the person may be at risk of
19 injury or death. The circumstances that indicate that a
20 person is a high-risk missing person include, but are not
21 limited to, any of the following:

22 (A) the person is missing as a result of a stranger
23 abduction;

24 (B) the person is missing under suspicious

1 circumstances;

2 (C) the person is missing under unknown
3 circumstances;

4 (D) the person is missing under known dangerous
5 circumstances;

6 (E) the person is missing more than 30 days;

7 (F) the person has already been designated as a
8 high-risk missing person by another law enforcement
9 agency;

10 (G) there is evidence that the person is at risk
11 because:

12 (i) the person is in need of medical attention,
13 including but not limited to persons with
14 dementia-like symptoms, or prescription
15 medication;

16 (ii) the person does not have a pattern of
17 running away or disappearing;

18 (iii) the person may have been abducted by a
19 non-custodial parent;

20 (iv) the person is mentally impaired,
21 including, but not limited to, a person having a
22 developmental disability, as defined in Section
23 1-106 of the Mental Health and Developmental
24 Disabilities Code, or a person having an
25 intellectual disability, as defined in Section
26 1-116 of the Mental Health and Developmental

1 Disabilities Code;

2 (v) the person is under the age of 21;

3 (vi) the person has been the subject of past
4 threats or acts of violence;

5 (vii) the person has eloped from a nursing
6 home;

7 (G-5) the person is a veteran or active duty member
8 of the United States Armed Forces, the National Guard,
9 or any reserve component of the United States Armed
10 Forces who is believed to have a physical or mental
11 health condition that is related to his or her service;
12 or

13 (H) any other factor that may, in the judgment of
14 the law enforcement official, indicate that the
15 missing person may be at risk.

16 (2) Law enforcement risk assessment.

17 (A) Upon initial receipt of a missing person
18 report, the law enforcement agency shall immediately
19 determine whether there is a basis to determine that
20 the missing person is a high-risk missing person.

21 (B) If a law enforcement agency has previously
22 determined that a missing person is not a high-risk
23 missing person, but obtains new information, it shall
24 immediately determine whether the information
25 indicates that the missing person is a high-risk
26 missing person.

1 (C) Law enforcement agencies are encouraged to
2 establish written protocols for the handling of
3 missing person cases to accomplish the purposes of this
4 Act.

5 (3) Law enforcement agency reports.

6 (A) The responding local law enforcement agency
7 shall immediately enter all collected information
8 relating to the missing person case in the Law
9 Enforcement Agencies Data System (LEADS) and the
10 National Crime Information Center (NCIC) databases.
11 The information shall be provided in accordance with
12 applicable guidelines relating to the databases. The
13 information shall be entered as follows:

14 (i) All appropriate DNA profiles, as
15 determined by the Department of State Police,
16 shall be uploaded into the missing person
17 databases of the State DNA Index System (SDIS) and
18 National DNA Index System (NDIS) after completion
19 of the DNA analysis and other procedures required
20 for database entry.

21 (ii) Information relevant to the Federal
22 Bureau of Investigation's Violent Criminal
23 Apprehension Program shall be entered as soon as
24 possible.

25 (iii) The Department of State Police shall
26 ensure that persons entering data relating to

1 medical or dental records in State or federal
2 databases are specifically trained to understand
3 and correctly enter the information sought by
4 these databases. The Department of State Police
5 shall either use a person with specific expertise
6 in medical or dental records for this purpose or
7 consult with a chief medical examiner, forensic
8 anthropologist, or odontologist to ensure the
9 accuracy and completeness of information entered
10 into the State and federal databases.

11 (B) The Department of State Police shall
12 immediately notify all law enforcement agencies within
13 this State and the surrounding region of the
14 information that will aid in the prompt location and
15 safe return of the high-risk missing person.

16 (C) The local law enforcement agencies that
17 receive the notification from the Department of State
18 Police shall notify officers to be on the lookout for
19 the missing person or a suspected abductor.

20 (D) Pursuant to any applicable State criteria,
21 local law enforcement agencies shall also provide for
22 the prompt use of an Amber Alert in cases involving
23 abducted children; or use of the Endangered Missing
24 Person Advisory in appropriate high risk cases.

25 (Source: P.A. 100-631, eff. 1-1-19; 100-662, eff. 1-1-19;
26 100-835, eff. 1-1-19; revised 9-28-18.)

1 (50 ILCS 722/20)

2 Sec. 20. Unidentified persons or human remains
3 identification responsibilities.

4 (a) In this Section, "assisting law enforcement agency"
5 means a law enforcement agency with jurisdiction acting under
6 the request and direction of the medical examiner or coroner to
7 assist with human remains identification.

8 (a-5) If the official with custody of the human remains is
9 not a coroner or medical examiner, the official shall
10 immediately notify the coroner or medical examiner of the
11 county in which the remains were found. The coroner or medical
12 examiner shall go to the scene and take charge of the remains.

13 (b) Notwithstanding any other action deemed appropriate
14 for the handling of the human remains, the assisting law
15 enforcement agency, medical examiner, or coroner shall make
16 reasonable attempts to promptly identify human remains. This
17 does not include historic or prehistoric skeletal remains.
18 These actions shall include, but are not limited to, obtaining
19 the following when possible:

20 (1) photographs of the human remains (prior to an
21 autopsy);

22 (2) dental and skeletal X-rays;

23 (3) photographs of items found on or with the human
24 remains;

25 (4) fingerprints from the remains;

- 1 (5) tissue samples suitable for DNA analysis;
2 (6) (blank); and
3 (7) any other information that may support
4 identification efforts.

5 (c) No medical examiner or coroner or any other person
6 shall dispose of, or engage in actions that will materially
7 affect the unidentified human remains before the assisting law
8 enforcement agency, medical examiner, or coroner obtains items
9 essential for human identification efforts listed in
10 subsection (b) of this Section.

11 (d) Cremation of unidentified human remains is prohibited.

12 (e) (Blank).

13 (f) The assisting law enforcement agency, medical
14 examiner, or coroner shall seek support from appropriate State
15 and federal agencies, including National Missing and
16 Unidentified Persons System resources to facilitate prompt
17 identification of human remains. This support may include, but
18 is not limited to, fingerprint comparison; forensic
19 odontology; nuclear or mitochondrial DNA analysis, or both; and
20 forensic anthropology.

21 (f-5) Fingerprints from the unidentified remains,
22 including partial prints, shall be submitted to the Department
23 of State Police or other resource for the purpose of attempting
24 to identify the deceased. The coroner or medical examiner shall
25 cause a dental examination to be performed by a forensic
26 odontologist for the purpose of dental charting, comparison to

1 missing person records, or both. Tissue samples collected for
2 DNA analysis shall be submitted within 30 days of the recovery
3 of the remains to a National Missing and Unidentified Persons
4 System partner laboratory or other resource where DNA profiles
5 are entered into the National DNA Index System upon completion
6 of testing. Forensic anthropological analysis of the remains
7 shall also be considered.

8 (g) (Blank).

9 (g-2) The medical examiner or coroner shall report the
10 unidentified human remains and the location where the remains
11 were found to the Department of State Police within 24 hours of
12 discovery as mandated by Section 15 of this Act. The assisting
13 law enforcement agency, medical examiner, or coroner shall
14 contact the Department of State Police to request the creation
15 of a ~~an~~ National Crime Information Center Unidentified Person
16 record within 5 days of the discovery of the remains. The
17 assisting law enforcement agency, medical examiner, or coroner
18 shall provide the Department of State Police all information
19 required for National Crime Information Center entry. Upon
20 notification, the Department of State Police shall create the
21 Unidentified Person record without unnecessary delay.

22 (g-5) The assisting law enforcement agency, medical
23 examiner, or coroner shall obtain a National Crime Information
24 Center number from the Department of State Police to verify
25 entry and maintain this number within the unidentified human
26 remains case file. A National Crime Information Center

1 Unidentified Person record shall remain on file indefinitely or
2 until action is taken by the originating agency to clear or
3 cancel the record. The assisting law enforcement agency,
4 medical examiner, or coroner shall notify the Department of
5 State Police of necessary record modifications or cancellation
6 if identification is made.

7 (h) (Blank).

8 (h-5) The assisting law enforcement agency, medical
9 examiner, or coroner shall create an unidentified person record
10 in the National Missing and Unidentified Persons System prior
11 to the submission of samples or within 30 days of the discovery
12 of the remains, if no identification has been made. The entry
13 shall include all available case information including
14 fingerprint data and dental charts. Samples shall be submitted
15 to a National Missing and Unidentified Persons System partner
16 laboratory for DNA analysis within 30 Days. A notation of DNA
17 submission shall be made within the National Missing and
18 Unidentified Persons System Unidentified Person record.

19 (i) Nothing in this Act shall be interpreted to preclude
20 any assisting law enforcement agency, medical examiner,
21 coroner, or the Department of State Police from pursuing other
22 efforts to identify human remains including efforts to
23 publicize information, descriptions, or photographs related to
24 the investigation.

25 (j) For historic or prehistoric human skeletal remains
26 determined by an anthropologist to be older than 100 years,

1 jurisdiction shall be transferred to the Department of Natural
2 Resources for further investigation under the Archaeological
3 and Paleontological Resources Protection Act.

4 (Source: P.A. 100-901, eff. 1-1-19; revised 9-28-18.)

5 Section 330. The Counties Code is amended by changing
6 Sections 5-1006, 5-1006.5, 5-1007, 5-1069.3, and 5-30004 as
7 follows:

8 (55 ILCS 5/5-1006) (from Ch. 34, par. 5-1006)

9 Sec. 5-1006. Home Rule County Retailers' Occupation Tax
10 Law. Any county that is a home rule unit may impose a tax upon
11 all persons engaged in the business of selling tangible
12 personal property, other than an item of tangible personal
13 property titled or registered with an agency of this State's
14 government, at retail in the county on the gross receipts from
15 such sales made in the course of their business. If imposed,
16 this tax shall only be imposed in 1/4% increments. On and after
17 September 1, 1991, this additional tax may not be imposed on
18 tangible personal property taxed at the 1% rate under the
19 Retailers' Occupation Tax Act. The tax imposed by a home rule
20 county pursuant to this Section and all civil penalties that
21 may be assessed as an incident thereof shall be collected and
22 enforced by the State Department of Revenue. The certificate of
23 registration that is issued by the Department to a retailer
24 under the Retailers' Occupation Tax Act shall permit the

1 retailer to engage in a business that is taxable under any
2 ordinance or resolution enacted pursuant to this Section
3 without registering separately with the Department under such
4 ordinance or resolution or under this Section. The Department
5 shall have full power to administer and enforce this Section;
6 to collect all taxes and penalties due hereunder; to dispose of
7 taxes and penalties so collected in the manner hereinafter
8 provided; and to determine all rights to credit memoranda
9 arising on account of the erroneous payment of tax or penalty
10 hereunder. In the administration of, and compliance with, this
11 Section, the Department and persons who are subject to this
12 Section shall have the same rights, remedies, privileges,
13 immunities, powers and duties, and be subject to the same
14 conditions, restrictions, limitations, penalties and
15 definitions of terms, and employ the same modes of procedure,
16 as are prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j,
17 1k, 1m, 1n, 2 through 2-65 (in respect to all provisions
18 therein other than the State rate of tax), 4, 5, 5a, 5b, 5c,
19 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9,
20 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and
21 Section 3-7 of the Uniform Penalty and Interest Act, as fully
22 as if those provisions were set forth herein.

23 No tax may be imposed by a home rule county pursuant to
24 this Section unless the county also imposes a tax at the same
25 rate pursuant to Section 5-1007.

26 Persons subject to any tax imposed pursuant to the

1 authority granted in this Section may reimburse themselves for
2 their seller's tax liability hereunder by separately stating
3 such tax as an additional charge, which charge may be stated in
4 combination, in a single amount, with State tax which sellers
5 are required to collect under the Use Tax Act, pursuant to such
6 bracket schedules as the Department may prescribe.

7 Whenever the Department determines that a refund should be
8 made under this Section to a claimant instead of issuing a
9 credit memorandum, the Department shall notify the State
10 Comptroller, who shall cause the order to be drawn for the
11 amount specified and to the person named in the notification
12 from the Department. The refund shall be paid by the State
13 Treasurer out of the home rule county retailers' occupation tax
14 fund.

15 The Department shall forthwith pay over to the State
16 Treasurer, ex officio, as trustee, all taxes and penalties
17 collected hereunder.

18 As soon as possible after the first day of each month,
19 beginning January 1, 2011, upon certification of the Department
20 of Revenue, the Comptroller shall order transferred, and the
21 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
22 local sales tax increment, as defined in the Innovation
23 Development and Economy Act, collected under this Section
24 during the second preceding calendar month for sales within a
25 STAR bond district.

26 After the monthly transfer to the STAR Bonds Revenue Fund,

1 on or before the 25th day of each calendar month, the
2 Department shall prepare and certify to the Comptroller the
3 disbursement of stated sums of money to named counties, the
4 counties to be those from which retailers have paid taxes or
5 penalties hereunder to the Department during the second
6 preceding calendar month. The amount to be paid to each county
7 shall be the amount (not including credit memoranda) collected
8 hereunder during the second preceding calendar month by the
9 Department plus an amount the Department determines is
10 necessary to offset any amounts that were erroneously paid to a
11 different taxing body, and not including an amount equal to the
12 amount of refunds made during the second preceding calendar
13 month by the Department on behalf of such county, and not
14 including any amount which the Department determines is
15 necessary to offset any amounts which were payable to a
16 different taxing body but were erroneously paid to the county,
17 and not including any amounts that are transferred to the STAR
18 Bonds Revenue Fund, less 1.5% of the remainder, which the
19 Department shall transfer into the Tax Compliance and
20 Administration Fund. The Department, at the time of each
21 monthly disbursement to the counties, shall prepare and certify
22 to the State Comptroller the amount to be transferred into the
23 Tax Compliance and Administration Fund under this Section.
24 Within 10 days after receipt, by the Comptroller, of the
25 disbursement certification to the counties and the Tax
26 Compliance and Administration Fund provided for in this Section

1 to be given to the Comptroller by the Department, the
2 Comptroller shall cause the orders to be drawn for the
3 respective amounts in accordance with the directions contained
4 in the certification.

5 In addition to the disbursement required by the preceding
6 paragraph, an allocation shall be made in March of each year to
7 each county that received more than \$500,000 in disbursements
8 under the preceding paragraph in the preceding calendar year.
9 The allocation shall be in an amount equal to the average
10 monthly distribution made to each such county under the
11 preceding paragraph during the preceding calendar year
12 (excluding the 2 months of highest receipts). The distribution
13 made in March of each year subsequent to the year in which an
14 allocation was made pursuant to this paragraph and the
15 preceding paragraph shall be reduced by the amount allocated
16 and disbursed under this paragraph in the preceding calendar
17 year. The Department shall prepare and certify to the
18 Comptroller for disbursement the allocations made in
19 accordance with this paragraph.

20 For the purpose of determining the local governmental unit
21 whose tax is applicable, a retail sale by a producer of coal or
22 other mineral mined in Illinois is a sale at retail at the
23 place where the coal or other mineral mined in Illinois is
24 extracted from the earth. This paragraph does not apply to coal
25 or other mineral when it is delivered or shipped by the seller
26 to the purchaser at a point outside Illinois so that the sale

1 is exempt under the United States Constitution as a sale in
2 interstate or foreign commerce.

3 Nothing in this Section shall be construed to authorize a
4 county to impose a tax upon the privilege of engaging in any
5 business which under the Constitution of the United States may
6 not be made the subject of taxation by this State.

7 An ordinance or resolution imposing or discontinuing a tax
8 hereunder or effecting a change in the rate thereof shall be
9 adopted and a certified copy thereof filed with the Department
10 on or before the first day of June, whereupon the Department
11 shall proceed to administer and enforce this Section as of the
12 first day of September next following such adoption and filing.
13 Beginning January 1, 1992, an ordinance or resolution imposing
14 or discontinuing the tax hereunder or effecting a change in the
15 rate thereof shall be adopted and a certified copy thereof
16 filed with the Department on or before the first day of July,
17 whereupon the Department shall proceed to administer and
18 enforce this Section as of the first day of October next
19 following such adoption and filing. Beginning January 1, 1993,
20 an ordinance or resolution imposing or discontinuing the tax
21 hereunder or effecting a change in the rate thereof shall be
22 adopted and a certified copy thereof filed with the Department
23 on or before the first day of October, whereupon the Department
24 shall proceed to administer and enforce this Section as of the
25 first day of January next following such adoption and filing.
26 Beginning April 1, 1998, an ordinance or resolution imposing or

1 discontinuing the tax hereunder or effecting a change in the
2 rate thereof shall either (i) be adopted and a certified copy
3 thereof filed with the Department on or before the first day of
4 April, whereupon the Department shall proceed to administer and
5 enforce this Section as of the first day of July next following
6 the adoption and filing; or (ii) be adopted and a certified
7 copy thereof filed with the Department on or before the first
8 day of October, whereupon the Department shall proceed to
9 administer and enforce this Section as of the first day of
10 January next following the adoption and filing.

11 When certifying the amount of a monthly disbursement to a
12 county under this Section, the Department shall increase or
13 decrease such amount by an amount necessary to offset any
14 misallocation of previous disbursements. The offset amount
15 shall be the amount erroneously disbursed within the previous 6
16 months from the time a misallocation is discovered.

17 This Section shall be known and may be cited as the Home
18 Rule County Retailers' Occupation Tax Law.

19 (Source: P.A. 99-217, eff. 7-31-15; 100-23, eff. 7-6-17;
20 100-587, eff. 6-4-18; 100-1171, eff. 1-4-19; revised 1-9-19.)

21 (55 ILCS 5/5-1006.5)

22 Sec. 5-1006.5. Special County Retailers' Occupation Tax
23 For Public Safety, Public Facilities, Mental Health, Substance
24 Abuse, or Transportation.

25 (a) The county board of any county may impose a tax upon

1 all persons engaged in the business of selling tangible
2 personal property, other than personal property titled or
3 registered with an agency of this State's government, at retail
4 in the county on the gross receipts from the sales made in the
5 course of business to provide revenue to be used exclusively
6 for public safety, public facility, mental health, substance
7 abuse, or transportation purposes in that county, if a
8 proposition for the tax has been submitted to the electors of
9 that county and approved by a majority of those voting on the
10 question. If imposed, this tax shall be imposed only in
11 one-quarter percent increments. By resolution, the county
12 board may order the proposition to be submitted at any
13 election. If the tax is imposed for transportation purposes for
14 expenditures for public highways or as authorized under the
15 Illinois Highway Code, the county board must publish notice of
16 the existence of its long-range highway transportation plan as
17 required or described in Section 5-301 of the Illinois Highway
18 Code and must make the plan publicly available prior to
19 approval of the ordinance or resolution imposing the tax. If
20 the tax is imposed for transportation purposes for expenditures
21 for passenger rail transportation, the county board must
22 publish notice of the existence of its long-range passenger
23 rail transportation plan and must make the plan publicly
24 available prior to approval of the ordinance or resolution
25 imposing the tax.

26 If a tax is imposed for public facilities purposes, then

1 the name of the project may be included in the proposition at
2 the discretion of the county board as determined in the
3 enabling resolution. For example, the "XXX Nursing Home" or the
4 "YYY Museum".

5 The county clerk shall certify the question to the proper
6 election authority, who shall submit the proposition at an
7 election in accordance with the general election law.

8 (1) The proposition for public safety purposes shall be
9 in substantially the following form:

10 "To pay for public safety purposes, shall (name of
11 county) be authorized to impose an increase on its share of
12 local sales taxes by (insert rate)?"

13 As additional information on the ballot below the
14 question shall appear the following:

15 "This would mean that a consumer would pay an
16 additional (insert amount) in sales tax for every \$100 of
17 tangible personal property bought at retail."

18 The county board may also opt to establish a sunset
19 provision at which time the additional sales tax would
20 cease being collected, if not terminated earlier by a vote
21 of the county board. If the county board votes to include a
22 sunset provision, the proposition for public safety
23 purposes shall be in substantially the following form:

24 "To pay for public safety purposes, shall (name of
25 county) be authorized to impose an increase on its share of
26 local sales taxes by (insert rate) for a period not to

1 exceed (insert number of years)?"

2 As additional information on the ballot below the
3 question shall appear the following:

4 "This would mean that a consumer would pay an
5 additional (insert amount) in sales tax for every \$100 of
6 tangible personal property bought at retail. If imposed,
7 the additional tax would cease being collected at the end
8 of (insert number of years), if not terminated earlier by a
9 vote of the county board."

10 For the purposes of the paragraph, "public safety
11 purposes" means crime prevention, detention, fire
12 fighting, police, medical, ambulance, or other emergency
13 services.

14 Votes shall be recorded as "Yes" or "No".

15 Beginning on the January 1 or July 1, whichever is
16 first, that occurs not less than 30 days after May 31, 2015
17 (the effective date of Public Act 99-4), Adams County may
18 impose a public safety retailers' occupation tax and
19 service occupation tax at the rate of 0.25%, as provided in
20 the referendum approved by the voters on April 7, 2015,
21 notwithstanding the omission of the additional information
22 that is otherwise required to be printed on the ballot
23 below the question pursuant to this item (1).

24 (2) The proposition for transportation purposes shall
25 be in substantially the following form:

26 "To pay for improvements to roads and other

1 transportation purposes, shall (name of county) be
2 authorized to impose an increase on its share of local
3 sales taxes by (insert rate)?"

4 As additional information on the ballot below the
5 question shall appear the following:

6 "This would mean that a consumer would pay an
7 additional (insert amount) in sales tax for every \$100 of
8 tangible personal property bought at retail."

9 The county board may also opt to establish a sunset
10 provision at which time the additional sales tax would
11 cease being collected, if not terminated earlier by a vote
12 of the county board. If the county board votes to include a
13 sunset provision, the proposition for transportation
14 purposes shall be in substantially the following form:

15 "To pay for road improvements and other transportation
16 purposes, shall (name of county) be authorized to impose an
17 increase on its share of local sales taxes by (insert rate)
18 for a period not to exceed (insert number of years)?"

19 As additional information on the ballot below the
20 question shall appear the following:

21 "This would mean that a consumer would pay an
22 additional (insert amount) in sales tax for every \$100 of
23 tangible personal property bought at retail. If imposed,
24 the additional tax would cease being collected at the end
25 of (insert number of years), if not terminated earlier by a
26 vote of the county board."

1 For the purposes of this paragraph, transportation
2 purposes means construction, maintenance, operation, and
3 improvement of public highways, any other purpose for which
4 a county may expend funds under the Illinois Highway Code,
5 and passenger rail transportation.

6 The votes shall be recorded as "Yes" or "No".

7 (3) The proposition for public facilities purposes
8 shall be in substantially the following form:

9 "To pay for public facilities purposes, shall (name of
10 county) be authorized to impose an increase on its share of
11 local sales taxes by (insert rate)?"

12 As additional information on the ballot below the
13 question shall appear the following:

14 "This would mean that a consumer would pay an
15 additional (insert amount) in sales tax for every \$100 of
16 tangible personal property bought at retail."

17 The county board may also opt to establish a sunset
18 provision at which time the additional sales tax would
19 cease being collected, if not terminated earlier by a vote
20 of the county board. If the county board votes to include a
21 sunset provision, the proposition for public facilities
22 purposes shall be in substantially the following form:

23 "To pay for public facilities purposes, shall (name of
24 county) be authorized to impose an increase on its share of
25 local sales taxes by (insert rate) for a period not to
26 exceed (insert number of years)?"

1 As additional information on the ballot below the
2 question shall appear the following:

3 "This would mean that a consumer would pay an
4 additional (insert amount) in sales tax for every \$100 of
5 tangible personal property bought at retail. If imposed,
6 the additional tax would cease being collected at the end
7 of (insert number of years), if not terminated earlier by a
8 vote of the county board."

9 For purposes of this Section, "public facilities
10 purposes" means the acquisition, development,
11 construction, reconstruction, rehabilitation, improvement,
12 financing, architectural planning, and installation of
13 capital facilities consisting of buildings, structures,
14 and durable equipment and for the acquisition and
15 improvement of real property and interest in real property
16 required, or expected to be required, in connection with
17 the public facilities, for use by the county for the
18 furnishing of governmental services to its citizens,
19 including but not limited to museums and nursing homes.

20 The votes shall be recorded as "Yes" or "No".

21 (4) The proposition for mental health purposes shall be
22 in substantially the following form:

23 "To pay for mental health purposes, shall (name of
24 county) be authorized to impose an increase on its share of
25 local sales taxes by (insert rate)?"

26 As additional information on the ballot below the

1 question shall appear the following:

2 "This would mean that a consumer would pay an
3 additional (insert amount) in sales tax for every \$100 of
4 tangible personal property bought at retail."

5 The county board may also opt to establish a sunset
6 provision at which time the additional sales tax would
7 cease being collected, if not terminated earlier by a vote
8 of the county board. If the county board votes to include a
9 sunset provision, the proposition for public facilities
10 purposes shall be in substantially the following form:

11 "To pay for mental health purposes, shall (name of
12 county) be authorized to impose an increase on its share of
13 local sales taxes by (insert rate) for a period not to
14 exceed (insert number of years)?"

15 As additional information on the ballot below the
16 question shall appear the following:

17 "This would mean that a consumer would pay an
18 additional (insert amount) in sales tax for every \$100 of
19 tangible personal property bought at retail. If imposed,
20 the additional tax would cease being collected at the end
21 of (insert number of years), if not terminated earlier by a
22 vote of the county board."

23 The votes shall be recorded as "Yes" or "No".

24 (5) The proposition for substance abuse purposes shall
25 be in substantially the following form:

26 "To pay for substance abuse purposes, shall (name of

1 county) be authorized to impose an increase on its share of
2 local sales taxes by (insert rate)?"

3 As additional information on the ballot below the
4 question shall appear the following:

5 "This would mean that a consumer would pay an
6 additional (insert amount) in sales tax for every \$100 of
7 tangible personal property bought at retail."

8 The county board may also opt to establish a sunset
9 provision at which time the additional sales tax would
10 cease being collected, if not terminated earlier by a vote
11 of the county board. If the county board votes to include a
12 sunset provision, the proposition for public facilities
13 purposes shall be in substantially the following form:

14 "To pay for substance abuse purposes, shall (name of
15 county) be authorized to impose an increase on its share of
16 local sales taxes by (insert rate) for a period not to
17 exceed (insert number of years)?"

18 As additional information on the ballot below the
19 question shall appear the following:

20 "This would mean that a consumer would pay an
21 additional (insert amount) in sales tax for every \$100 of
22 tangible personal property bought at retail. If imposed,
23 the additional tax would cease being collected at the end
24 of (insert number of years), if not terminated earlier by a
25 vote of the county board."

26 The votes shall be recorded as "Yes" or "No".

1 If a majority of the electors voting on the proposition
2 vote in favor of it, the county may impose the tax. A county
3 may not submit more than one proposition authorized by this
4 Section to the electors at any one time.

5 This additional tax may not be imposed on tangible personal
6 property taxed at the 1% rate under the Retailers' Occupation
7 Tax Act. The tax imposed by a county under this Section and all
8 civil penalties that may be assessed as an incident of the tax
9 shall be collected and enforced by the Illinois Department of
10 Revenue and deposited into a special fund created for that
11 purpose. The certificate of registration that is issued by the
12 Department to a retailer under the Retailers' Occupation Tax
13 Act shall permit the retailer to engage in a business that is
14 taxable without registering separately with the Department
15 under an ordinance or resolution under this Section. The
16 Department has full power to administer and enforce this
17 Section, to collect all taxes and penalties due under this
18 Section, to dispose of taxes and penalties so collected in the
19 manner provided in this Section, and to determine all rights to
20 credit memoranda arising on account of the erroneous payment of
21 a tax or penalty under this Section. In the administration of
22 and compliance with this Section, the Department and persons
23 who are subject to this Section shall (i) have the same rights,
24 remedies, privileges, immunities, powers, and duties, (ii) be
25 subject to the same conditions, restrictions, limitations,
26 penalties, and definitions of terms, and (iii) employ the same

1 modes of procedure as are prescribed in Sections 1, 1a, 1a-1,
2 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2 through 2-70 (in respect to
3 all provisions contained in those Sections other than the State
4 rate of tax), 2a, 2b, 2c, 3 (except provisions relating to
5 transaction returns and quarter monthly payments), 4, 5, 5a,
6 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d,
7 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation
8 Tax Act and Section 3-7 of the Uniform Penalty and Interest Act
9 as if those provisions were set forth in this Section.

10 Persons subject to any tax imposed under the authority
11 granted in this Section may reimburse themselves for their
12 sellers' tax liability by separately stating the tax as an
13 additional charge, which charge may be stated in combination,
14 in a single amount, with State tax which sellers are required
15 to collect under the Use Tax Act, pursuant to such bracketed
16 schedules as the Department may prescribe.

17 Whenever the Department determines that a refund should be
18 made under this Section to a claimant instead of issuing a
19 credit memorandum, the Department shall notify the State
20 Comptroller, who shall cause the order to be drawn for the
21 amount specified and to the person named in the notification
22 from the Department. The refund shall be paid by the State
23 Treasurer out of the County Public Safety, Public Facilities,
24 Mental Health, Substance Abuse, or Transportation Retailers'
25 Occupation Tax Fund.

26 (b) If a tax has been imposed under subsection (a), a

1 service occupation tax shall also be imposed at the same rate
2 upon all persons engaged, in the county, in the business of
3 making sales of service, who, as an incident to making those
4 sales of service, transfer tangible personal property within
5 the county as an incident to a sale of service. This tax may
6 not be imposed on tangible personal property taxed at the 1%
7 rate under the Service Occupation Tax Act. The tax imposed
8 under this subsection and all civil penalties that may be
9 assessed as an incident thereof shall be collected and enforced
10 by the Department of Revenue. The Department has full power to
11 administer and enforce this subsection; to collect all taxes
12 and penalties due hereunder; to dispose of taxes and penalties
13 so collected in the manner hereinafter provided; and to
14 determine all rights to credit memoranda arising on account of
15 the erroneous payment of tax or penalty hereunder. In the
16 administration of, and compliance with this subsection, the
17 Department and persons who are subject to this paragraph shall
18 (i) have the same rights, remedies, privileges, immunities,
19 powers, and duties, (ii) be subject to the same conditions,
20 restrictions, limitations, penalties, exclusions, exemptions,
21 and definitions of terms, and (iii) employ the same modes of
22 procedure as are prescribed in Sections 2 (except that the
23 reference to State in the definition of supplier maintaining a
24 place of business in this State shall mean the county), 2a, 2b,
25 2c, 3 through 3-50 (in respect to all provisions therein other
26 than the State rate of tax), 4 (except that the reference to

1 the State shall be to the county), 5, 7, 8 (except that the
2 jurisdiction to which the tax shall be a debt to the extent
3 indicated in that Section 8 shall be the county), 9 (except as
4 to the disposition of taxes and penalties collected), 10, 11,
5 12 (except the reference therein to Section 2b of the
6 Retailers' Occupation Tax Act), 13 (except that any reference
7 to the State shall mean the county), Section 15, 16, 17, 18, 19
8 and 20 of the Service Occupation Tax Act and Section 3-7 of the
9 Uniform Penalty and Interest Act, as fully as if those
10 provisions were set forth herein.

11 Persons subject to any tax imposed under the authority
12 granted in this subsection may reimburse themselves for their
13 serviceman's tax liability by separately stating the tax as an
14 additional charge, which charge may be stated in combination,
15 in a single amount, with State tax that servicemen are
16 authorized to collect under the Service Use Tax Act, in
17 accordance with such bracket schedules as the Department may
18 prescribe.

19 Whenever the Department determines that a refund should be
20 made under this subsection to a claimant instead of issuing a
21 credit memorandum, the Department shall notify the State
22 Comptroller, who shall cause the warrant to be drawn for the
23 amount specified, and to the person named, in the notification
24 from the Department. The refund shall be paid by the State
25 Treasurer out of the County Public Safety, Public Facilities,
26 Mental Health, Substance Abuse, or Transportation Retailers'

1 Occupation Fund.

2 Nothing in this subsection shall be construed to authorize
3 the county to impose a tax upon the privilege of engaging in
4 any business which under the Constitution of the United States
5 may not be made the subject of taxation by the State.

6 (c) The Department shall immediately pay over to the State
7 Treasurer, ex officio, as trustee, all taxes and penalties
8 collected under this Section to be deposited into the County
9 Public Safety, Public Facilities, Mental Health, Substance
10 Abuse, or Transportation Retailers' Occupation Tax Fund, which
11 shall be an unappropriated trust fund held outside of the State
12 treasury.

13 As soon as possible after the first day of each month,
14 beginning January 1, 2011, upon certification of the Department
15 of Revenue, the Comptroller shall order transferred, and the
16 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
17 local sales tax increment, as defined in the Innovation
18 Development and Economy Act, collected under this Section
19 during the second preceding calendar month for sales within a
20 STAR bond district.

21 After the monthly transfer to the STAR Bonds Revenue Fund,
22 on or before the 25th day of each calendar month, the
23 Department shall prepare and certify to the Comptroller the
24 disbursement of stated sums of money to the counties from which
25 retailers have paid taxes or penalties to the Department during
26 the second preceding calendar month. The amount to be paid to

1 each county, and deposited by the county into its special fund
2 created for the purposes of this Section, shall be the amount
3 (not including credit memoranda) collected under this Section
4 during the second preceding calendar month by the Department
5 plus an amount the Department determines is necessary to offset
6 any amounts that were erroneously paid to a different taxing
7 body, and not including (i) an amount equal to the amount of
8 refunds made during the second preceding calendar month by the
9 Department on behalf of the county, (ii) any amount that the
10 Department determines is necessary to offset any amounts that
11 were payable to a different taxing body but were erroneously
12 paid to the county, (iii) any amounts that are transferred to
13 the STAR Bonds Revenue Fund, and (iv) 1.5% of the remainder,
14 which shall be transferred into the Tax Compliance and
15 Administration Fund. The Department, at the time of each
16 monthly disbursement to the counties, shall prepare and certify
17 to the State Comptroller the amount to be transferred into the
18 Tax Compliance and Administration Fund under this subsection.
19 Within 10 days after receipt by the Comptroller of the
20 disbursement certification to the counties and the Tax
21 Compliance and Administration Fund provided for in this Section
22 to be given to the Comptroller by the Department, the
23 Comptroller shall cause the orders to be drawn for the
24 respective amounts in accordance with directions contained in
25 the certification.

26 In addition to the disbursement required by the preceding

1 paragraph, an allocation shall be made in March of each year to
2 each county that received more than \$500,000 in disbursements
3 under the preceding paragraph in the preceding calendar year.
4 The allocation shall be in an amount equal to the average
5 monthly distribution made to each such county under the
6 preceding paragraph during the preceding calendar year
7 (excluding the 2 months of highest receipts). The distribution
8 made in March of each year subsequent to the year in which an
9 allocation was made pursuant to this paragraph and the
10 preceding paragraph shall be reduced by the amount allocated
11 and disbursed under this paragraph in the preceding calendar
12 year. The Department shall prepare and certify to the
13 Comptroller for disbursement the allocations made in
14 accordance with this paragraph.

15 A county may direct, by ordinance, that all or a portion of
16 the taxes and penalties collected under the Special County
17 Retailers' Occupation Tax For Public Safety, Public
18 Facilities, Mental Health, Substance Abuse, or Transportation
19 be deposited into the Transportation Development Partnership
20 Trust Fund.

21 (d) For the purpose of determining the local governmental
22 unit whose tax is applicable, a retail sale by a producer of
23 coal or another mineral mined in Illinois is a sale at retail
24 at the place where the coal or other mineral mined in Illinois
25 is extracted from the earth. This paragraph does not apply to
26 coal or another mineral when it is delivered or shipped by the

1 seller to the purchaser at a point outside Illinois so that the
2 sale is exempt under the United States Constitution as a sale
3 in interstate or foreign commerce.

4 (e) Nothing in this Section shall be construed to authorize
5 a county to impose a tax upon the privilege of engaging in any
6 business that under the Constitution of the United States may
7 not be made the subject of taxation by this State.

8 (e-5) If a county imposes a tax under this Section, the
9 county board may, by ordinance, discontinue or lower the rate
10 of the tax. If the county board lowers the tax rate or
11 discontinues the tax, a referendum must be held in accordance
12 with subsection (a) of this Section in order to increase the
13 rate of the tax or to reimpose the discontinued tax.

14 (f) Beginning April 1, 1998 and through December 31, 2013,
15 the results of any election authorizing a proposition to impose
16 a tax under this Section or effecting a change in the rate of
17 tax, or any ordinance lowering the rate or discontinuing the
18 tax, shall be certified by the county clerk and filed with the
19 Illinois Department of Revenue either (i) on or before the
20 first day of April, whereupon the Department shall proceed to
21 administer and enforce the tax as of the first day of July next
22 following the filing; or (ii) on or before the first day of
23 October, whereupon the Department shall proceed to administer
24 and enforce the tax as of the first day of January next
25 following the filing.

26 Beginning January 1, 2014, the results of any election

1 authorizing a proposition to impose a tax under this Section or
2 effecting an increase in the rate of tax, along with the
3 ordinance adopted to impose the tax or increase the rate of the
4 tax, or any ordinance adopted to lower the rate or discontinue
5 the tax, shall be certified by the county clerk and filed with
6 the Illinois Department of Revenue either (i) on or before the
7 first day of May, whereupon the Department shall proceed to
8 administer and enforce the tax as of the first day of July next
9 following the adoption and filing; or (ii) on or before the
10 first day of October, whereupon the Department shall proceed to
11 administer and enforce the tax as of the first day of January
12 next following the adoption and filing.

13 (g) When certifying the amount of a monthly disbursement to
14 a county under this Section, the Department shall increase or
15 decrease the amounts by an amount necessary to offset any
16 miscalculation of previous disbursements. The offset amount
17 shall be the amount erroneously disbursed within the previous 6
18 months from the time a miscalculation is discovered.

19 (h) This Section may be cited as the "Special County
20 Occupation Tax For Public Safety, Public Facilities, Mental
21 Health, Substance Abuse, or Transportation Law".

22 (i) For purposes of this Section, "public safety" includes,
23 but is not limited to, crime prevention, detention, fire
24 fighting, police, medical, ambulance, or other emergency
25 services. The county may share tax proceeds received under this
26 Section for public safety purposes, including proceeds

1 received before August 4, 2009 (the effective date of Public
2 Act 96-124), with any fire protection district located in the
3 county. For the purposes of this Section, "transportation"
4 includes, but is not limited to, the construction, maintenance,
5 operation, and improvement of public highways, any other
6 purpose for which a county may expend funds under the Illinois
7 Highway Code, and passenger rail transportation. For the
8 purposes of this Section, "public facilities purposes"
9 includes, but is not limited to, the acquisition, development,
10 construction, reconstruction, rehabilitation, improvement,
11 financing, architectural planning, and installation of capital
12 facilities consisting of buildings, structures, and durable
13 equipment and for the acquisition and improvement of real
14 property and interest in real property required, or expected to
15 be required, in connection with the public facilities, for use
16 by the county for the furnishing of governmental services to
17 its citizens, including but not limited to museums and nursing
18 homes.

19 (j) The Department may promulgate rules to implement Public
20 Act 95-1002 only to the extent necessary to apply the existing
21 rules for the Special County Retailers' Occupation Tax for
22 Public Safety to this new purpose for public facilities.

23 (Source: P.A. 99-4, eff. 5-31-15; 99-217, eff. 7-31-15; 99-642,
24 eff. 7-28-16; 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
25 100-1167, eff. 1-4-19; 100-1171, eff. 1-4-19; revised 1-9-19.)

1 (55 ILCS 5/5-1007) (from Ch. 34, par. 5-1007)

2 Sec. 5-1007. Home Rule County Service Occupation Tax Law.
3 The corporate authorities of a home rule county may impose a
4 tax upon all persons engaged, in such county, in the business
5 of making sales of service at the same rate of tax imposed
6 pursuant to Section 5-1006 of the selling price of all tangible
7 personal property transferred by such servicemen either in the
8 form of tangible personal property or in the form of real
9 estate as an incident to a sale of service. If imposed, such
10 tax shall only be imposed in 1/4% increments. On and after
11 September 1, 1991, this additional tax may not be imposed on
12 tangible personal property taxed at the 1% rate under the
13 Service Occupation Tax Act. The tax imposed by a home rule
14 county pursuant to this Section and all civil penalties that
15 may be assessed as an incident thereof shall be collected and
16 enforced by the State Department of Revenue. The certificate of
17 registration which is issued by the Department to a retailer
18 under the Retailers' Occupation Tax Act or under the Service
19 Occupation Tax Act shall permit such registrant to engage in a
20 business which is taxable under any ordinance or resolution
21 enacted pursuant to this Section without registering
22 separately with the Department under such ordinance or
23 resolution or under this Section. The Department shall have
24 full power to administer and enforce this Section; to collect
25 all taxes and penalties due hereunder; to dispose of taxes and
26 penalties so collected in the manner hereinafter provided; and

1 to determine all rights to credit memoranda arising on account
2 of the erroneous payment of tax or penalty hereunder. In the
3 administration of, and compliance with, this Section the
4 Department and persons who are subject to this Section shall
5 have the same rights, remedies, privileges, immunities, powers
6 and duties, and be subject to the same conditions,
7 restrictions, limitations, penalties and definitions of terms,
8 and employ the same modes of procedure, as are prescribed in
9 Sections 1a-1, 2, 2a, 3 through 3-50 (in respect to all
10 provisions therein other than the State rate of tax), 4 (except
11 that the reference to the State shall be to the taxing county),
12 5, 7, 8 (except that the jurisdiction to which the tax shall be
13 a debt to the extent indicated in that Section 8 shall be the
14 taxing county), 9 (except as to the disposition of taxes and
15 penalties collected, and except that the returned merchandise
16 credit for this county tax may not be taken against any State
17 tax), 10, 11, 12 (except the reference therein to Section 2b of
18 the Retailers' Occupation Tax Act), 13 (except that any
19 reference to the State shall mean the taxing county), the first
20 paragraph of Section 15, 16, 17, 18, 19 and 20 of the Service
21 Occupation Tax Act and Section 3-7 of the Uniform Penalty and
22 Interest Act, as fully as if those provisions were set forth
23 herein.

24 No tax may be imposed by a home rule county pursuant to
25 this Section unless such county also imposes a tax at the same
26 rate pursuant to Section 5-1006.

1 Persons subject to any tax imposed pursuant to the
2 authority granted in this Section may reimburse themselves for
3 their serviceman's tax liability hereunder by separately
4 stating such tax as an additional charge, which charge may be
5 stated in combination, in a single amount, with State tax which
6 servicemen are authorized to collect under the Service Use Tax
7 Act, pursuant to such bracket schedules as the Department may
8 prescribe.

9 Whenever the Department determines that a refund should be
10 made under this Section to a claimant instead of issuing credit
11 memorandum, the Department shall notify the State Comptroller,
12 who shall cause the order to be drawn for the amount specified,
13 and to the person named, in such notification from the
14 Department. Such refund shall be paid by the State Treasurer
15 out of the home rule county retailers' occupation tax fund.

16 The Department shall forthwith pay over to the State
17 Treasurer, ex officio ~~ex officio~~, as trustee, all taxes and
18 penalties collected hereunder.

19 As soon as possible after the first day of each month,
20 beginning January 1, 2011, upon certification of the Department
21 of Revenue, the Comptroller shall order transferred, and the
22 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
23 local sales tax increment, as defined in the Innovation
24 Development and Economy Act, collected under this Section
25 during the second preceding calendar month for sales within a
26 STAR bond district.

1 After the monthly transfer to the STAR Bonds Revenue Fund,
2 on or before the 25th day of each calendar month, the
3 Department shall prepare and certify to the Comptroller the
4 disbursement of stated sums of money to named counties, the
5 counties to be those from which suppliers and servicemen have
6 paid taxes or penalties hereunder to the Department during the
7 second preceding calendar month. The amount to be paid to each
8 county shall be the amount (not including credit memoranda)
9 collected hereunder during the second preceding calendar month
10 by the Department, and not including an amount equal to the
11 amount of refunds made during the second preceding calendar
12 month by the Department on behalf of such county, and not
13 including any amounts that are transferred to the STAR Bonds
14 Revenue Fund, less 1.5% of the remainder, which the Department
15 shall transfer into the Tax Compliance and Administration Fund.
16 The Department, at the time of each monthly disbursement to the
17 counties, shall prepare and certify to the State Comptroller
18 the amount to be transferred into the Tax Compliance and
19 Administration Fund under this Section. Within 10 days after
20 receipt, by the Comptroller, of the disbursement certification
21 to the counties and the Tax Compliance and Administration Fund
22 provided for in this Section to be given to the Comptroller by
23 the Department, the Comptroller shall cause the orders to be
24 drawn for the respective amounts in accordance with the
25 directions contained in such certification.

26 In addition to the disbursement required by the preceding

1 paragraph, an allocation shall be made in each year to each
2 county which received more than \$500,000 in disbursements under
3 the preceding paragraph in the preceding calendar year. The
4 allocation shall be in an amount equal to the average monthly
5 distribution made to each such county under the preceding
6 paragraph during the preceding calendar year (excluding the 2
7 months of highest receipts). The distribution made in March of
8 each year subsequent to the year in which an allocation was
9 made pursuant to this paragraph and the preceding paragraph
10 shall be reduced by the amount allocated and disbursed under
11 this paragraph in the preceding calendar year. The Department
12 shall prepare and certify to the Comptroller for disbursement
13 the allocations made in accordance with this paragraph.

14 Nothing in this Section shall be construed to authorize a
15 county to impose a tax upon the privilege of engaging in any
16 business which under the Constitution of the United States may
17 not be made the subject of taxation by this State.

18 An ordinance or resolution imposing or discontinuing a tax
19 hereunder or effecting a change in the rate thereof shall be
20 adopted and a certified copy thereof filed with the Department
21 on or before the first day of June, whereupon the Department
22 shall proceed to administer and enforce this Section as of the
23 first day of September next following such adoption and filing.
24 Beginning January 1, 1992, an ordinance or resolution imposing
25 or discontinuing the tax hereunder or effecting a change in the
26 rate thereof shall be adopted and a certified copy thereof

1 filed with the Department on or before the first day of July,
2 whereupon the Department shall proceed to administer and
3 enforce this Section as of the first day of October next
4 following such adoption and filing. Beginning January 1, 1993,
5 an ordinance or resolution imposing or discontinuing the tax
6 hereunder or effecting a change in the rate thereof shall be
7 adopted and a certified copy thereof filed with the Department
8 on or before the first day of October, whereupon the Department
9 shall proceed to administer and enforce this Section as of the
10 first day of January next following such adoption and filing.
11 Beginning April 1, 1998, an ordinance or resolution imposing or
12 discontinuing the tax hereunder or effecting a change in the
13 rate thereof shall either (i) be adopted and a certified copy
14 thereof filed with the Department on or before the first day of
15 April, whereupon the Department shall proceed to administer and
16 enforce this Section as of the first day of July next following
17 the adoption and filing; or (ii) be adopted and a certified
18 copy thereof filed with the Department on or before the first
19 day of October, whereupon the Department shall proceed to
20 administer and enforce this Section as of the first day of
21 January next following the adoption and filing.

22 This Section shall be known and may be cited as the Home
23 Rule County Service Occupation Tax Law.

24 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
25 100-1171, eff. 1-4-19; revised 1-9-19.)

1 (55 ILCS 5/5-1069.3)

2 Sec. 5-1069.3. Required health benefits. If a county,
3 including a home rule county, is a self-insurer for purposes of
4 providing health insurance coverage for its employees, the
5 coverage shall include coverage for the post-mastectomy care
6 benefits required to be covered by a policy of accident and
7 health insurance under Section 356t and the coverage required
8 under Sections 356g, 356g.5, 356g.5-1, 356u, 356w, 356x,
9 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13,
10 356z.14, 356z.15, 356z.22, 356z.25, ~~and~~ 356z.26, ~~and~~ 356z.29,
11 and 356z.32 of the Illinois Insurance Code. The coverage shall
12 comply with Sections 155.22a, 355b, 356z.19, and 370c of the
13 Illinois Insurance Code. The Department of Insurance shall
14 enforce the requirements of this Section. The requirement that
15 health benefits be covered as provided in this Section is an
16 exclusive power and function of the State and is a denial and
17 limitation under Article VII, Section 6, subsection (h) of the
18 Illinois Constitution. A home rule county to which this Section
19 applies must comply with every provision of this Section.

20 Rulemaking authority to implement Public Act 95-1045, if
21 any, is conditioned on the rules being adopted in accordance
22 with all provisions of the Illinois Administrative Procedure
23 Act and all rules and procedures of the Joint Committee on
24 Administrative Rules; any purported rule not so adopted, for
25 whatever reason, is unauthorized.

26 (Source: P.A. 99-480, eff. 9-9-15; 100-24, eff. 7-18-17;

1 100-138, eff. 8-18-17; 100-863, eff. 8-14-18; 100-1024, eff.
2 1-1-19; 100-1057, eff. 1-1-19; 100-1102, eff. 1-1-19; revised
3 10-3-18.)

4 (55 ILCS 5/5-30004) (from Ch. 34, par. 5-30004)

5 Sec. 5-30004. Authority to protect and preserve landmarks
6 and preservation districts. The county board of each county
7 shall have the following authority:

8 (1) to establish and appoint by ordinance a
9 preservation study committee and to take any reasonable
10 temporary actions to protect potential landmarks and
11 preservation districts during the term of an appointed
12 preservation study committee;

13 (2) to establish and appoint by ordinance a
14 preservation commission upon recommendation of a
15 preservation study committee;

16 (3) to conduct an ongoing survey of the county to
17 identify buildings, structures, areas, sites and
18 landscapes that are of historic, archaeological,
19 architectural, or scenic significance, and therefore
20 potential landmarks or preservation districts;

21 (4) to designate by ordinance landmarks and
22 preservation districts upon the recommendation of a
23 preservation commission and to establish a system of
24 markers, plaques or certificates for designated landmarks
25 and preservation districts;

1 (5) to prepare maps showing the location of landmarks
2 and preservation districts, publish educational
3 information, and prepare educational programs concerning
4 landmarks and preservation districts and their designation
5 and protection;

6 (6) to exercise any of the powers and authority in
7 relation to regional planning and zoning granted counties
8 by Divisions 5-12 and 5-14, for the purpose of protecting,
9 preserving, and continuing the use of landmarks and
10 preservation districts;

11 (7) to nominate landmarks and historic districts to any
12 state or federal registers of historic places;

13 (8) to appropriate and expend funds to carry out the
14 purposes of this Division;

15 (9) to review applications for construction,
16 alteration, removal or demolition affecting landmarks or
17 property within preservation districts;

18 (10) to acquire by negotiated purchase any interest
19 including conservation rights in landmarks or in property
20 within preservation districts, or property immediately
21 adjacent to or surrounding landmarks or preservation
22 districts;

23 (11) to apply for and accept any gift, grant or bequest
24 from any private or public source, including agencies of
25 the federal or State government, for any purpose authorized
26 by this Division;

1 (12) to establish a system for the transfer of
2 development rights including, as appropriate, a mechanism
3 for the deposit of development rights in a development
4 rights bank, and for the transfer of development rights
5 from that development rights bank in the same manner as
6 authorized for municipalities by Section 11-48.2-2 of the
7 Illinois Municipal Code. All receipts arising from the
8 transfer shall be deposited in a special county account to
9 be applied against expenditures necessitated by the county
10 program for the designation and protection of landmarks and
11 preservation districts. Any development rights acquired,
12 sold or transferred from a development rights bank, shall
13 not be a "security" as that term is defined in Section 2.1
14 of the Illinois Securities Law of 1953, and shall be exempt
15 from all requirements for the registration of securities.

16 (13) to establish a loan or grant program from any
17 source of funds for designated landmarks and preservation
18 districts and to issue interest bearing revenue bonds or
19 general obligation bonds pursuant to ordinance enacted by
20 the county board, after compliance with requirements for
21 referendum, payable from the revenues to be derived from
22 the operation of any landmark or of any property within a
23 preservation district;

24 (14) to abate real property taxes on any landmark or
25 property within a preservation district to encourage its
26 preservation and continued use or to provide relief for

1 owners unduly burdened by designation;

2 (15) to advise and assist owners of landmarks and
3 property within preservation districts on physical and
4 financial aspects of preservation, renovation,
5 rehabilitation, and reuse;

6 (16) to advise cities, villages, or incorporated
7 towns, upon request of the appropriate official of the
8 municipality, concerning enactment of ordinances to
9 protect landmarks or preservation districts;

10 (17) to exercise within the boundaries of any city,
11 village, or incorporated town any of the powers and
12 authority granted counties by this Division so long as the
13 corporate authorities by ordinance or by intergovernmental
14 agreement pursuant to the Intergovernmental Cooperation
15 Act, or pursuant to Article VII 7, Section 10 of the
16 Constitution of the State of Illinois have authorized the
17 county preservation commission established by authority of
18 this Division to designate landmarks or preservation
19 districts within its corporate boundaries, and such county
20 preservation commission shall have only those powers,
21 duties, and legal authority provided in this Division;

22 (18) to exercise any of the above powers to preserve
23 and protect property owned by any unit of local government
24 including counties, or to review alteration, construction,
25 demolition, or removal undertaken by any unit of local
26 government including counties that affect landmarks and

1 preservation districts.

2 (19) to exercise any other power or authority necessary
3 or appropriate to carrying out the purposes of this
4 Division, including those powers and authorities listed in
5 Sections 5-30010 and 5-30011.

6 (Source: P.A. 90-655, eff. 7-30-98; revised 9-28-18.)

7 Section 335. The Children's Advocacy Center Act is amended
8 by changing Section 2.5 as follows:

9 (55 ILCS 80/2.5)

10 Sec. 2.5. Definitions. As used in this Section:

11 "Accreditation" means the process in which certification
12 of competency, authority, or credibility is presented by
13 standards set by the National Children's Alliance to ensure
14 effective, efficient and consistent delivery of services by a
15 CAC.

16 "Child maltreatment" includes any act or occurrence, as
17 defined in Section 5 of the Criminal Code of 2012, under the
18 Children and Family Services Act or the Juvenile Court Act of
19 1987 involving either a child victim or child witness.

20 "Children's Advocacy Center" or "CAC" is a child-focused,
21 trauma-informed, facility-based program in which
22 representatives from law enforcement, child protection,
23 prosecution, mental health, forensic interviewing, medical,
24 and victim advocacy disciplines collaborate to interview

1 children, meet with a child's parent or parents, caregivers,
2 and family members, and make team decisions about the
3 investigation, prosecution, safety, treatment, and support
4 services for child maltreatment cases.

5 "Children's Advocacy Centers of Illinois" or "CACI" is a
6 state chapter of the National Children's Alliance ("NCA") and
7 organizing entity for Children's Advocacy Centers in the State
8 of Illinois. It defines membership and engages member CACs in
9 the NCA accreditation process and collecting and sharing of
10 data, and provides training, leadership, and technical
11 assistance to existing and emerging CACs in the State.

12 "Forensic interview" means an interview between a trained
13 forensic interviewer, as defined by NCA standards, and a child
14 in which the interviewer obtains information from children in
15 an unbiased and fact finding manner that is developmentally
16 appropriate and culturally sensitive to support accurate and
17 fair decision making by the multidisciplinary team in the
18 criminal justice and child protection systems. Whenever
19 practical, all parties involved in investigating reports of
20 child maltreatment shall observe the interview, which shall be
21 digitally recorded.

22 "Multidisciplinary team" or "MDT" means a group of
23 professionals working collaboratively under a written
24 protocol, who represent various disciplines from the point of a
25 report of child maltreatment to assure the most effective
26 coordinated response possible for every child. Employees from

1 each participating entity shall be included on the MDT. A CAC's
2 MDT must include professionals involved in the coordination,
3 investigation, and prosecution of child abuse cases, including
4 the CAC's staff, participating law enforcement agencies, the
5 county state's attorney, and the Illinois Department of
6 Children and Family Services, and must include professionals
7 involved in the delivery of services to victims of child
8 maltreatment and non-offending parent or parents, caregiver,
9 and their families.

10 "National Children's Alliance" or "NCA" means the
11 professional membership organization dedicated to helping
12 local communities respond to allegations of child abuse in an
13 effective and efficient manner. NCA provides training,
14 support, technical assistance and leadership on a national
15 level to state and local CACs and communities responding to
16 reports of child maltreatment. NCA is the national organization
17 that provides the standards for CAC accreditation.

18 "Protocol" means a written methodology defining the
19 responsibilities of each of the MDT members in the
20 investigation and prosecution of child maltreatment within a
21 defined jurisdiction. Written protocols are signed documents
22 and are reviewed and/or updated annually, at a minimum, by a
23 CAC's Advisory Board.

24 (Source: P.A. 98-809, eff. 1-1-15; revised 9-28-18.)

25 Section 340. The Township Code is amended by renumbering

1 Section 7-27 as follows:

2 (60 ILCS 1/70-27)

3 Sec. 70-27 ~~7-27~~. Attestation to funds endorsed by the
4 supervisor. If a township supervisor issues a payout of funds
5 from the township treasury, the township clerk shall attest to
6 such payment.

7 (Source: P.A. 100-983, eff. 1-1-19; revised 1-15-19.)

8 Section 345. The Illinois Municipal Code is amended by
9 changing Sections 8-11-1, 8-11-1.3, 8-11-1.4, 8-11-1.6,
10 8-11-1.7, 8-11-5, 10-2.1-4, 10-3-12, and 10-4-2.3 as follows:

11 (65 ILCS 5/8-11-1) (from Ch. 24, par. 8-11-1)

12 Sec. 8-11-1. Home Rule Municipal Retailers' Occupation Tax
13 Act. The corporate authorities of a home rule municipality may
14 impose a tax upon all persons engaged in the business of
15 selling tangible personal property, other than an item of
16 tangible personal property titled or registered with an agency
17 of this State's government, at retail in the municipality on
18 the gross receipts from these sales made in the course of such
19 business. If imposed, the tax shall only be imposed in 1/4%
20 increments. On and after September 1, 1991, this additional tax
21 may not be imposed on tangible personal property taxed at the
22 1% rate under the Retailers' Occupation Tax Act. The tax
23 imposed by a home rule municipality under this Section and all

1 civil penalties that may be assessed as an incident of the tax
2 shall be collected and enforced by the State Department of
3 Revenue. The certificate of registration that is issued by the
4 Department to a retailer under the Retailers' Occupation Tax
5 Act shall permit the retailer to engage in a business that is
6 taxable under any ordinance or resolution enacted pursuant to
7 this Section without registering separately with the
8 Department under such ordinance or resolution or under this
9 Section. The Department shall have full power to administer and
10 enforce this Section; to collect all taxes and penalties due
11 hereunder; to dispose of taxes and penalties so collected in
12 the manner hereinafter provided; and to determine all rights to
13 credit memoranda arising on account of the erroneous payment of
14 tax or penalty hereunder. In the administration of, and
15 compliance with, this Section the Department and persons who
16 are subject to this Section shall have the same rights,
17 remedies, privileges, immunities, powers and duties, and be
18 subject to the same conditions, restrictions, limitations,
19 penalties and definitions of terms, and employ the same modes
20 of procedure, as are prescribed in Sections 1, 1a, 1d, 1e, 1f,
21 1i, 1j, 1k, 1m, 1n, 2 through 2-65 (in respect to all
22 provisions therein other than the State rate of tax), 2c, 3
23 (except as to the disposition of taxes and penalties
24 collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k,
25 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12 and 13 of the
26 Retailers' Occupation Tax Act and Section 3-7 of the Uniform

1 Penalty and Interest Act, as fully as if those provisions were
2 set forth herein.

3 No tax may be imposed by a home rule municipality under
4 this Section unless the municipality also imposes a tax at the
5 same rate under Section 8-11-5 of this Act.

6 Persons subject to any tax imposed under the authority
7 granted in this Section may reimburse themselves for their
8 seller's tax liability hereunder by separately stating that tax
9 as an additional charge, which charge may be stated in
10 combination, in a single amount, with State tax which sellers
11 are required to collect under the Use Tax Act, pursuant to such
12 bracket schedules as the Department may prescribe.

13 Whenever the Department determines that a refund should be
14 made under this Section to a claimant instead of issuing a
15 credit memorandum, the Department shall notify the State
16 Comptroller, who shall cause the order to be drawn for the
17 amount specified and to the person named in the notification
18 from the Department. The refund shall be paid by the State
19 Treasurer out of the home rule municipal retailers' occupation
20 tax fund.

21 The Department shall immediately pay over to the State
22 Treasurer, ex officio, as trustee, all taxes and penalties
23 collected hereunder.

24 As soon as possible after the first day of each month,
25 beginning January 1, 2011, upon certification of the Department
26 of Revenue, the Comptroller shall order transferred, and the

1 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
2 local sales tax increment, as defined in the Innovation
3 Development and Economy Act, collected under this Section
4 during the second preceding calendar month for sales within a
5 STAR bond district.

6 After the monthly transfer to the STAR Bonds Revenue Fund,
7 on or before the 25th day of each calendar month, the
8 Department shall prepare and certify to the Comptroller the
9 disbursement of stated sums of money to named municipalities,
10 the municipalities to be those from which retailers have paid
11 taxes or penalties hereunder to the Department during the
12 second preceding calendar month. The amount to be paid to each
13 municipality shall be the amount (not including credit
14 memoranda) collected hereunder during the second preceding
15 calendar month by the Department plus an amount the Department
16 determines is necessary to offset any amounts that were
17 erroneously paid to a different taxing body, and not including
18 an amount equal to the amount of refunds made during the second
19 preceding calendar month by the Department on behalf of such
20 municipality, and not including any amount that the Department
21 determines is necessary to offset any amounts that were payable
22 to a different taxing body but were erroneously paid to the
23 municipality, and not including any amounts that are
24 transferred to the STAR Bonds Revenue Fund, less 1.5% of the
25 remainder, which the Department shall transfer into the Tax
26 Compliance and Administration Fund. The Department, at the time

1 of each monthly disbursement to the municipalities, shall
2 prepare and certify to the State Comptroller the amount to be
3 transferred into the Tax Compliance and Administration Fund
4 under this Section. Within 10 days after receipt by the
5 Comptroller of the disbursement certification to the
6 municipalities and the Tax Compliance and Administration Fund
7 provided for in this Section to be given to the Comptroller by
8 the Department, the Comptroller shall cause the orders to be
9 drawn for the respective amounts in accordance with the
10 directions contained in the certification.

11 In addition to the disbursement required by the preceding
12 paragraph and in order to mitigate delays caused by
13 distribution procedures, an allocation shall, if requested, be
14 made within 10 days after January 14, 1991, and in November of
15 1991 and each year thereafter, to each municipality that
16 received more than \$500,000 during the preceding fiscal year,
17 (July 1 through June 30) whether collected by the municipality
18 or disbursed by the Department as required by this Section.
19 Within 10 days after January 14, 1991, participating
20 municipalities shall notify the Department in writing of their
21 intent to participate. In addition, for the initial
22 distribution, participating municipalities shall certify to
23 the Department the amounts collected by the municipality for
24 each month under its home rule occupation and service
25 occupation tax during the period July 1, 1989 through June 30,
26 1990. The allocation within 10 days after January 14, 1991,

1 shall be in an amount equal to the monthly average of these
2 amounts, excluding the 2 months of highest receipts. The
3 monthly average for the period of July 1, 1990 through June 30,
4 1991 will be determined as follows: the amounts collected by
5 the municipality under its home rule occupation and service
6 occupation tax during the period of July 1, 1990 through
7 September 30, 1990, plus amounts collected by the Department
8 and paid to such municipality through June 30, 1991, excluding
9 the 2 months of highest receipts. The monthly average for each
10 subsequent period of July 1 through June 30 shall be an amount
11 equal to the monthly distribution made to each such
12 municipality under the preceding paragraph during this period,
13 excluding the 2 months of highest receipts. The distribution
14 made in November 1991 and each year thereafter under this
15 paragraph and the preceding paragraph shall be reduced by the
16 amount allocated and disbursed under this paragraph in the
17 preceding period of July 1 through June 30. The Department
18 shall prepare and certify to the Comptroller for disbursement
19 the allocations made in accordance with this paragraph.

20 For the purpose of determining the local governmental unit
21 whose tax is applicable, a retail sale by a producer of coal or
22 other mineral mined in Illinois is a sale at retail at the
23 place where the coal or other mineral mined in Illinois is
24 extracted from the earth. This paragraph does not apply to coal
25 or other mineral when it is delivered or shipped by the seller
26 to the purchaser at a point outside Illinois so that the sale

1 is exempt under the United States Constitution as a sale in
2 interstate or foreign commerce.

3 Nothing in this Section shall be construed to authorize a
4 municipality to impose a tax upon the privilege of engaging in
5 any business which under the Constitution of the United States
6 may not be made the subject of taxation by this State.

7 An ordinance or resolution imposing or discontinuing a tax
8 hereunder or effecting a change in the rate thereof shall be
9 adopted and a certified copy thereof filed with the Department
10 on or before the first day of June, whereupon the Department
11 shall proceed to administer and enforce this Section as of the
12 first day of September next following the adoption and filing.
13 Beginning January 1, 1992, an ordinance or resolution imposing
14 or discontinuing the tax hereunder or effecting a change in the
15 rate thereof shall be adopted and a certified copy thereof
16 filed with the Department on or before the first day of July,
17 whereupon the Department shall proceed to administer and
18 enforce this Section as of the first day of October next
19 following such adoption and filing. Beginning January 1, 1993,
20 an ordinance or resolution imposing or discontinuing the tax
21 hereunder or effecting a change in the rate thereof shall be
22 adopted and a certified copy thereof filed with the Department
23 on or before the first day of October, whereupon the Department
24 shall proceed to administer and enforce this Section as of the
25 first day of January next following the adoption and filing.
26 However, a municipality located in a county with a population

1 in excess of 3,000,000 that elected to become a home rule unit
2 at the general primary election in 1994 may adopt an ordinance
3 or resolution imposing the tax under this Section and file a
4 certified copy of the ordinance or resolution with the
5 Department on or before July 1, 1994. The Department shall then
6 proceed to administer and enforce this Section as of October 1,
7 1994. Beginning April 1, 1998, an ordinance or resolution
8 imposing or discontinuing the tax hereunder or effecting a
9 change in the rate thereof shall either (i) be adopted and a
10 certified copy thereof filed with the Department on or before
11 the first day of April, whereupon the Department shall proceed
12 to administer and enforce this Section as of the first day of
13 July next following the adoption and filing; or (ii) be adopted
14 and a certified copy thereof filed with the Department on or
15 before the first day of October, whereupon the Department shall
16 proceed to administer and enforce this Section as of the first
17 day of January next following the adoption and filing.

18 When certifying the amount of a monthly disbursement to a
19 municipality under this Section, the Department shall increase
20 or decrease the amount by an amount necessary to offset any
21 misallocation of previous disbursements. The offset amount
22 shall be the amount erroneously disbursed within the previous 6
23 months from the time a misallocation is discovered.

24 Any unobligated balance remaining in the Municipal
25 Retailers' Occupation Tax Fund on December 31, 1989, which fund
26 was abolished by Public Act 85-1135, and all receipts of

1 municipal tax as a result of audits of liability periods prior
2 to January 1, 1990, shall be paid into the Local Government Tax
3 Fund for distribution as provided by this Section prior to the
4 enactment of Public Act 85-1135. All receipts of municipal tax
5 as a result of an assessment not arising from an audit, for
6 liability periods prior to January 1, 1990, shall be paid into
7 the Local Government Tax Fund for distribution before July 1,
8 1990, as provided by this Section prior to the enactment of
9 Public Act 85-1135; and on and after July 1, 1990, all such
10 receipts shall be distributed as provided in Section 6z-18 of
11 the State Finance Act.

12 As used in this Section, "municipal" and "municipality"
13 means a city, village or incorporated town, including an
14 incorporated town that has superseded a civil township.

15 This Section shall be known and may be cited as the Home
16 Rule Municipal Retailers' Occupation Tax Act.

17 (Source: P.A. 99-217, eff. 7-31-15; 100-23, eff. 7-6-17;
18 100-587, eff. 6-4-18; 100-1171, eff. 1-4-19; revised 1-9-19.)

19 (65 ILCS 5/8-11-1.3) (from Ch. 24, par. 8-11-1.3)

20 Sec. 8-11-1.3. Non-Home Rule Municipal Retailers'
21 Occupation Tax Act. The corporate authorities of a non-home
22 rule municipality may impose a tax upon all persons engaged in
23 the business of selling tangible personal property, other than
24 on an item of tangible personal property which is titled and
25 registered by an agency of this State's Government, at retail

1 in the municipality for expenditure on public infrastructure or
2 for property tax relief or both as defined in Section 8-11-1.2
3 if approved by referendum as provided in Section 8-11-1.1, of
4 the gross receipts from such sales made in the course of such
5 business. If the tax is approved by referendum on or after July
6 14, 2010 (the effective date of Public Act 96-1057), the
7 corporate authorities of a non-home rule municipality may,
8 until December 31, 2020, use the proceeds of the tax for
9 expenditure on municipal operations, in addition to or in lieu
10 of any expenditure on public infrastructure or for property tax
11 relief. The tax imposed may not be more than 1% and may be
12 imposed only in 1/4% increments. The tax may not be imposed on
13 tangible personal property taxed at the 1% rate under the
14 Retailers' Occupation Tax Act. The tax imposed by a
15 municipality pursuant to this Section and all civil penalties
16 that may be assessed as an incident thereof shall be collected
17 and enforced by the State Department of Revenue. The
18 certificate of registration which is issued by the Department
19 to a retailer under the Retailers' Occupation Tax Act shall
20 permit such retailer to engage in a business which is taxable
21 under any ordinance or resolution enacted pursuant to this
22 Section without registering separately with the Department
23 under such ordinance or resolution or under this Section. The
24 Department shall have full power to administer and enforce this
25 Section; to collect all taxes and penalties due hereunder; to
26 dispose of taxes and penalties so collected in the manner

1 hereinafter provided, and to determine all rights to credit
2 memoranda, arising on account of the erroneous payment of tax
3 or penalty hereunder. In the administration of, and compliance
4 with, this Section, the Department and persons who are subject
5 to this Section shall have the same rights, remedies,
6 privileges, immunities, powers and duties, and be subject to
7 the same conditions, restrictions, limitations, penalties and
8 definitions of terms, and employ the same modes of procedure,
9 as are prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j,
10 2 through 2-65 (in respect to all provisions therein other than
11 the State rate of tax), 2c, 3 (except as to the disposition of
12 taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f,
13 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12
14 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of
15 the Uniform Penalty and Interest Act as fully as if those
16 provisions were set forth herein.

17 No municipality may impose a tax under this Section unless
18 the municipality also imposes a tax at the same rate under
19 Section 8-11-1.4 of this Code.

20 Persons subject to any tax imposed pursuant to the
21 authority granted in this Section may reimburse themselves for
22 their seller's tax liability hereunder by separately stating
23 such tax as an additional charge, which charge may be stated in
24 combination, in a single amount, with State tax which sellers
25 are required to collect under the Use Tax Act, pursuant to such
26 bracket schedules as the Department may prescribe.

1 Whenever the Department determines that a refund should be
2 made under this Section to a claimant instead of issuing a
3 credit memorandum, the Department shall notify the State
4 Comptroller, who shall cause the order to be drawn for the
5 amount specified, and to the person named, in such notification
6 from the Department. Such refund shall be paid by the State
7 Treasurer out of the non-home rule municipal retailers'
8 occupation tax fund.

9 The Department shall forthwith pay over to the State
10 Treasurer, ex officio, as trustee, all taxes and penalties
11 collected hereunder.

12 As soon as possible after the first day of each month,
13 beginning January 1, 2011, upon certification of the Department
14 of Revenue, the Comptroller shall order transferred, and the
15 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
16 local sales tax increment, as defined in the Innovation
17 Development and Economy Act, collected under this Section
18 during the second preceding calendar month for sales within a
19 STAR bond district.

20 After the monthly transfer to the STAR Bonds Revenue Fund,
21 on or before the 25th day of each calendar month, the
22 Department shall prepare and certify to the Comptroller the
23 disbursement of stated sums of money to named municipalities,
24 the municipalities to be those from which retailers have paid
25 taxes or penalties hereunder to the Department during the
26 second preceding calendar month. The amount to be paid to each

1 municipality shall be the amount (not including credit
2 memoranda) collected hereunder during the second preceding
3 calendar month by the Department plus an amount the Department
4 determines is necessary to offset any amounts which were
5 erroneously paid to a different taxing body, and not including
6 an amount equal to the amount of refunds made during the second
7 preceding calendar month by the Department on behalf of such
8 municipality, and not including any amount which the Department
9 determines is necessary to offset any amounts which were
10 payable to a different taxing body but were erroneously paid to
11 the municipality, and not including any amounts that are
12 transferred to the STAR Bonds Revenue Fund, less 1.5% of the
13 remainder, which the Department shall transfer into the Tax
14 Compliance and Administration Fund. The Department, at the time
15 of each monthly disbursement to the municipalities, shall
16 prepare and certify to the State Comptroller the amount to be
17 transferred into the Tax Compliance and Administration Fund
18 under this Section. Within 10 days after receipt, by the
19 Comptroller, of the disbursement certification to the
20 municipalities and the Tax Compliance and Administration Fund
21 provided for in this Section to be given to the Comptroller by
22 the Department, the Comptroller shall cause the orders to be
23 drawn for the respective amounts in accordance with the
24 directions contained in such certification.

25 For the purpose of determining the local governmental unit
26 whose tax is applicable, a retail sale, by a producer of coal

1 or other mineral mined in Illinois, is a sale at retail at the
2 place where the coal or other mineral mined in Illinois is
3 extracted from the earth. This paragraph does not apply to coal
4 or other mineral when it is delivered or shipped by the seller
5 to the purchaser at a point outside Illinois so that the sale
6 is exempt under the Federal Constitution as a sale in
7 interstate or foreign commerce.

8 Nothing in this Section shall be construed to authorize a
9 municipality to impose a tax upon the privilege of engaging in
10 any business which under the constitution of the United States
11 may not be made the subject of taxation by this State.

12 When certifying the amount of a monthly disbursement to a
13 municipality under this Section, the Department shall increase
14 or decrease such amount by an amount necessary to offset any
15 misallocation of previous disbursements. The offset amount
16 shall be the amount erroneously disbursed within the previous 6
17 months from the time a misallocation is discovered.

18 The Department of Revenue shall implement Public Act 91-649
19 ~~this amendatory Act of the 91st General Assembly~~ so as to
20 collect the tax on and after January 1, 2002.

21 As used in this Section, "municipal" and "municipality"
22 means a city, village or incorporated town, including an
23 incorporated town which has superseded a civil township.

24 This Section shall be known and may be cited as the
25 "Non-Home Rule Municipal Retailers' Occupation Tax Act".

26 (Source: P.A. 99-217, eff. 7-31-15; 100-23, eff. 7-6-17;

1 100-587, eff. 6-4-18; 100-1171, eff. 1-4-19; revised 1-9-19.)

2 (65 ILCS 5/8-11-1.4) (from Ch. 24, par. 8-11-1.4)

3 Sec. 8-11-1.4. Non-Home Rule Municipal Service Occupation
4 Tax Act. The corporate authorities of a non-home rule
5 municipality may impose a tax upon all persons engaged, in such
6 municipality, in the business of making sales of service for
7 expenditure on public infrastructure or for property tax relief
8 or both as defined in Section 8-11-1.2 if approved by
9 referendum as provided in Section 8-11-1.1, of the selling
10 price of all tangible personal property transferred by such
11 servicemen either in the form of tangible personal property or
12 in the form of real estate as an incident to a sale of service.
13 If the tax is approved by referendum on or after July 14, 2010
14 (the effective date of Public Act 96-1057), the corporate
15 authorities of a non-home rule municipality may, until December
16 31, 2020, use the proceeds of the tax for expenditure on
17 municipal operations, in addition to or in lieu of any
18 expenditure on public infrastructure or for property tax
19 relief. The tax imposed may not be more than 1% and may be
20 imposed only in 1/4% increments. The tax may not be imposed on
21 tangible personal property taxed at the 1% rate under the
22 Service Occupation Tax Act. The tax imposed by a municipality
23 pursuant to this Section and all civil penalties that may be
24 assessed as an incident thereof shall be collected and enforced
25 by the State Department of Revenue. The certificate of

1 registration which is issued by the Department to a retailer
2 under the Retailers' Occupation Tax Act or under the Service
3 Occupation Tax Act shall permit such registrant to engage in a
4 business which is taxable under any ordinance or resolution
5 enacted pursuant to this Section without registering
6 separately with the Department under such ordinance or
7 resolution or under this Section. The Department shall have
8 full power to administer and enforce this Section; to collect
9 all taxes and penalties due hereunder; to dispose of taxes and
10 penalties so collected in the manner hereinafter provided, and
11 to determine all rights to credit memoranda arising on account
12 of the erroneous payment of tax or penalty hereunder. In the
13 administration of, and compliance with, this Section the
14 Department and persons who are subject to this Section shall
15 have the same rights, remedies, privileges, immunities, powers
16 and duties, and be subject to the same conditions,
17 restrictions, limitations, penalties and definitions of terms,
18 and employ the same modes of procedure, as are prescribed in
19 Sections 1a-1, 2, 2a, 3 through 3-50 (in respect to all
20 provisions therein other than the State rate of tax), 4 (except
21 that the reference to the State shall be to the taxing
22 municipality), 5, 7, 8 (except that the jurisdiction to which
23 the tax shall be a debt to the extent indicated in that Section
24 8 shall be the taxing municipality), 9 (except as to the
25 disposition of taxes and penalties collected, and except that
26 the returned merchandise credit for this municipal tax may not

1 be taken against any State tax), 10, 11, 12 (except the
2 reference therein to Section 2b of the Retailers' Occupation
3 Tax Act), 13 (except that any reference to the State shall mean
4 the taxing municipality), the first paragraph of Section 15,
5 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and
6 Section 3-7 of the Uniform Penalty and Interest Act, as fully
7 as if those provisions were set forth herein.

8 No municipality may impose a tax under this Section unless
9 the municipality also imposes a tax at the same rate under
10 Section 8-11-1.3 of this Code.

11 Persons subject to any tax imposed pursuant to the
12 authority granted in this Section may reimburse themselves for
13 their serviceman's tax liability hereunder by separately
14 stating such tax as an additional charge, which charge may be
15 stated in combination, in a single amount, with State tax which
16 servicemen are authorized to collect under the Service Use Tax
17 Act, pursuant to such bracket schedules as the Department may
18 prescribe.

19 Whenever the Department determines that a refund should be
20 made under this Section to a claimant instead of issuing credit
21 memorandum, the Department shall notify the State Comptroller,
22 who shall cause the order to be drawn for the amount specified,
23 and to the person named, in such notification from the
24 Department. Such refund shall be paid by the State Treasurer
25 out of the municipal retailers' occupation tax fund.

26 The Department shall forthwith pay over to the State

1 Treasurer, ex officio, as trustee, all taxes and penalties
2 collected hereunder.

3 As soon as possible after the first day of each month,
4 beginning January 1, 2011, upon certification of the Department
5 of Revenue, the Comptroller shall order transferred, and the
6 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
7 local sales tax increment, as defined in the Innovation
8 Development and Economy Act, collected under this Section
9 during the second preceding calendar month for sales within a
10 STAR bond district.

11 After the monthly transfer to the STAR Bonds Revenue Fund,
12 on or before the 25th day of each calendar month, the
13 Department shall prepare and certify to the Comptroller the
14 disbursement of stated sums of money to named municipalities,
15 the municipalities to be those from which suppliers and
16 servicemen have paid taxes or penalties hereunder to the
17 Department during the second preceding calendar month. The
18 amount to be paid to each municipality shall be the amount (not
19 including credit memoranda) collected hereunder during the
20 second preceding calendar month by the Department, and not
21 including an amount equal to the amount of refunds made during
22 the second preceding calendar month by the Department on behalf
23 of such municipality, and not including any amounts that are
24 transferred to the STAR Bonds Revenue Fund, less 1.5% of the
25 remainder, which the Department shall transfer into the Tax
26 Compliance and Administration Fund. The Department, at the time

1 of each monthly disbursement to the municipalities, shall
2 prepare and certify to the State Comptroller the amount to be
3 transferred into the Tax Compliance and Administration Fund
4 under this Section. Within 10 days after receipt, by the
5 Comptroller, of the disbursement certification to the
6 municipalities, the General Revenue Fund, and the Tax
7 Compliance and Administration Fund provided for in this Section
8 to be given to the Comptroller by the Department, the
9 Comptroller shall cause the orders to be drawn for the
10 respective amounts in accordance with the directions contained
11 in such certification.

12 The Department of Revenue shall implement Public Act 91-649
13 ~~this amendatory Act of the 91st General Assembly~~ so as to
14 collect the tax on and after January 1, 2002.

15 Nothing in this Section shall be construed to authorize a
16 municipality to impose a tax upon the privilege of engaging in
17 any business which under the constitution of the United States
18 may not be made the subject of taxation by this State.

19 As used in this Section, "municipal" or "municipality"
20 means or refers to a city, village or incorporated town,
21 including an incorporated town which has superseded a civil
22 township.

23 This Section shall be known and may be cited as the
24 "Non-Home Rule Municipal Service Occupation Tax Act".

25 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
26 100-1171, eff. 1-4-19; revised 1-9-19.)

1 (65 ILCS 5/8-11-1.6)

2 Sec. 8-11-1.6. Non-home rule municipal retailers'
3 occupation tax; municipalities between 20,000 and 25,000. The
4 corporate authorities of a non-home rule municipality with a
5 population of more than 20,000 but less than 25,000 that has,
6 prior to January 1, 1987, established a Redevelopment Project
7 Area that has been certified as a State Sales Tax Boundary and
8 has issued bonds or otherwise incurred indebtedness to pay for
9 costs in excess of \$5,000,000, which is secured in part by a
10 tax increment allocation fund, in accordance with the
11 provisions of Division 11-74.4 of this Code may, by passage of
12 an ordinance, impose a tax upon all persons engaged in the
13 business of selling tangible personal property, other than on
14 an item of tangible personal property that is titled and
15 registered by an agency of this State's Government, at retail
16 in the municipality. This tax may not be imposed on tangible
17 personal property taxed at the 1% rate under the Retailers'
18 Occupation Tax Act. If imposed, the tax shall only be imposed
19 in .25% increments of the gross receipts from such sales made
20 in the course of business. Any tax imposed by a municipality
21 under this Section and all civil penalties that may be assessed
22 as an incident thereof shall be collected and enforced by the
23 State Department of Revenue. An ordinance imposing a tax
24 hereunder or effecting a change in the rate thereof shall be
25 adopted and a certified copy thereof filed with the Department

1 on or before the first day of October, whereupon the Department
2 shall proceed to administer and enforce this Section as of the
3 first day of January next following such adoption and filing.
4 The certificate of registration that is issued by the
5 Department to a retailer under the Retailers' Occupation Tax
6 Act shall permit the retailer to engage in a business that is
7 taxable under any ordinance or resolution enacted under this
8 Section without registering separately with the Department
9 under the ordinance or resolution or under this Section. The
10 Department shall have full power to administer and enforce this
11 Section, to collect all taxes and penalties due hereunder, to
12 dispose of taxes and penalties so collected in the manner
13 hereinafter provided, and to determine all rights to credit
14 memoranda, arising on account of the erroneous payment of tax
15 or penalty hereunder. In the administration of, and compliance
16 with this Section, the Department and persons who are subject
17 to this Section shall have the same rights, remedies,
18 privileges, immunities, powers, and duties, and be subject to
19 the same conditions, restrictions, limitations, penalties, and
20 definitions of terms, and employ the same modes of procedure,
21 as are prescribed in Sections 1, 1a, 1a-1, 1d, 1e, 1f, 1i, 1j,
22 2 through 2-65 (in respect to all provisions therein other than
23 the State rate of tax), 2c, 3 (except as to the disposition of
24 taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f,
25 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12
26 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of

1 the Uniform Penalty and Interest Act as fully as if those
2 provisions were set forth herein.

3 A tax may not be imposed by a municipality under this
4 Section unless the municipality also imposes a tax at the same
5 rate under Section 8-11-1.7 of this Act.

6 Persons subject to any tax imposed under the authority
7 granted in this Section may reimburse themselves for their
8 seller's tax liability hereunder by separately stating the tax
9 as an additional charge, which charge may be stated in
10 combination, in a single amount, with State tax which sellers
11 are required to collect under the Use Tax Act, pursuant to such
12 bracket schedules as the Department may prescribe.

13 Whenever the Department determines that a refund should be
14 made under this Section to a claimant, instead of issuing a
15 credit memorandum, the Department shall notify the State
16 Comptroller, who shall cause the order to be drawn for the
17 amount specified, and to the person named in the notification
18 from the Department. The refund shall be paid by the State
19 Treasurer out of the Non-Home Rule Municipal Retailers'
20 Occupation Tax Fund, which is hereby created.

21 The Department shall forthwith pay over to the State
22 Treasurer, ex officio, as trustee, all taxes and penalties
23 collected hereunder.

24 As soon as possible after the first day of each month,
25 beginning January 1, 2011, upon certification of the Department
26 of Revenue, the Comptroller shall order transferred, and the

1 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
2 local sales tax increment, as defined in the Innovation
3 Development and Economy Act, collected under this Section
4 during the second preceding calendar month for sales within a
5 STAR bond district.

6 After the monthly transfer to the STAR Bonds Revenue Fund,
7 on or before the 25th day of each calendar month, the
8 Department shall prepare and certify to the Comptroller the
9 disbursement of stated sums of money to named municipalities,
10 the municipalities to be those from which retailers have paid
11 taxes or penalties hereunder to the Department during the
12 second preceding calendar month. The amount to be paid to each
13 municipality shall be the amount (not including credit
14 memoranda) collected hereunder during the second preceding
15 calendar month by the Department plus an amount the Department
16 determines is necessary to offset any amounts that were
17 erroneously paid to a different taxing body, and not including
18 an amount equal to the amount of refunds made during the second
19 preceding calendar month by the Department on behalf of the
20 municipality, and not including any amount that the Department
21 determines is necessary to offset any amounts that were payable
22 to a different taxing body but were erroneously paid to the
23 municipality, and not including any amounts that are
24 transferred to the STAR Bonds Revenue Fund, less 1.5% of the
25 remainder, which the Department shall transfer into the Tax
26 Compliance and Administration Fund. The Department, at the time

1 of each monthly disbursement to the municipalities, shall
2 prepare and certify to the State Comptroller the amount to be
3 transferred into the Tax Compliance and Administration Fund
4 under this Section. Within 10 days after receipt by the
5 Comptroller of the disbursement certification to the
6 municipalities and the Tax Compliance and Administration Fund
7 provided for in this Section to be given to the Comptroller by
8 the Department, the Comptroller shall cause the orders to be
9 drawn for the respective amounts in accordance with the
10 directions contained in the certification.

11 For the purpose of determining the local governmental unit
12 whose tax is applicable, a retail sale by a producer of coal or
13 other mineral mined in Illinois is a sale at retail at the
14 place where the coal or other mineral mined in Illinois is
15 extracted from the earth. This paragraph does not apply to coal
16 or other mineral when it is delivered or shipped by the seller
17 to the purchaser at a point outside Illinois so that the sale
18 is exempt under the federal Constitution as a sale in
19 interstate or foreign commerce.

20 Nothing in this Section shall be construed to authorize a
21 municipality to impose a tax upon the privilege of engaging in
22 any business which under the constitution of the United States
23 may not be made the subject of taxation by this State.

24 When certifying the amount of a monthly disbursement to a
25 municipality under this Section, the Department shall increase
26 or decrease the amount by an amount necessary to offset any

1 misallocation of previous disbursements. The offset amount
2 shall be the amount erroneously disbursed within the previous 6
3 months from the time a misallocation is discovered.

4 As used in this Section, "municipal" and "municipality"
5 means a city, village, or incorporated town, including an
6 incorporated town that has superseded a civil township.

7 (Source: P.A. 99-217, eff. 7-31-15; 99-642, eff. 7-28-16;
8 100-23, eff. 7-6-17; 100-587, eff. 6-4-18; 100-863, eff.
9 8-14-18; 100-1171, eff. 1-4-19; revised 1-9-19.)

10 (65 ILCS 5/8-11-1.7)

11 Sec. 8-11-1.7. Non-home rule municipal service occupation
12 tax; municipalities between 20,000 and 25,000. The corporate
13 authorities of a non-home rule municipality with a population
14 of more than 20,000 but less than 25,000 as determined by the
15 last preceding decennial census that has, prior to January 1,
16 1987, established a Redevelopment Project Area that has been
17 certified as a State Sales Tax Boundary and has issued bonds or
18 otherwise incurred indebtedness to pay for costs in excess of
19 \$5,000,000, which is secured in part by a tax increment
20 allocation fund, in accordance with the provisions of Division
21 11-74.4 of this Code may, by passage of an ordinance, impose a
22 tax upon all persons engaged in the municipality in the
23 business of making sales of service. If imposed, the tax shall
24 only be imposed in .25% increments of the selling price of all
25 tangible personal property transferred by such servicemen

1 either in the form of tangible personal property or in the form
2 of real estate as an incident to a sale of service. This tax
3 may not be imposed on tangible personal property taxed at the
4 1% rate under the Service Occupation Tax Act. The tax imposed
5 by a municipality under this Section and all civil penalties
6 that may be assessed as an incident thereof shall be collected
7 and enforced by the State Department of Revenue. An ordinance
8 imposing a tax hereunder or effecting a change in the rate
9 thereof shall be adopted and a certified copy thereof filed
10 with the Department on or before the first day of October,
11 whereupon the Department shall proceed to administer and
12 enforce this Section as of the first day of January next
13 following such adoption and filing. The certificate of
14 registration that is issued by the Department to a retailer
15 under the Retailers' Occupation Tax Act or under the Service
16 Occupation Tax Act shall permit the registrant to engage in a
17 business that is taxable under any ordinance or resolution
18 enacted under this Section without registering separately with
19 the Department under the ordinance or resolution or under this
20 Section. The Department shall have full power to administer and
21 enforce this Section, to collect all taxes and penalties due
22 hereunder, to dispose of taxes and penalties so collected in a
23 manner hereinafter provided, and to determine all rights to
24 credit memoranda arising on account of the erroneous payment of
25 tax or penalty hereunder. In the administration of and
26 compliance with this Section, the Department and persons who

1 are subject to this Section shall have the same rights,
2 remedies, privileges, immunities, powers, and duties, and be
3 subject to the same conditions, restrictions, limitations,
4 penalties and definitions of terms, and employ the same modes
5 of procedure, as are prescribed in Sections 1a-1, 2, 2a, 3
6 through 3-50 (in respect to all provisions therein other than
7 the State rate of tax), 4 (except that the reference to the
8 State shall be to the taxing municipality), 5, 7, 8 (except
9 that the jurisdiction to which the tax shall be a debt to the
10 extent indicated in that Section 8 shall be the taxing
11 municipality), 9 (except as to the disposition of taxes and
12 penalties collected, and except that the returned merchandise
13 credit for this municipal tax may not be taken against any
14 State tax), 10, 11, 12, (except the reference therein to
15 Section 2b of the Retailers' Occupation Tax Act), 13 (except
16 that any reference to the State shall mean the taxing
17 municipality), the first paragraph of Sections 15, 16, 17, 18,
18 19, and 20 of the Service Occupation Tax Act and Section 3-7 of
19 the Uniform Penalty and Interest Act, as fully as if those
20 provisions were set forth herein.

21 A tax may not be imposed by a municipality under this
22 Section unless the municipality also imposes a tax at the same
23 rate under Section 8-11-1.6 of this Act.

24 Person subject to any tax imposed under the authority
25 granted in this Section may reimburse themselves for their
26 servicemen's tax liability hereunder by separately stating the

1 tax as an additional charge, which charge may be stated in
2 combination, in a single amount, with State tax that servicemen
3 are authorized to collect under the Service Use Tax Act, under
4 such bracket schedules as the Department may prescribe.

5 Whenever the Department determines that a refund should be
6 made under this Section to a claimant instead of issuing credit
7 memorandum, the Department shall notify the State Comptroller,
8 who shall cause the order to be drawn for the amount specified,
9 and to the person named, in such notification from the
10 Department. The refund shall be paid by the State Treasurer out
11 of the Non-Home Rule Municipal Retailers' Occupation Tax Fund.

12 The Department shall forthwith pay over to the State
13 Treasurer, ex officio, as trustee, all taxes and penalties
14 collected hereunder.

15 As soon as possible after the first day of each month,
16 beginning January 1, 2011, upon certification of the Department
17 of Revenue, the Comptroller shall order transferred, and the
18 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
19 local sales tax increment, as defined in the Innovation
20 Development and Economy Act, collected under this Section
21 during the second preceding calendar month for sales within a
22 STAR bond district.

23 After the monthly transfer to the STAR Bonds Revenue Fund,
24 on or before the 25th day of each calendar month, the
25 Department shall prepare and certify to the Comptroller the
26 disbursement of stated sums of money to named municipalities,

1 the municipalities to be those from which suppliers and
2 servicemen have paid taxes or penalties hereunder to the
3 Department during the second preceding calendar month. The
4 amount to be paid to each municipality shall be the amount (not
5 including credit memoranda) collected hereunder during the
6 second preceding calendar month by the Department, and not
7 including an amount equal to the amount of refunds made during
8 the second preceding calendar month by the Department on behalf
9 of such municipality, and not including any amounts that are
10 transferred to the STAR Bonds Revenue Fund, less 1.5% of the
11 remainder, which the Department shall transfer into the Tax
12 Compliance and Administration Fund. The Department, at the time
13 of each monthly disbursement to the municipalities, shall
14 prepare and certify to the State Comptroller the amount to be
15 transferred into the Tax Compliance and Administration Fund
16 under this Section. Within 10 days after receipt by the
17 Comptroller of the disbursement certification to the
18 municipalities, the Tax Compliance and Administration Fund,
19 and the General Revenue Fund, provided for in this Section to
20 be given to the Comptroller by the Department, the Comptroller
21 shall cause the orders to be drawn for the respective amounts
22 in accordance with the directions contained in the
23 certification.

24 When certifying the amount of a monthly disbursement to a
25 municipality under this Section, the Department shall increase
26 or decrease the amount by an amount necessary to offset any

1 misallocation of previous disbursements. The offset amount
2 shall be the amount erroneously disbursed within the previous 6
3 months from the time a misallocation is discovered.

4 Nothing in this Section shall be construed to authorize a
5 municipality to impose a tax upon the privilege of engaging in
6 any business which under the constitution of the United States
7 may not be made the subject of taxation by this State.

8 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
9 100-863, eff. 8-14-18; 100-1171, eff. 1-4-19; revised 1-9-19.)

10 (65 ILCS 5/8-11-5) (from Ch. 24, par. 8-11-5)

11 Sec. 8-11-5. Home Rule Municipal Service Occupation Tax
12 Act. The corporate authorities of a home rule municipality may
13 impose a tax upon all persons engaged, in such municipality, in
14 the business of making sales of service at the same rate of tax
15 imposed pursuant to Section 8-11-1, of the selling price of all
16 tangible personal property transferred by such servicemen
17 either in the form of tangible personal property or in the form
18 of real estate as an incident to a sale of service. If imposed,
19 such tax shall only be imposed in 1/4% increments. On and after
20 September 1, 1991, this additional tax may not be imposed on
21 tangible personal property taxed at the 1% rate under the
22 Retailers' Occupation Tax Act. The tax imposed by a home rule
23 municipality pursuant to this Section and all civil penalties
24 that may be assessed as an incident thereof shall be collected
25 and enforced by the State Department of Revenue. The

1 certificate of registration which is issued by the Department
2 to a retailer under the Retailers' Occupation Tax Act or under
3 the Service Occupation Tax Act shall permit such registrant to
4 engage in a business which is taxable under any ordinance or
5 resolution enacted pursuant to this Section without
6 registering separately with the Department under such
7 ordinance or resolution or under this Section. The Department
8 shall have full power to administer and enforce this Section;
9 to collect all taxes and penalties due hereunder; to dispose of
10 taxes and penalties so collected in the manner hereinafter
11 provided, and to determine all rights to credit memoranda
12 arising on account of the erroneous payment of tax or penalty
13 hereunder. In the administration of, and compliance with, this
14 Section the Department and persons who are subject to this
15 Section shall have the same rights, remedies, privileges,
16 immunities, powers and duties, and be subject to the same
17 conditions, restrictions, limitations, penalties and
18 definitions of terms, and employ the same modes of procedure,
19 as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in
20 respect to all provisions therein other than the State rate of
21 tax), 4 (except that the reference to the State shall be to the
22 taxing municipality), 5, 7, 8 (except that the jurisdiction to
23 which the tax shall be a debt to the extent indicated in that
24 Section 8 shall be the taxing municipality), 9 (except as to
25 the disposition of taxes and penalties collected, and except
26 that the returned merchandise credit for this municipal tax may

1 not be taken against any State tax), 10, 11, 12 (except the
2 reference therein to Section 2b of the Retailers' Occupation
3 Tax Act), 13 (except that any reference to the State shall mean
4 the taxing municipality), the first paragraph of Section 15,
5 16, 17 (except that credit memoranda issued hereunder may not
6 be used to discharge any State tax liability), 18, 19 and 20 of
7 the Service Occupation Tax Act and Section 3-7 of the Uniform
8 Penalty and Interest Act, as fully as if those provisions were
9 set forth herein.

10 No tax may be imposed by a home rule municipality pursuant
11 to this Section unless such municipality also imposes a tax at
12 the same rate pursuant to Section 8-11-1 of this Act.

13 Persons subject to any tax imposed pursuant to the
14 authority granted in this Section may reimburse themselves for
15 their serviceman's tax liability hereunder by separately
16 stating such tax as an additional charge, which charge may be
17 stated in combination, in a single amount, with State tax which
18 servicemen are authorized to collect under the Service Use Tax
19 Act, pursuant to such bracket schedules as the Department may
20 prescribe.

21 Whenever the Department determines that a refund should be
22 made under this Section to a claimant instead of issuing credit
23 memorandum, the Department shall notify the State Comptroller,
24 who shall cause the order to be drawn for the amount specified,
25 and to the person named, in such notification from the
26 Department. Such refund shall be paid by the State Treasurer

1 out of the home rule municipal retailers' occupation tax fund.

2 The Department shall forthwith pay over to the State
3 Treasurer, ex officio ~~ex officio~~, as trustee, all taxes and
4 penalties collected hereunder.

5 As soon as possible after the first day of each month,
6 beginning January 1, 2011, upon certification of the Department
7 of Revenue, the Comptroller shall order transferred, and the
8 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
9 local sales tax increment, as defined in the Innovation
10 Development and Economy Act, collected under this Section
11 during the second preceding calendar month for sales within a
12 STAR bond district.

13 After the monthly transfer to the STAR Bonds Revenue Fund,
14 on or before the 25th day of each calendar month, the
15 Department shall prepare and certify to the Comptroller the
16 disbursement of stated sums of money to named municipalities,
17 the municipalities to be those from which suppliers and
18 servicemen have paid taxes or penalties hereunder to the
19 Department during the second preceding calendar month. The
20 amount to be paid to each municipality shall be the amount (not
21 including credit memoranda) collected hereunder during the
22 second preceding calendar month by the Department, and not
23 including an amount equal to the amount of refunds made during
24 the second preceding calendar month by the Department on behalf
25 of such municipality, and not including any amounts that are
26 transferred to the STAR Bonds Revenue Fund, less 1.5% of the

1 remainder, which the Department shall transfer into the Tax
2 Compliance and Administration Fund. The Department, at the time
3 of each monthly disbursement to the municipalities, shall
4 prepare and certify to the State Comptroller the amount to be
5 transferred into the Tax Compliance and Administration Fund
6 under this Section. Within 10 days after receipt, by the
7 Comptroller, of the disbursement certification to the
8 municipalities and the Tax Compliance and Administration Fund
9 provided for in this Section to be given to the Comptroller by
10 the Department, the Comptroller shall cause the orders to be
11 drawn for the respective amounts in accordance with the
12 directions contained in such certification.

13 In addition to the disbursement required by the preceding
14 paragraph and in order to mitigate delays caused by
15 distribution procedures, an allocation shall, if requested, be
16 made within 10 days after January 14, 1991, and in November of
17 1991 and each year thereafter, to each municipality that
18 received more than \$500,000 during the preceding fiscal year,
19 (July 1 through June 30) whether collected by the municipality
20 or disbursed by the Department as required by this Section.
21 Within 10 days after January 14, 1991, participating
22 municipalities shall notify the Department in writing of their
23 intent to participate. In addition, for the initial
24 distribution, participating municipalities shall certify to
25 the Department the amounts collected by the municipality for
26 each month under its home rule occupation and service

1 occupation tax during the period July 1, 1989 through June 30,
2 1990. The allocation within 10 days after January 14, 1991,
3 shall be in an amount equal to the monthly average of these
4 amounts, excluding the 2 months of highest receipts. Monthly
5 average for the period of July 1, 1990 through June 30, 1991
6 will be determined as follows: the amounts collected by the
7 municipality under its home rule occupation and service
8 occupation tax during the period of July 1, 1990 through
9 September 30, 1990, plus amounts collected by the Department
10 and paid to such municipality through June 30, 1991, excluding
11 the 2 months of highest receipts. The monthly average for each
12 subsequent period of July 1 through June 30 shall be an amount
13 equal to the monthly distribution made to each such
14 municipality under the preceding paragraph during this period,
15 excluding the 2 months of highest receipts. The distribution
16 made in November 1991 and each year thereafter under this
17 paragraph and the preceding paragraph shall be reduced by the
18 amount allocated and disbursed under this paragraph in the
19 preceding period of July 1 through June 30. The Department
20 shall prepare and certify to the Comptroller for disbursement
21 the allocations made in accordance with this paragraph.

22 Nothing in this Section shall be construed to authorize a
23 municipality to impose a tax upon the privilege of engaging in
24 any business which under the constitution of the United States
25 may not be made the subject of taxation by this State.

26 An ordinance or resolution imposing or discontinuing a tax

1 hereunder or effecting a change in the rate thereof shall be
2 adopted and a certified copy thereof filed with the Department
3 on or before the first day of June, whereupon the Department
4 shall proceed to administer and enforce this Section as of the
5 first day of September next following such adoption and filing.
6 Beginning January 1, 1992, an ordinance or resolution imposing
7 or discontinuing the tax hereunder or effecting a change in the
8 rate thereof shall be adopted and a certified copy thereof
9 filed with the Department on or before the first day of July,
10 whereupon the Department shall proceed to administer and
11 enforce this Section as of the first day of October next
12 following such adoption and filing. Beginning January 1, 1993,
13 an ordinance or resolution imposing or discontinuing the tax
14 hereunder or effecting a change in the rate thereof shall be
15 adopted and a certified copy thereof filed with the Department
16 on or before the first day of October, whereupon the Department
17 shall proceed to administer and enforce this Section as of the
18 first day of January next following such adoption and filing.
19 However, a municipality located in a county with a population
20 in excess of 3,000,000 that elected to become a home rule unit
21 at the general primary election in 1994 may adopt an ordinance
22 or resolution imposing the tax under this Section and file a
23 certified copy of the ordinance or resolution with the
24 Department on or before July 1, 1994. The Department shall then
25 proceed to administer and enforce this Section as of October 1,
26 1994. Beginning April 1, 1998, an ordinance or resolution

1 imposing or discontinuing the tax hereunder or effecting a
2 change in the rate thereof shall either (i) be adopted and a
3 certified copy thereof filed with the Department on or before
4 the first day of April, whereupon the Department shall proceed
5 to administer and enforce this Section as of the first day of
6 July next following the adoption and filing; or (ii) be adopted
7 and a certified copy thereof filed with the Department on or
8 before the first day of October, whereupon the Department shall
9 proceed to administer and enforce this Section as of the first
10 day of January next following the adoption and filing.

11 Any unobligated balance remaining in the Municipal
12 Retailers' Occupation Tax Fund on December 31, 1989, which fund
13 was abolished by Public Act 85-1135, and all receipts of
14 municipal tax as a result of audits of liability periods prior
15 to January 1, 1990, shall be paid into the Local Government Tax
16 Fund, for distribution as provided by this Section prior to the
17 enactment of Public Act 85-1135. All receipts of municipal tax
18 as a result of an assessment not arising from an audit, for
19 liability periods prior to January 1, 1990, shall be paid into
20 the Local Government Tax Fund for distribution before July 1,
21 1990, as provided by this Section prior to the enactment of
22 Public Act 85-1135, and on and after July 1, 1990, all such
23 receipts shall be distributed as provided in Section 6z-18 of
24 the State Finance Act.

25 As used in this Section, "municipal" and "municipality"
26 means a city, village or incorporated town, including an

1 incorporated town which has superseded a civil township.

2 This Section shall be known and may be cited as the Home
3 Rule Municipal Service Occupation Tax Act.

4 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
5 100-1171, eff. 1-4-19; revised 1-9-19.)

6 (65 ILCS 5/10-2.1-4) (from Ch. 24, par. 10-2.1-4)

7 Sec. 10-2.1-4. Fire and police departments; appointment of
8 members; certificates of appointments. The board of fire and
9 police commissioners shall appoint all officers and members of
10 the fire and police departments of the municipality, including
11 the chief of police and the chief of the fire department,
12 unless the council or board of trustees shall by ordinance as
13 to them otherwise provide; except as otherwise provided in this
14 Section, and except that in any municipality which adopts or
15 has adopted this Division 2.1 and also adopts or has adopted
16 Article 5 of this Code, the chief of police and the chief of
17 the fire department shall be appointed by the municipal
18 manager, if it is provided by ordinance in such municipality
19 that such chiefs, or either of them, shall not be appointed by
20 the board of fire and police commissioners.

21 If the chief of the fire department or the chief of the
22 police department or both of them are appointed in the manner
23 provided by ordinance, they may be removed or discharged by the
24 appointing authority. In such case the appointing authority
25 shall file with the corporate authorities the reasons for such

1 removal or discharge, which removal or discharge shall not
2 become effective unless confirmed by a majority vote of the
3 corporate authorities.

4 After January 1, 2019 ~~August 25, 2017~~ (the effective date
5 of Public Act 100-1126 ~~100-425~~) ~~this amendatory Act of the~~
6 ~~100th General Assembly~~, a person shall not be appointed as the
7 chief, the acting chief, the department head, or a position, by
8 whatever title, that is responsible for day-to-day operations
9 of a fire department for greater than 180 days unless he or she
10 possesses the following qualifications and certifications:

11 (1) Office of the State Fire Marshal Basic Operations
12 Firefighter Certification or Office of the State Fire
13 Marshal Firefighter II Certification; Office of the State
14 Fire Marshal Advanced Fire Officer Certification or Office
15 of the State Fire Marshal Fire Officer II Certification;
16 and an associate degree in fire science or a bachelor's
17 degree from an accredited university or college;

18 (2) a current certification from the International
19 Fire Service Accreditation Congress or Pro Board Fire
20 Service Professional Qualifications System that meets the
21 National Fire Protection Association standard NFPA 1001,
22 Standard for Fire Fighter Professional Qualifications,
23 Level I job performance requirements; a current
24 certification from the International Fire Service
25 Accreditation Congress or Pro Board Fire Service
26 Professional Qualifications System that meets the National

1 Fire Protection Association standard NFPA 1021, Standard
2 for Fire Officer Professional Qualifications, Fire Officer
3 II job performance requirements; and an associate degree in
4 fire science or a bachelor's degree from an accredited
5 university or college;

6 (3) qualifications that meet the National Fire
7 Protection Association standard NFPA 1001, Standard for
8 Fire Fighter Professional Qualifications, Level I job
9 performance requirements; qualifications that meet the
10 National Fire Protection Association standard NFPA 1021,
11 Standard for Fire Officer Professional Qualifications,
12 Fire Officer II job performance requirements; and an
13 associate degree in fire science or a bachelor's degree
14 from an accredited university or college; or

15 (4) a minimum of 10 years' experience as a firefighter
16 at the fire department in the jurisdiction making the
17 appointment.

18 This paragraph applies to fire departments that employ
19 firefighters hired under the provisions of this Division. On
20 and after January 1, 2019 (the effective date of Public Act
21 100-1126) ~~this amendatory Act of the 100th General Assembly~~, a
22 home rule municipality may not appoint a fire chief, an acting
23 chief, a department head, or a position, by whatever title,
24 that is responsible for day-to-day operations of a fire
25 department for greater than 180 days in a manner inconsistent
26 with this paragraph. This paragraph is a limitation under

1 subsection (i) of Section 6 of Article VII of the Illinois
2 Constitution on the concurrent exercise by home rule units of
3 powers and functions exercised by the State.

4 If a member of the department is appointed chief of police
5 or chief of the fire department prior to being eligible to
6 retire on pension, he shall be considered as on furlough from
7 the rank he held immediately prior to his appointment as chief.
8 If he resigns as chief or is discharged as chief prior to
9 attaining eligibility to retire on pension, he shall revert to
10 and be established in whatever rank he currently holds, except
11 for previously appointed positions, and thereafter be entitled
12 to all the benefits and emoluments of that rank, without regard
13 as to whether a vacancy then exists in that rank.

14 All appointments to each department other than that of the
15 lowest rank, however, shall be from the rank next below that to
16 which the appointment is made except as otherwise provided in
17 this Section, and except that the chief of police and the chief
18 of the fire department may be appointed from among members of
19 the police and fire departments, respectively, regardless of
20 rank, unless the council or board of trustees shall have by
21 ordinance as to them otherwise provided. A chief of police or
22 the chief of the fire department, having been appointed from
23 among members of the police or fire department, respectively,
24 shall be permitted, regardless of rank, to take promotional
25 exams and be promoted to a higher classified rank than he
26 currently holds, without having to resign as chief of police or

1 chief of the fire department.

2 The sole authority to issue certificates of appointment
3 shall be vested in the Board of Fire and Police Commissioners
4 and all certificates of appointments issued to any officer or
5 member of the fire or police department of a municipality shall
6 be signed by the chairman and secretary respectively of the
7 board of fire and police commissioners of such municipality,
8 upon appointment of such officer or member of the fire and
9 police department of such municipality by action of the board
10 of fire and police commissioners. After being selected from the
11 register of eligibles to fill a vacancy in the affected
12 department, each appointee shall be presented with his or her
13 certificate of appointment on the day on which he or she is
14 sworn in as a classified member of the affected department.
15 Firefighters who were not issued a certificate of appointment
16 when originally appointed shall be provided with a certificate
17 within 10 days after making a written request to the
18 chairperson of the Board of Fire and Police Commissioners. In
19 any municipal fire department that employs full-time
20 firefighters and is subject to a collective bargaining
21 agreement, a person who has not qualified for regular
22 appointment under the provisions of this Division 2.1 shall not
23 be used as a temporary or permanent substitute for classified
24 members of a municipality's fire department or for regular
25 appointment as a classified member of a municipality's fire
26 department unless mutually agreed to by the employee's

1 certified bargaining agent. Such agreement shall be considered
2 a permissive subject of bargaining. Municipal fire departments
3 covered by the changes made by Public Act 95-490 that are using
4 non-certificated employees as substitutes immediately prior to
5 June 1, 2008 (the effective date of Public Act 95-490) may, by
6 mutual agreement with the certified bargaining agent, continue
7 the existing practice or a modified practice and that agreement
8 shall be considered a permissive subject of bargaining. A home
9 rule unit may not regulate the hiring of temporary or
10 substitute members of the municipality's fire department in a
11 manner that is inconsistent with this Section. This Section is
12 a limitation under subsection (i) of Section 6 of Article VII
13 of the Illinois Constitution on the concurrent exercise by home
14 rule units of powers and functions exercised by the State.

15 The term "policemen" as used in this Division does not
16 include auxiliary police officers except as provided for in
17 Section 10-2.1-6.

18 Any full-time member of a regular fire or police department
19 of any municipality which comes under the provisions of this
20 Division or adopts this Division 2.1 or which has adopted any
21 of the prior Acts pertaining to fire and police commissioners,
22 is a city officer.

23 Notwithstanding any other provision of this Section, the
24 Chief of Police of a department in a non-home rule municipality
25 of more than 130,000 inhabitants may, without the advice or
26 consent of the Board of Fire and Police Commissioners, appoint

1 up to 6 officers who shall be known as deputy chiefs or
2 assistant deputy chiefs, and whose rank shall be immediately
3 below that of Chief. The deputy or assistant deputy chiefs may
4 be appointed from any rank of sworn officers of that
5 municipality, but no person who is not such a sworn officer may
6 be so appointed. Such deputy chief or assistant deputy chief
7 shall have the authority to direct and issue orders to all
8 employees of the Department holding the rank of captain or any
9 lower rank. A deputy chief of police or assistant deputy chief
10 of police, having been appointed from any rank of sworn
11 officers of that municipality, shall be permitted, regardless
12 of rank, to take promotional exams and be promoted to a higher
13 classified rank than he currently holds, without having to
14 resign as deputy chief of police or assistant deputy chief of
15 police.

16 Notwithstanding any other provision of this Section, a
17 non-home rule municipality of 130,000 or fewer inhabitants,
18 through its council or board of trustees, may, by ordinance,
19 provide for a position of deputy chief to be appointed by the
20 chief of the police department. The ordinance shall provide for
21 no more than one deputy chief position if the police department
22 has fewer than 25 full-time police officers and for no more
23 than 2 deputy chief positions if the police department has 25
24 or more full-time police officers. The deputy chief position
25 shall be an exempt rank immediately below that of Chief. The
26 deputy chief may be appointed from any rank of sworn, full-time

1 officers of the municipality's police department, but must have
2 at least 5 years of full-time service as a police officer in
3 that department. A deputy chief shall serve at the discretion
4 of the Chief and, if removed from the position, shall revert to
5 the rank currently held, without regard as to whether a vacancy
6 exists in that rank. A deputy chief of police, having been
7 appointed from any rank of sworn full-time officers of that
8 municipality's police department, shall be permitted,
9 regardless of rank, to take promotional exams and be promoted
10 to a higher classified rank than he currently holds, without
11 having to resign as deputy chief of police.

12 No municipality having a population less than 1,000,000
13 shall require that any firefighter appointed to the lowest rank
14 serve a probationary employment period of longer than one year.
15 The limitation on periods of probationary employment provided
16 in Public Act 86-990 is an exclusive power and function of the
17 State. Pursuant to subsection (h) of Section 6 of Article VII
18 of the Illinois Constitution, a home rule municipality having a
19 population less than 1,000,000 must comply with this limitation
20 on periods of probationary employment, which is a denial and
21 limitation of home rule powers. Notwithstanding anything to the
22 contrary in this Section, the probationary employment period
23 limitation may be extended for a firefighter who is required,
24 as a condition of employment, to be a licensed paramedic,
25 during which time the sole reason that a firefighter may be
26 discharged without a hearing is for failing to meet the

1 requirements for paramedic licensure.

2 To the extent that this Section or any other Section in
3 this Division conflicts with Section 10-2.1-6.3 or 10-2.1-6.4,
4 then Section 10-2.1-6.3 or 10-2.1-6.4 shall control.

5 (Source: P.A. 100-252, eff. 8-22-17; 100-425, eff. 8-25-17;
6 100-863, eff, 8-14-18; 100-1126, eff. 1-1-19; revised
7 12-19-18.)

8 (65 ILCS 5/10-3-12) (from Ch. 24, par. 10-3-12)

9 Sec. 10-3-12. (a) A fireman who is an elected state officer
10 of a statewide labor organization that is a representative of
11 municipal firemen in Illinois shall be granted leave by the
12 municipality, without loss of pay or benefits and without being
13 required to make up for lost time, for work hours devoted to
14 performing the fireman's responsibilities as an elected state
15 officer of the statewide labor organization; provided that the
16 elected officer has arranged for a fireman from the same
17 municipality who is qualified to perform the absent fireman's
18 duties to work for those hours. This Section shall not apply to
19 any municipality with a population of 1,000,000 or more.

20 (b) The statewide labor organization shall, by May 1 of
21 each year:

22 (1) designate 4 elected state officers, whose right to
23 leave while carrying out their duties for the organization
24 shall be limited to 20 shifts per officer per year (for
25 years beginning May 1 and ending April 30); and

1 (2) notify each municipality that is the employer of an
2 elected state officer to whom this Section applies,
3 identifying the elected state officer, and indicating
4 whether the officer is one of those limited to 20 shifts
5 per year.

6 (c) The regulation of leave for a fireman who is employed
7 by a municipality with a population of less than 1,000,000 and
8 who is an elected state officer of a statewide labor
9 organization in Illinois, while he is performing the duties of
10 that office, is an exclusive power and function of the State.
11 Pursuant to subsection (h) of Section 6 of Article VII 7 of the
12 Illinois Constitution, a home rule municipality with a
13 population of less than 1,000,000 may not regulate the leave of
14 a fireman for work hours devoted to the fireman's
15 responsibilities as an elected state officer of a statewide
16 labor organization. This Section is a denial and limitation of
17 home rule powers.

18 (d) For the purposes of this Section:

19 "Statewide labor organization" means an organization
20 representing firefighters employed by at least 85
21 municipalities in this State, that is affiliated with the
22 Illinois State Federation of Labor.

23 "Elected state officer" means a full-time firefighter who
24 is one of the 9 top elected officers of the statewide labor
25 organization.

26 (Source: P.A. 86-1395; revised 9-28-18.)

1 (65 ILCS 5/10-4-2.3)

2 Sec. 10-4-2.3. Required health benefits. If a
3 municipality, including a home rule municipality, is a
4 self-insurer for purposes of providing health insurance
5 coverage for its employees, the coverage shall include coverage
6 for the post-mastectomy care benefits required to be covered by
7 a policy of accident and health insurance under Section 356t
8 and the coverage required under Sections 356g, 356g.5,
9 356g.5-1, 356u, 356w, 356x, 356z.6, 356z.8, 356z.9, 356z.10,
10 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.22, 356z.25,
11 ~~and~~ 356z.26, ~~and~~ 356z.29, and 356z.32 of the Illinois Insurance
12 Code. The coverage shall comply with Sections 155.22a, 355b,
13 356z.19, and 370c of the Illinois Insurance Code. The
14 Department of Insurance shall enforce the requirements of this
15 Section. The requirement that health benefits be covered as
16 provided in this is an exclusive power and function of the
17 State and is a denial and limitation under Article VII, Section
18 6, subsection (h) of the Illinois Constitution. A home rule
19 municipality to which this Section applies must comply with
20 every provision of this Section.

21 Rulemaking authority to implement Public Act 95-1045, if
22 any, is conditioned on the rules being adopted in accordance
23 with all provisions of the Illinois Administrative Procedure
24 Act and all rules and procedures of the Joint Committee on
25 Administrative Rules; any purported rule not so adopted, for

1 whatever reason, is unauthorized.

2 (Source: P.A. 99-480, eff. 9-9-15; 100-24, eff. 7-18-17;
3 100-138, eff. 8-18-17; 100-863, eff. 8-14-18; 100-1024, eff.
4 1-1-19; 100-1057, eff. 1-1-19; 100-1102, eff. 1-1-19; revised
5 10-4-18.)

6 Section 350. The Airport Authorities Act is amended by
7 changing Section 8.08 as follows:

8 (70 ILCS 5/8.08) (from Ch. 15 1/2, par. 68.8-08)

9 Sec. 8.08. To borrow money and to issue bonds, notes,
10 certificates, or other evidences of indebtedness for the
11 purpose of accomplishing any of said corporate purposes, which
12 obligations may be payable from taxes or other sources as
13 provided in this Act; and to refund or advance refund any of
14 the foregoing with bonds, notes, certificates, or other
15 evidences of indebtedness, which refunding or advance ~~advanced~~
16 refunding obligations may be payable from taxes or from any
17 other source; subject, however, to a compliance with any
18 condition or limitation set forth in this Act or otherwise
19 provided by the constitution of the State of Illinois.

20 (Source: P.A. 83-1403; revised 9-28-18.)

21 Section 355. The Metro-East Park and Recreation District
22 Act is amended by changing Section 30 as follows:

1 (70 ILCS 1605/30)

2 Sec. 30. Taxes.

3 (a) The board shall impose a tax upon all persons engaged
4 in the business of selling tangible personal property, other
5 than personal property titled or registered with an agency of
6 this State's government, at retail in the District on the gross
7 receipts from the sales made in the course of business. This
8 tax shall be imposed only at the rate of one-tenth of one per
9 cent.

10 This additional tax may not be imposed on tangible personal
11 property taxed at the 1% rate under the Retailers' Occupation
12 Tax Act. The tax imposed by the Board under this Section and
13 all civil penalties that may be assessed as an incident of the
14 tax shall be collected and enforced by the Department of
15 Revenue. The certificate of registration that is issued by the
16 Department to a retailer under the Retailers' Occupation Tax
17 Act shall permit the retailer to engage in a business that is
18 taxable without registering separately with the Department
19 under an ordinance or resolution under this Section. The
20 Department has full power to administer and enforce this
21 Section, to collect all taxes and penalties due under this
22 Section, to dispose of taxes and penalties so collected in the
23 manner provided in this Section, and to determine all rights to
24 credit memoranda arising on account of the erroneous payment of
25 a tax or penalty under this Section. In the administration of
26 and compliance with this Section, the Department and persons

1 who are subject to this Section shall (i) have the same rights,
2 remedies, privileges, immunities, powers, and duties, (ii) be
3 subject to the same conditions, restrictions, limitations,
4 penalties, and definitions of terms, and (iii) employ the same
5 modes of procedure as are prescribed in Sections 1, 1a, 1a-1,
6 1d, 1e, 1f, 1i, 1j, 1k, 1m, 1n, 2, 2-5, 2-5.5, 2-10 (in respect
7 to all provisions contained in those Sections other than the
8 State rate of tax), 2-12, 2-15 through 2-70, 2a, 2b, 2c, 3
9 (except provisions relating to transaction returns and quarter
10 monthly payments), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i,
11 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 11a, 12, and 13
12 of the Retailers' Occupation Tax Act and the Uniform Penalty
13 and Interest Act as if those provisions were set forth in this
14 Section.

15 Persons subject to any tax imposed under the authority
16 granted in this Section may reimburse themselves for their
17 sellers' tax liability by separately stating the tax as an
18 additional charge, which charge may be stated in combination,
19 in a single amount, with State tax which sellers are required
20 to collect under the Use Tax Act, pursuant to such bracketed
21 schedules as the Department may prescribe.

22 Whenever the Department determines that a refund should be
23 made under this Section to a claimant instead of issuing a
24 credit memorandum, the Department shall notify the State
25 Comptroller, who shall cause the order to be drawn for the
26 amount specified and to the person named in the notification

1 from the Department. The refund shall be paid by the State
2 Treasurer out of the State Metro-East Park and Recreation
3 District Fund.

4 (b) If a tax has been imposed under subsection (a), a
5 service occupation tax shall also be imposed at the same rate
6 upon all persons engaged, in the District, in the business of
7 making sales of service, who, as an incident to making those
8 sales of service, transfer tangible personal property within
9 the District as an incident to a sale of service. This tax may
10 not be imposed on tangible personal property taxed at the 1%
11 rate under the Service Occupation Tax Act. The tax imposed
12 under this subsection and all civil penalties that may be
13 assessed as an incident thereof shall be collected and enforced
14 by the Department of Revenue. The Department has full power to
15 administer and enforce this subsection; to collect all taxes
16 and penalties due hereunder; to dispose of taxes and penalties
17 so collected in the manner hereinafter provided; and to
18 determine all rights to credit memoranda arising on account of
19 the erroneous payment of tax or penalty hereunder. In the
20 administration of, and compliance with this subsection, the
21 Department and persons who are subject to this paragraph shall
22 (i) have the same rights, remedies, privileges, immunities,
23 powers, and duties, (ii) be subject to the same conditions,
24 restrictions, limitations, penalties, exclusions, exemptions,
25 and definitions of terms, and (iii) employ the same modes of
26 procedure as are prescribed in Sections 2 (except that the

1 reference to State in the definition of supplier maintaining a
2 place of business in this State shall mean the District), 2a,
3 2b, 2c, 3 through 3-50 (in respect to all provisions therein
4 other than the State rate of tax), 4 (except that the reference
5 to the State shall be to the District), 5, 7, 8 (except that
6 the jurisdiction to which the tax shall be a debt to the extent
7 indicated in that Section 8 shall be the District), 9 (except
8 as to the disposition of taxes and penalties collected), 10,
9 11, 12 (except the reference therein to Section 2b of the
10 Retailers' Occupation Tax Act), 13 (except that any reference
11 to the State shall mean the District), Sections 15, 16, 17, 18,
12 19 and 20 of the Service Occupation Tax Act and the Uniform
13 Penalty and Interest Act, as fully as if those provisions were
14 set forth herein.

15 Persons subject to any tax imposed under the authority
16 granted in this subsection may reimburse themselves for their
17 serviceman's tax liability by separately stating the tax as an
18 additional charge, which charge may be stated in combination,
19 in a single amount, with State tax that servicemen are
20 authorized to collect under the Service Use Tax Act, in
21 accordance with such bracket schedules as the Department may
22 prescribe.

23 Whenever the Department determines that a refund should be
24 made under this subsection to a claimant instead of issuing a
25 credit memorandum, the Department shall notify the State
26 Comptroller, who shall cause the warrant to be drawn for the

1 amount specified, and to the person named, in the notification
2 from the Department. The refund shall be paid by the State
3 Treasurer out of the State Metro-East Park and Recreation
4 District Fund.

5 Nothing in this subsection shall be construed to authorize
6 the board to impose a tax upon the privilege of engaging in any
7 business which under the Constitution of the United States may
8 not be made the subject of taxation by the State.

9 (c) The Department shall immediately pay over to the State
10 Treasurer, ex officio, as trustee, all taxes and penalties
11 collected under this Section to be deposited into the State
12 Metro-East Park and Recreation District Fund, which shall be an
13 unappropriated trust fund held outside of the State treasury.

14 As soon as possible after the first day of each month,
15 beginning January 1, 2011, upon certification of the Department
16 of Revenue, the Comptroller shall order transferred, and the
17 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
18 local sales tax increment, as defined in the Innovation
19 Development and Economy Act, collected under this Section
20 during the second preceding calendar month for sales within a
21 STAR bond district. The Department shall make this
22 certification only if the Metro East Park and Recreation
23 District imposes a tax on real property as provided in the
24 definition of "local sales taxes" under the Innovation
25 Development and Economy Act.

26 After the monthly transfer to the STAR Bonds Revenue Fund,

1 on or before the 25th day of each calendar month, the
2 Department shall prepare and certify to the Comptroller the
3 disbursement of stated sums of money pursuant to Section 35 of
4 this Act to the District from which retailers have paid taxes
5 or penalties to the Department during the second preceding
6 calendar month. The amount to be paid to the District shall be
7 the amount (not including credit memoranda) collected under
8 this Section during the second preceding calendar month by the
9 Department plus an amount the Department determines is
10 necessary to offset any amounts that were erroneously paid to a
11 different taxing body, and not including (i) an amount equal to
12 the amount of refunds made during the second preceding calendar
13 month by the Department on behalf of the District, (ii) any
14 amount that the Department determines is necessary to offset
15 any amounts that were payable to a different taxing body but
16 were erroneously paid to the District, (iii) any amounts that
17 are transferred to the STAR Bonds Revenue Fund, and (iv) 1.5%
18 of the remainder, which the Department shall transfer into the
19 Tax Compliance and Administration Fund. The Department, at the
20 time of each monthly disbursement to the District, shall
21 prepare and certify to the State Comptroller the amount to be
22 transferred into the Tax Compliance and Administration Fund
23 under this subsection. Within 10 days after receipt by the
24 Comptroller of the disbursement certification to the District
25 and the Tax Compliance and Administration Fund provided for in
26 this Section to be given to the Comptroller by the Department,

1 the Comptroller shall cause the orders to be drawn for the
2 respective amounts in accordance with directions contained in
3 the certification.

4 (d) For the purpose of determining whether a tax authorized
5 under this Section is applicable, a retail sale by a producer
6 of coal or another mineral mined in Illinois is a sale at
7 retail at the place where the coal or other mineral mined in
8 Illinois is extracted from the earth. This paragraph does not
9 apply to coal or another mineral when it is delivered or
10 shipped by the seller to the purchaser at a point outside
11 Illinois so that the sale is exempt under the United States
12 Constitution as a sale in interstate or foreign commerce.

13 (e) Nothing in this Section shall be construed to authorize
14 the board to impose a tax upon the privilege of engaging in any
15 business that under the Constitution of the United States may
16 not be made the subject of taxation by this State.

17 (f) An ordinance imposing a tax under this Section or an
18 ordinance extending the imposition of a tax to an additional
19 county or counties shall be certified by the board and filed
20 with the Department of Revenue either (i) on or before the
21 first day of April, whereupon the Department shall proceed to
22 administer and enforce the tax as of the first day of July next
23 following the filing; or (ii) on or before the first day of
24 October, whereupon the Department shall proceed to administer
25 and enforce the tax as of the first day of January next
26 following the filing.

1 (g) When certifying the amount of a monthly disbursement to
2 the District under this Section, the Department shall increase
3 or decrease the amounts by an amount necessary to offset any
4 misallocation of previous disbursements. The offset amount
5 shall be the amount erroneously disbursed within the previous 6
6 months from the time a misallocation is discovered.

7 (Source: P.A. 99-217, eff. 7-31-15; 100-23, eff. 7-6-17;
8 100-587, eff. 6-4-18; 100-1171, eff. 1-4-19; revised 1-11-19.)

9 Section 360. The Sanitary District Act of 1917 is amended
10 by changing Section 22a.41 as follows:

11 (70 ILCS 2405/22a.41) (from Ch. 42, par. 317d.42)

12 Sec. 22a.41. Manner and time of letting of contracts.
13 Except as otherwise provided in Section 9-2-113 of the Illinois
14 Municipal Code, as now or hereafter amended, within 6 months
15 after judgment of confirmation of any special assessment or
16 special tax levied in pursuance ~~pursuant~~ of this Act has been
17 entered, if there is no appeal perfected, or other stay of
18 proceedings by a court having jurisdiction, or in case the
19 judgment for the condemnation of any property for any such
20 improvement, or the judgment of confirmation as to any property
21 is appealed from, then, if the petitioner files in the cause a
22 written election to proceed with the work, notwithstanding the
23 appeal, or other stay, steps shall be taken to let the contract
24 for the work in the manner provided in this Act. If the

1 judgment of condemnation or of confirmation of the special tax
2 or special assessment levied for the work is appealed from, or
3 stayed by a supersedeas or other order of a court having
4 jurisdiction, and the petitioner files no such election, then
5 the steps provided in this Act for the letting of the contract
6 for the work shall be taken within 6 months after the final
7 determination of the appeal or the determination of the stay
8 unless the proceeding is abandoned as provided in this Act.

9 (Source: P.A. 85-1137; revised 9-28-18.)

10 Section 365. The Sanitary District Act of 1936 is amended
11 by changing Section 79 as follows:

12 (70 ILCS 2805/79) (from Ch. 42, par. 447.43)

13 Sec. 79. Manner and time of letting of contracts. Except
14 as otherwise provided in Section 9-2-113 of the Illinois
15 Municipal Code, as now or hereafter amended, within 6 months
16 after judgment of confirmation of any special assessment or
17 special tax levied in pursuance ~~pursuant~~ of this Act has been
18 entered, if there is no appeal perfected, or other stay of
19 proceedings by a court having jurisdiction, or in case the
20 judgment for the condemnation of any property for any such
21 improvement, or the judgment of confirmation as to any property
22 is appealed from, then, if the petitioner files in the cause a
23 written election to proceed with the work, notwithstanding the
24 appeal, or other stay, steps shall be taken to let the contract

1 for the work in the manner provided in this Act. If the
2 judgment of condemnation or of confirmation of the special tax
3 or special assessment levied for the work is appealed from, or
4 stayed by a supersedeas or other order of a court having
5 jurisdiction, and the petitioner files no such election, then
6 the steps provided in this Act for the letting of the contract
7 for the work shall be taken within 6 months after the final
8 determination of the appeal or the determination of the stay
9 unless the proceeding is abandoned as provided in this Act.

10 (Source: P.A. 85-1137; revised 9-28-18.)

11 Section 370. The Local Mass Transit District Act is amended
12 by changing Section 3.5 as follows:

13 (70 ILCS 3610/3.5) (from Ch. 111 2/3, par. 353.5)

14 Sec. 3.5. If the district acquires a mass transit facility,
15 all of the employees in such mass transit facility shall be
16 transferred to and appointed as employees of the district,
17 subject to all rights and benefits of this Act, and these
18 employees shall be given seniority credit in accordance with
19 the records and labor agreements of the mass transit facility.
20 Employees who left the employ of such a mass transit facility
21 to enter the military service of the United States shall have
22 the same rights as to the district, under the provisions of the
23 Service Member Employment and Reemployment Rights Act, as they
24 would have had thereunder as to such mass transit facility.

1 After such acquisition, the district shall be required to
2 extend to such former employees of such mass transit facility
3 only the rights and benefits as to pensions and retirement as
4 are accorded other employees of the district.

5 (Source: P.A. 100-1101, eff. 1-1-19; revised 9-28-18.)

6 Section 375. The Regional Transportation Authority Act is
7 amended by changing Section 4.03 as follows:

8 (70 ILCS 3615/4.03) (from Ch. 111 2/3, par. 704.03)

9 Sec. 4.03. Taxes.

10 (a) In order to carry out any of the powers or purposes of
11 the Authority, the Board may by ordinance adopted with the
12 concurrence of 12 of the then Directors, impose throughout the
13 metropolitan region any or all of the taxes provided in this
14 Section. Except as otherwise provided in this Act, taxes
15 imposed under this Section and civil penalties imposed incident
16 thereto shall be collected and enforced by the State Department
17 of Revenue. The Department shall have the power to administer
18 and enforce the taxes and to determine all rights for refunds
19 for erroneous payments of the taxes. Nothing in Public Act
20 95-708 is intended to invalidate any taxes currently imposed by
21 the Authority. The increased vote requirements to impose a tax
22 shall only apply to actions taken after January 1, 2008 (the
23 effective date of Public Act 95-708).

24 (b) The Board may impose a public transportation tax upon

1 all persons engaged in the metropolitan region in the business
2 of selling at retail motor fuel for operation of motor vehicles
3 upon public highways. The tax shall be at a rate not to exceed
4 5% of the gross receipts from the sales of motor fuel in the
5 course of the business. As used in this Act, the term "motor
6 fuel" shall have the same meaning as in the Motor Fuel Tax Law.
7 The Board may provide for details of the tax. The provisions of
8 any tax shall conform, as closely as may be practicable, to the
9 provisions of the Municipal Retailers Occupation Tax Act,
10 including without limitation, conformity to penalties with
11 respect to the tax imposed and as to the powers of the State
12 Department of Revenue to promulgate and enforce rules and
13 regulations relating to the administration and enforcement of
14 the provisions of the tax imposed, except that reference in the
15 Act to any municipality shall refer to the Authority and the
16 tax shall be imposed only with regard to receipts from sales of
17 motor fuel in the metropolitan region, at rates as limited by
18 this Section.

19 (c) In connection with the tax imposed under paragraph (b)
20 of this Section the Board may impose a tax upon the privilege
21 of using in the metropolitan region motor fuel for the
22 operation of a motor vehicle upon public highways, the tax to
23 be at a rate not in excess of the rate of tax imposed under
24 paragraph (b) of this Section. The Board may provide for
25 details of the tax.

26 (d) The Board may impose a motor vehicle parking tax upon

1 the privilege of parking motor vehicles at off-street parking
2 facilities in the metropolitan region at which a fee is
3 charged, and may provide for reasonable classifications in and
4 exemptions to the tax, for administration and enforcement
5 thereof and for civil penalties and refunds thereunder and may
6 provide criminal penalties thereunder, the maximum penalties
7 not to exceed the maximum criminal penalties provided in the
8 Retailers' Occupation Tax Act. The Authority may collect and
9 enforce the tax itself or by contract with any unit of local
10 government. The State Department of Revenue shall have no
11 responsibility for the collection and enforcement unless the
12 Department agrees with the Authority to undertake the
13 collection and enforcement. As used in this paragraph, the term
14 "parking facility" means a parking area or structure having
15 parking spaces for more than 2 vehicles at which motor vehicles
16 are permitted to park in return for an hourly, daily, or other
17 periodic fee, whether publicly or privately owned, but does not
18 include parking spaces on a public street, the use of which is
19 regulated by parking meters.

20 (e) The Board may impose a Regional Transportation
21 Authority Retailers' Occupation Tax upon all persons engaged in
22 the business of selling tangible personal property at retail in
23 the metropolitan region. In Cook County, the tax rate shall be
24 1.25% of the gross receipts from sales of tangible personal
25 property taxed at the 1% rate under the Retailers' Occupation
26 Tax Act, and 1% of the gross receipts from other taxable sales

1 made in the course of that business. In DuPage, Kane, Lake,
2 McHenry, and Will counties ~~Counties~~, the tax rate shall be
3 0.75% of the gross receipts from all taxable sales made in the
4 course of that business. The tax imposed under this Section and
5 all civil penalties that may be assessed as an incident thereof
6 shall be collected and enforced by the State Department of
7 Revenue. The Department shall have full power to administer and
8 enforce this Section; to collect all taxes and penalties so
9 collected in the manner hereinafter provided; and to determine
10 all rights to credit memoranda arising on account of the
11 erroneous payment of tax or penalty hereunder. In the
12 administration of, and compliance with this Section, the
13 Department and persons who are subject to this Section shall
14 have the same rights, remedies, privileges, immunities, powers
15 and duties, and be subject to the same conditions,
16 restrictions, limitations, penalties, exclusions, exemptions
17 and definitions of terms, and employ the same modes of
18 procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d,
19 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions
20 therein other than the State rate of tax), 2c, 3 (except as to
21 the disposition of taxes and penalties collected), 4, 5, 5a,
22 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 6d,
23 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act
24 and Section 3-7 of the Uniform Penalty and Interest Act, as
25 fully as if those provisions were set forth herein.

26 Persons subject to any tax imposed under the authority

1 granted in this Section may reimburse themselves for their
2 seller's tax liability hereunder by separately stating the tax
3 as an additional charge, which charge may be stated in
4 combination in a single amount with State taxes that sellers
5 are required to collect under the Use Tax Act, under any
6 bracket schedules the Department may prescribe.

7 Whenever the Department determines that a refund should be
8 made under this Section to a claimant instead of issuing a
9 credit memorandum, the Department shall notify the State
10 Comptroller, who shall cause the warrant to be drawn for the
11 amount specified, and to the person named, in the notification
12 from the Department. The refund shall be paid by the State
13 Treasurer out of the Regional Transportation Authority tax fund
14 established under paragraph (n) of this Section.

15 If a tax is imposed under this subsection (e), a tax shall
16 also be imposed under subsections (f) and (g) of this Section.

17 For the purpose of determining whether a tax authorized
18 under this Section is applicable, a retail sale by a producer
19 of coal or other mineral mined in Illinois, is a sale at retail
20 at the place where the coal or other mineral mined in Illinois
21 is extracted from the earth. This paragraph does not apply to
22 coal or other mineral when it is delivered or shipped by the
23 seller to the purchaser at a point outside Illinois so that the
24 sale is exempt under the Federal Constitution as a sale in
25 interstate or foreign commerce.

26 No tax shall be imposed or collected under this subsection

1 on the sale of a motor vehicle in this State to a resident of
2 another state if that motor vehicle will not be titled in this
3 State.

4 Nothing in this Section shall be construed to authorize the
5 Regional Transportation Authority to impose a tax upon the
6 privilege of engaging in any business that under the
7 Constitution of the United States may not be made the subject
8 of taxation by this State.

9 (f) If a tax has been imposed under paragraph (e), a
10 Regional Transportation Authority Service Occupation Tax shall
11 also be imposed upon all persons engaged, in the metropolitan
12 region in the business of making sales of service, who as an
13 incident to making the sales of service, transfer tangible
14 personal property within the metropolitan region, either in the
15 form of tangible personal property or in the form of real
16 estate as an incident to a sale of service. In Cook County, the
17 tax rate shall be: (1) 1.25% of the serviceman's cost price of
18 food prepared for immediate consumption and transferred
19 incident to a sale of service subject to the service occupation
20 tax by an entity licensed under the Hospital Licensing Act, the
21 Nursing Home Care Act, the Specialized Mental Health
22 Rehabilitation Act of 2013, the ID/DD Community Care Act, or
23 the MC/DD Act that is located in the metropolitan region; (2)
24 1.25% of the selling price of tangible personal property taxed
25 at the 1% rate under the Service Occupation Tax Act; and (3) 1%
26 of the selling price from other taxable sales of tangible

1 personal property transferred. In DuPage, Kane, Lake, McHenry
2 and Will counties, ~~Counties~~ the rate shall be 0.75% of the
3 selling price of all tangible personal property transferred.

4 The tax imposed under this paragraph and all civil
5 penalties that may be assessed as an incident thereof shall be
6 collected and enforced by the State Department of Revenue. The
7 Department shall have full power to administer and enforce this
8 paragraph; to collect all taxes and penalties due hereunder; to
9 dispose of taxes and penalties collected in the manner
10 hereinafter provided; and to determine all rights to credit
11 memoranda arising on account of the erroneous payment of tax or
12 penalty hereunder. In the administration of and compliance with
13 this paragraph, the Department and persons who are subject to
14 this paragraph shall have the same rights, remedies,
15 privileges, immunities, powers and duties, and be subject to
16 the same conditions, restrictions, limitations, penalties,
17 exclusions, exemptions and definitions of terms, and employ the
18 same modes of procedure, as are prescribed in Sections 1a-1, 2,
19 2a, 3 through 3-50 (in respect to all provisions therein other
20 than the State rate of tax), 4 (except that the reference to
21 the State shall be to the Authority), 5, 7, 8 (except that the
22 jurisdiction to which the tax shall be a debt to the extent
23 indicated in that Section 8 shall be the Authority), 9 (except
24 as to the disposition of taxes and penalties collected, and
25 except that the returned merchandise credit for this tax may
26 not be taken against any State tax), 10, 11, 12 (except the

1 reference therein to Section 2b of the Retailers' Occupation
2 Tax Act), 13 (except that any reference to the State shall mean
3 the Authority), the first paragraph of Section 15, 16, 17, 18,
4 19 and 20 of the Service Occupation Tax Act and Section 3-7 of
5 the Uniform Penalty and Interest Act, as fully as if those
6 provisions were set forth herein.

7 Persons subject to any tax imposed under the authority
8 granted in this paragraph may reimburse themselves for their
9 serviceman's tax liability hereunder by separately stating the
10 tax as an additional charge, that charge may be stated in
11 combination in a single amount with State tax that servicemen
12 are authorized to collect under the Service Use Tax Act, under
13 any bracket schedules the Department may prescribe.

14 Whenever the Department determines that a refund should be
15 made under this paragraph to a claimant instead of issuing a
16 credit memorandum, the Department shall notify the State
17 Comptroller, who shall cause the warrant to be drawn for the
18 amount specified, and to the person named in the notification
19 from the Department. The refund shall be paid by the State
20 Treasurer out of the Regional Transportation Authority tax fund
21 established under paragraph (n) of this Section.

22 Nothing in this paragraph shall be construed to authorize
23 the Authority to impose a tax upon the privilege of engaging in
24 any business that under the Constitution of the United States
25 may not be made the subject of taxation by the State.

26 (g) If a tax has been imposed under paragraph (e), a tax

1 shall also be imposed upon the privilege of using in the
2 metropolitan region, any item of tangible personal property
3 that is purchased outside the metropolitan region at retail
4 from a retailer, and that is titled or registered with an
5 agency of this State's government. In Cook County, the tax rate
6 shall be 1% of the selling price of the tangible personal
7 property, as "selling price" is defined in the Use Tax Act. In
8 DuPage, Kane, Lake, McHenry and Will counties, the tax rate
9 shall be 0.75% of the selling price of the tangible personal
10 property, as "selling price" is defined in the Use Tax Act. The
11 tax shall be collected from persons whose Illinois address for
12 titling or registration purposes is given as being in the
13 metropolitan region. The tax shall be collected by the
14 Department of Revenue for the Regional Transportation
15 Authority. The tax must be paid to the State, or an exemption
16 determination must be obtained from the Department of Revenue,
17 before the title or certificate of registration for the
18 property may be issued. The tax or proof of exemption may be
19 transmitted to the Department by way of the State agency with
20 which, or the State officer with whom, the tangible personal
21 property must be titled or registered if the Department and the
22 State agency or State officer determine that this procedure
23 will expedite the processing of applications for title or
24 registration.

25 The Department shall have full power to administer and
26 enforce this paragraph; to collect all taxes, penalties, and

1 interest due hereunder; to dispose of taxes, penalties, and
2 interest collected in the manner hereinafter provided; and to
3 determine all rights to credit memoranda or refunds arising on
4 account of the erroneous payment of tax, penalty, or interest
5 hereunder. In the administration of and compliance with this
6 paragraph, the Department and persons who are subject to this
7 paragraph shall have the same rights, remedies, privileges,
8 immunities, powers and duties, and be subject to the same
9 conditions, restrictions, limitations, penalties, exclusions,
10 exemptions and definitions of terms and employ the same modes
11 of procedure, as are prescribed in Sections 2 (except the
12 definition of "retailer maintaining a place of business in this
13 State"), 3 through 3-80 (except provisions pertaining to the
14 State rate of tax, and except provisions concerning collection
15 or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15,
16 19 (except the portions pertaining to claims by retailers and
17 except the last paragraph concerning refunds), 20, 21 and 22 of
18 the Use Tax Act, and are not inconsistent with this paragraph,
19 as fully as if those provisions were set forth herein.

20 Whenever the Department determines that a refund should be
21 made under this paragraph to a claimant instead of issuing a
22 credit memorandum, the Department shall notify the State
23 Comptroller, who shall cause the order to be drawn for the
24 amount specified, and to the person named in the notification
25 from the Department. The refund shall be paid by the State
26 Treasurer out of the Regional Transportation Authority tax fund

1 established under paragraph (n) of this Section.

2 (h) The Authority may impose a replacement vehicle tax of
3 \$50 on any passenger car as defined in Section 1-157 of the
4 Illinois Vehicle Code purchased within the metropolitan region
5 by or on behalf of an insurance company to replace a passenger
6 car of an insured person in settlement of a total loss claim.
7 The tax imposed may not become effective before the first day
8 of the month following the passage of the ordinance imposing
9 the tax and receipt of a certified copy of the ordinance by the
10 Department of Revenue. The Department of Revenue shall collect
11 the tax for the Authority in accordance with Sections 3-2002
12 and 3-2003 of the Illinois Vehicle Code.

13 The Department shall immediately pay over to the State
14 Treasurer, ex officio, as trustee, all taxes collected
15 hereunder.

16 As soon as possible after the first day of each month,
17 beginning January 1, 2011, upon certification of the Department
18 of Revenue, the Comptroller shall order transferred, and the
19 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
20 local sales tax increment, as defined in the Innovation
21 Development and Economy Act, collected under this Section
22 during the second preceding calendar month for sales within a
23 STAR bond district.

24 After the monthly transfer to the STAR Bonds Revenue Fund,
25 on or before the 25th day of each calendar month, the
26 Department shall prepare and certify to the Comptroller the

1 disbursement of stated sums of money to the Authority. The
2 amount to be paid to the Authority shall be the amount
3 collected hereunder during the second preceding calendar month
4 by the Department, less any amount determined by the Department
5 to be necessary for the payment of refunds, and less any
6 amounts that are transferred to the STAR Bonds Revenue Fund.
7 Within 10 days after receipt by the Comptroller of the
8 disbursement certification to the Authority provided for in
9 this Section to be given to the Comptroller by the Department,
10 the Comptroller shall cause the orders to be drawn for that
11 amount in accordance with the directions contained in the
12 certification.

13 (i) The Board may not impose any other taxes except as it
14 may from time to time be authorized by law to impose.

15 (j) A certificate of registration issued by the State
16 Department of Revenue to a retailer under the Retailers'
17 Occupation Tax Act or under the Service Occupation Tax Act
18 shall permit the registrant to engage in a business that is
19 taxed under the tax imposed under paragraphs (b), (e), (f) or
20 (g) of this Section and no additional registration shall be
21 required under the tax. A certificate issued under the Use Tax
22 Act or the Service Use Tax Act shall be applicable with regard
23 to any tax imposed under paragraph (c) of this Section.

24 (k) The provisions of any tax imposed under paragraph (c)
25 of this Section shall conform as closely as may be practicable
26 to the provisions of the Use Tax Act, including without

1 limitation conformity as to penalties with respect to the tax
2 imposed and as to the powers of the State Department of Revenue
3 to promulgate and enforce rules and regulations relating to the
4 administration and enforcement of the provisions of the tax
5 imposed. The taxes shall be imposed only on use within the
6 metropolitan region and at rates as provided in the paragraph.

7 (l) The Board in imposing any tax as provided in paragraphs
8 (b) and (c) of this Section, shall, after seeking the advice of
9 the State Department of Revenue, provide means for retailers,
10 users or purchasers of motor fuel for purposes other than those
11 with regard to which the taxes may be imposed as provided in
12 those paragraphs to receive refunds of taxes improperly paid,
13 which provisions may be at variance with the refund provisions
14 as applicable under the Municipal Retailers Occupation Tax Act.
15 The State Department of Revenue may provide for certificates of
16 registration for users or purchasers of motor fuel for purposes
17 other than those with regard to which taxes may be imposed as
18 provided in paragraphs (b) and (c) of this Section to
19 facilitate the reporting and nontaxability of the exempt sales
20 or uses.

21 (m) Any ordinance imposing or discontinuing any tax under
22 this Section shall be adopted and a certified copy thereof
23 filed with the Department on or before June 1, whereupon the
24 Department of Revenue shall proceed to administer and enforce
25 this Section on behalf of the Regional Transportation Authority
26 as of September 1 next following such adoption and filing.

1 Beginning January 1, 1992, an ordinance or resolution imposing
2 or discontinuing the tax hereunder shall be adopted and a
3 certified copy thereof filed with the Department on or before
4 the first day of July, whereupon the Department shall proceed
5 to administer and enforce this Section as of the first day of
6 October next following such adoption and filing. Beginning
7 January 1, 1993, an ordinance or resolution imposing,
8 increasing, decreasing, or discontinuing the tax hereunder
9 shall be adopted and a certified copy thereof filed with the
10 Department, whereupon the Department shall proceed to
11 administer and enforce this Section as of the first day of the
12 first month to occur not less than 60 days following such
13 adoption and filing. Any ordinance or resolution of the
14 Authority imposing a tax under this Section and in effect on
15 August 1, 2007 shall remain in full force and effect and shall
16 be administered by the Department of Revenue under the terms
17 and conditions and rates of tax established by such ordinance
18 or resolution until the Department begins administering and
19 enforcing an increased tax under this Section as authorized by
20 Public Act 95-708. The tax rates authorized by Public Act
21 95-708 are effective only if imposed by ordinance of the
22 Authority.

23 (n) Except as otherwise provided in this subsection (n),
24 the State Department of Revenue shall, upon collecting any
25 taxes as provided in this Section, pay the taxes over to the
26 State Treasurer as trustee for the Authority. The taxes shall

1 be held in a trust fund outside the State Treasury. On or
2 before the 25th day of each calendar month, the State
3 Department of Revenue shall prepare and certify to the
4 Comptroller of the State of Illinois and to the Authority (i)
5 the amount of taxes collected in each county ~~County~~ other than
6 Cook County in the metropolitan region, (ii) the amount of
7 taxes collected within the City of Chicago, and (iii) the
8 amount collected in that portion of Cook County outside of
9 Chicago, each amount less the amount necessary for the payment
10 of refunds to taxpayers located in those areas described in
11 items (i), (ii), and (iii), and less 1.5% of the remainder,
12 which shall be transferred from the trust fund into the Tax
13 Compliance and Administration Fund. The Department, at the time
14 of each monthly disbursement to the Authority, shall prepare
15 and certify to the State Comptroller the amount to be
16 transferred into the Tax Compliance and Administration Fund
17 under this subsection. Within 10 days after receipt by the
18 Comptroller of the certification of the amounts, the
19 Comptroller shall cause an order to be drawn for the transfer
20 of the amount certified into the Tax Compliance and
21 Administration Fund and the payment of two-thirds of the
22 amounts certified in item (i) of this subsection to the
23 Authority and one-third of the amounts certified in item (i) of
24 this subsection to the respective counties other than Cook
25 County and the amount certified in items (ii) and (iii) of this
26 subsection to the Authority.

1 In addition to the disbursement required by the preceding
2 paragraph, an allocation shall be made in July 1991 and each
3 year thereafter to the Regional Transportation Authority. The
4 allocation shall be made in an amount equal to the average
5 monthly distribution during the preceding calendar year
6 (excluding the 2 months of lowest receipts) and the allocation
7 shall include the amount of average monthly distribution from
8 the Regional Transportation Authority Occupation and Use Tax
9 Replacement Fund. The distribution made in July 1992 and each
10 year thereafter under this paragraph and the preceding
11 paragraph shall be reduced by the amount allocated and
12 disbursed under this paragraph in the preceding calendar year.
13 The Department of Revenue shall prepare and certify to the
14 Comptroller for disbursement the allocations made in
15 accordance with this paragraph.

16 (o) Failure to adopt a budget ordinance or otherwise to
17 comply with Section 4.01 of this Act or to adopt a Five-year
18 Capital Program or otherwise to comply with paragraph (b) of
19 Section 2.01 of this Act shall not affect the validity of any
20 tax imposed by the Authority otherwise in conformity with law.

21 (p) At no time shall a public transportation tax or motor
22 vehicle parking tax authorized under paragraphs (b), (c), and
23 (d) of this Section be in effect at the same time as any
24 retailers' occupation, use or service occupation tax
25 authorized under paragraphs (e), (f), and (g) of this Section
26 is in effect.

1 Any taxes imposed under the authority provided in
2 paragraphs (b), (c), and (d) shall remain in effect only until
3 the time as any tax authorized by paragraph ~~paragraphs~~ (e),
4 (f), or (g) of this Section are imposed and becomes effective.
5 Once any tax authorized by paragraph ~~paragraphs~~ (e), (f), or
6 (g) is imposed the Board may not reimpose taxes as authorized
7 in paragraphs (b), (c), and (d) of the Section unless any tax
8 authorized by paragraph ~~paragraphs~~ (e), (f), or (g) of this
9 Section becomes ineffective by means other than an ordinance of
10 the Board.

11 (q) Any existing rights, remedies and obligations
12 (including enforcement by the Regional Transportation
13 Authority) arising under any tax imposed under paragraph
14 ~~paragraphs~~ (b), (c), or (d) of this Section shall not be
15 affected by the imposition of a tax under paragraph ~~paragraphs~~
16 (e), (f), or (g) of this Section.

17 (Source: P.A. 99-180, eff. 7-29-15; 99-217, eff. 7-31-15;
18 99-642, eff. 7-28-16; 100-23, eff. 7-6-17; 100-587, eff.
19 6-4-18; 100-1171, eff. 1-4-19; revised 1-11-19.)

20 Section 380. The Water Commission Act of 1985 is amended by
21 changing Section 4 as follows:

22 (70 ILCS 3720/4) (from Ch. 111 2/3, par. 254)

23 Sec. 4. Taxes.

24 (a) The board of commissioners of any county water

1 commission may, by ordinance, impose throughout the territory
 2 of the commission any or all of the taxes provided in this
 3 Section for its corporate purposes. However, no county water
 4 commission may impose any such tax unless the commission
 5 certifies the proposition of imposing the tax to the proper
 6 election officials, who shall submit the proposition to the
 7 voters residing in the territory at an election in accordance
 8 with the general election law, and the proposition has been
 9 approved by a majority of those voting on the proposition.

10 The proposition shall be in the form provided in Section 5
 11 or shall be substantially in the following form:

12 -----
 13 Shall the (insert corporate
 14 name of county water commission) YES
 15 impose (state type of tax or -----
 16 taxes to be imposed) at the NO
 17 rate of 1/4%?
 18 -----

19 Taxes imposed under this Section and civil penalties
 20 imposed incident thereto shall be collected and enforced by the
 21 State Department of Revenue. The Department shall have the
 22 power to administer and enforce the taxes and to determine all
 23 rights for refunds for erroneous payments of the taxes.

24 (b) The board of commissioners may impose a County Water
 25 Commission Retailers' Occupation Tax upon all persons engaged
 26 in the business of selling tangible personal property at retail

1 in the territory of the commission at a rate of 1/4% of the
2 gross receipts from the sales made in the course of such
3 business within the territory. The tax imposed under this
4 paragraph and all civil penalties that may be assessed as an
5 incident thereof shall be collected and enforced by the State
6 Department of Revenue. The Department shall have full power to
7 administer and enforce this paragraph; to collect all taxes and
8 penalties due hereunder; to dispose of taxes and penalties so
9 collected in the manner hereinafter provided; and to determine
10 all rights to credit memoranda arising on account of the
11 erroneous payment of tax or penalty hereunder. In the
12 administration of, and compliance with, this paragraph, the
13 Department and persons who are subject to this paragraph shall
14 have the same rights, remedies, privileges, immunities, powers
15 and duties, and be subject to the same conditions,
16 restrictions, limitations, penalties, exclusions, exemptions
17 and definitions of terms, and employ the same modes of
18 procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d,
19 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions
20 therein other than the State rate of tax except that tangible
21 personal property taxed at the 1% rate under the Retailers'
22 Occupation Tax Act shall not be subject to tax hereunder), 2c,
23 3 (except as to the disposition of taxes and penalties
24 collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k,
25 5l, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 12, and 13 of the
26 Retailers' Occupation Tax Act and Section 3-7 of the Uniform

1 Penalty and Interest Act, as fully as if those provisions were
2 set forth herein.

3 Persons subject to any tax imposed under the authority
4 granted in this paragraph may reimburse themselves for their
5 seller's tax liability hereunder by separately stating the tax
6 as an additional charge, which charge may be stated in
7 combination, in a single amount, with State taxes that sellers
8 are required to collect under the Use Tax Act and under
9 subsection (e) of Section 4.03 of the Regional Transportation
10 Authority Act, in accordance with such bracket schedules as the
11 Department may prescribe.

12 Whenever the Department determines that a refund should be
13 made under this paragraph to a claimant instead of issuing a
14 credit memorandum, the Department shall notify the State
15 Comptroller, who shall cause the warrant to be drawn for the
16 amount specified, and to the person named, in the notification
17 from the Department. The refund shall be paid by the State
18 Treasurer out of a county water commission tax fund established
19 under subsection (g) of this Section.

20 For the purpose of determining whether a tax authorized
21 under this paragraph is applicable, a retail sale by a producer
22 of coal or other mineral mined in Illinois is a sale at retail
23 at the place where the coal or other mineral mined in Illinois
24 is extracted from the earth. This paragraph does not apply to
25 coal or other mineral when it is delivered or shipped by the
26 seller to the purchaser at a point outside Illinois so that the

1 sale is exempt under the Federal Constitution as a sale in
2 interstate or foreign commerce.

3 If a tax is imposed under this subsection (b), a tax shall
4 also be imposed under subsections (c) and (d) of this Section.

5 No tax shall be imposed or collected under this subsection
6 on the sale of a motor vehicle in this State to a resident of
7 another state if that motor vehicle will not be titled in this
8 State.

9 Nothing in this paragraph shall be construed to authorize a
10 county water commission to impose a tax upon the privilege of
11 engaging in any business which under the Constitution of the
12 United States may not be made the subject of taxation by this
13 State.

14 (c) If a tax has been imposed under subsection (b), a
15 County Water Commission Service Occupation Tax shall also be
16 imposed upon all persons engaged, in the territory of the
17 commission, in the business of making sales of service, who, as
18 an incident to making the sales of service, transfer tangible
19 personal property within the territory. The tax rate shall be
20 1/4% of the selling price of tangible personal property so
21 transferred within the territory. The tax imposed under this
22 paragraph and all civil penalties that may be assessed as an
23 incident thereof shall be collected and enforced by the State
24 Department of Revenue. The Department shall have full power to
25 administer and enforce this paragraph; to collect all taxes and
26 penalties due hereunder; to dispose of taxes and penalties so

1 collected in the manner hereinafter provided; and to determine
2 all rights to credit memoranda arising on account of the
3 erroneous payment of tax or penalty hereunder. In the
4 administration of, and compliance with, this paragraph, the
5 Department and persons who are subject to this paragraph shall
6 have the same rights, remedies, privileges, immunities, powers
7 and duties, and be subject to the same conditions,
8 restrictions, limitations, penalties, exclusions, exemptions
9 and definitions of terms, and employ the same modes of
10 procedure, as are prescribed in Sections 1a-1, 2 (except that
11 the reference to State in the definition of supplier
12 maintaining a place of business in this State shall mean the
13 territory of the commission), 2a, 3 through 3-50 (in respect to
14 all provisions therein other than the State rate of tax except
15 that tangible personal property taxed at the 1% rate under the
16 Service Occupation Tax Act shall not be subject to tax
17 hereunder), 4 (except that the reference to the State shall be
18 to the territory of the commission), 5, 7, 8 (except that the
19 jurisdiction to which the tax shall be a debt to the extent
20 indicated in that Section 8 shall be the commission), 9 (except
21 as to the disposition of taxes and penalties collected and
22 except that the returned merchandise credit for this tax may
23 not be taken against any State tax), 10, 11, 12 (except the
24 reference therein to Section 2b of the Retailers' Occupation
25 Tax Act), 13 (except that any reference to the State shall mean
26 the territory of the commission), the first paragraph of

1 Section 15, 15.5, 16, 17, 18, 19, and 20 of the Service
2 Occupation Tax Act as fully as if those provisions were set
3 forth herein.

4 Persons subject to any tax imposed under the authority
5 granted in this paragraph may reimburse themselves for their
6 serviceman's tax liability hereunder by separately stating the
7 tax as an additional charge, which charge may be stated in
8 combination, in a single amount, with State tax that servicemen
9 are authorized to collect under the Service Use Tax Act, and
10 any tax for which servicemen may be liable under subsection (f)
11 of Section 4.03 of the Regional Transportation Authority Act,
12 in accordance with such bracket schedules as the Department may
13 prescribe.

14 Whenever the Department determines that a refund should be
15 made under this paragraph to a claimant instead of issuing a
16 credit memorandum, the Department shall notify the State
17 Comptroller, who shall cause the warrant to be drawn for the
18 amount specified, and to the person named, in the notification
19 from the Department. The refund shall be paid by the State
20 Treasurer out of a county water commission tax fund established
21 under subsection (g) of this Section.

22 Nothing in this paragraph shall be construed to authorize a
23 county water commission to impose a tax upon the privilege of
24 engaging in any business which under the Constitution of the
25 United States may not be made the subject of taxation by the
26 State.

1 (d) If a tax has been imposed under subsection (b), a tax
2 shall also be imposed upon the privilege of using, in the
3 territory of the commission, any item of tangible personal
4 property that is purchased outside the territory at retail from
5 a retailer, and that is titled or registered with an agency of
6 this State's government, at a rate of 1/4% of the selling price
7 of the tangible personal property within the territory, as
8 "selling price" is defined in the Use Tax Act. The tax shall be
9 collected from persons whose Illinois address for titling or
10 registration purposes is given as being in the territory. The
11 tax shall be collected by the Department of Revenue for a
12 county water commission. The tax must be paid to the State, or
13 an exemption determination must be obtained from the Department
14 of Revenue, before the title or certificate of registration for
15 the property may be issued. The tax or proof of exemption may
16 be transmitted to the Department by way of the State agency
17 with which, or the State officer with whom, the tangible
18 personal property must be titled or registered if the
19 Department and the State agency or State officer determine that
20 this procedure will expedite the processing of applications for
21 title or registration.

22 The Department shall have full power to administer and
23 enforce this paragraph; to collect all taxes, penalties, and
24 interest due hereunder; to dispose of taxes, penalties, and
25 interest so collected in the manner hereinafter provided; and
26 to determine all rights to credit memoranda or refunds arising

1 on account of the erroneous payment of tax, penalty, or
2 interest hereunder. In the administration of and compliance
3 with this paragraph, the Department and persons who are subject
4 to this paragraph shall have the same rights, remedies,
5 privileges, immunities, powers, and duties, and be subject to
6 the same conditions, restrictions, limitations, penalties,
7 exclusions, exemptions, and definitions of terms and employ the
8 same modes of procedure, as are prescribed in Sections 2
9 (except the definition of "retailer maintaining a place of
10 business in this State"), 3 through 3-80 (except provisions
11 pertaining to the State rate of tax, and except provisions
12 concerning collection or refunding of the tax by retailers), 4,
13 11, 12, 12a, 14, 15, 19 (except the portions pertaining to
14 claims by retailers and except the last paragraph concerning
15 refunds), 20, 21, and 22 of the Use Tax Act and Section 3-7 of
16 the Uniform Penalty and Interest Act that are not inconsistent
17 with this paragraph, as fully as if those provisions were set
18 forth herein.

19 Whenever the Department determines that a refund should be
20 made under this paragraph to a claimant instead of issuing a
21 credit memorandum, the Department shall notify the State
22 Comptroller, who shall cause the order to be drawn for the
23 amount specified, and to the person named, in the notification
24 from the Department. The refund shall be paid by the State
25 Treasurer out of a county water commission tax fund established
26 under subsection (g) of this Section.

1 (e) A certificate of registration issued by the State
2 Department of Revenue to a retailer under the Retailers'
3 Occupation Tax Act or under the Service Occupation Tax Act
4 shall permit the registrant to engage in a business that is
5 taxed under the tax imposed under subsection (b), (c), or (d)
6 of this Section and no additional registration shall be
7 required under the tax. A certificate issued under the Use Tax
8 Act or the Service Use Tax Act shall be applicable with regard
9 to any tax imposed under subsection (c) of this Section.

10 (f) Any ordinance imposing or discontinuing any tax under
11 this Section shall be adopted and a certified copy thereof
12 filed with the Department on or before June 1, whereupon the
13 Department of Revenue shall proceed to administer and enforce
14 this Section on behalf of the county water commission as of
15 September 1 next following the adoption and filing. Beginning
16 January 1, 1992, an ordinance or resolution imposing or
17 discontinuing the tax hereunder shall be adopted and a
18 certified copy thereof filed with the Department on or before
19 the first day of July, whereupon the Department shall proceed
20 to administer and enforce this Section as of the first day of
21 October next following such adoption and filing. Beginning
22 January 1, 1993, an ordinance or resolution imposing or
23 discontinuing the tax hereunder shall be adopted and a
24 certified copy thereof filed with the Department on or before
25 the first day of October, whereupon the Department shall
26 proceed to administer and enforce this Section as of the first

1 day of January next following such adoption and filing.

2 (g) The State Department of Revenue shall, upon collecting
3 any taxes as provided in this Section, pay the taxes over to
4 the State Treasurer as trustee for the commission. The taxes
5 shall be held in a trust fund outside the State Treasury.

6 As soon as possible after the first day of each month,
7 beginning January 1, 2011, upon certification of the Department
8 of Revenue, the Comptroller shall order transferred, and the
9 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
10 local sales tax increment, as defined in the Innovation
11 Development and Economy Act, collected under this Section
12 during the second preceding calendar month for sales within a
13 STAR bond district.

14 After the monthly transfer to the STAR Bonds Revenue Fund,
15 on or before the 25th day of each calendar month, the State
16 Department of Revenue shall prepare and certify to the
17 Comptroller of the State of Illinois the amount to be paid to
18 the commission, which shall be the amount (not including credit
19 memoranda) collected under this Section during the second
20 preceding calendar month by the Department plus an amount the
21 Department determines is necessary to offset any amounts that
22 were erroneously paid to a different taxing body, and not
23 including any amount equal to the amount of refunds made during
24 the second preceding calendar month by the Department on behalf
25 of the commission, and not including any amount that the
26 Department determines is necessary to offset any amounts that

1 were payable to a different taxing body but were erroneously
2 paid to the commission, and less any amounts that are
3 transferred to the STAR Bonds Revenue Fund, less 1.5% of the
4 remainder, which shall be transferred into the Tax Compliance
5 and Administration Fund. The Department, at the time of each
6 monthly disbursement to the commission, shall prepare and
7 certify to the State Comptroller the amount to be transferred
8 into the Tax Compliance and Administration Fund under this
9 subsection. Within 10 days after receipt by the Comptroller of
10 the certification of the amount to be paid to the commission
11 and the Tax Compliance and Administration Fund, the Comptroller
12 shall cause an order to be drawn for the payment for the amount
13 in accordance with the direction in the certification.

14 (h) Beginning June 1, 2016, any tax imposed pursuant to
15 this Section may no longer be imposed or collected, unless a
16 continuation of the tax is approved by the voters at a
17 referendum as set forth in this Section.

18 (Source: P.A. 99-217, eff. 7-31-15; 99-642, eff. 7-28-16;
19 100-23, eff. 7-6-17; 100-587, eff. 6-4-18; 100-863, eff.
20 8-14-18; 100-1171, eff. 1-4-19; revised 1-11-19.)

21 Section 385. The School Code is amended by changing
22 Sections 2-3.25g, 3-15.12a, 10-17a, 10-22.3f, 10-22.6, 10-29,
23 21B-20, 21B-25, 21B-30, 21B-40, 22-30, 22-80, 24-5, 24-12,
24 26-2a, 26-12, 27-8.1, 27-22.05, and 27A-5, by setting forth,
25 renumbering, and changing multiple versions of Sections

1 2-3.173 and 10-20.67, and by setting forth and renumbering
2 multiple versions of Section 27-23.11 as follows:

3 (105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g)
4 Sec. 2-3.25g. Waiver or modification of mandates within the
5 School Code and administrative rules and regulations.

6 (a) In this Section:

7 "Board" means a school board or the governing board or
8 administrative district, as the case may be, for a joint
9 agreement.

10 "Eligible applicant" means a school district, joint
11 agreement made up of school districts, or regional
12 superintendent of schools on behalf of schools and programs
13 operated by the regional office of education.

14 "Implementation date" has the meaning set forth in
15 Section 24A-2.5 of this Code.

16 "State Board" means the State Board of Education.

17 (b) Notwithstanding any other provisions of this School
18 Code or any other law of this State to the contrary, eligible
19 applicants may petition the State Board of Education for the
20 waiver or modification of the mandates of this School Code or
21 of the administrative rules and regulations promulgated by the
22 State Board of Education. Waivers or modifications of
23 administrative rules and regulations and modifications of
24 mandates of this School Code may be requested when an eligible
25 applicant demonstrates that it can address the intent of the

1 rule or mandate in a more effective, efficient, or economical
2 manner or when necessary to stimulate innovation or improve
3 student performance. Waivers of mandates of the School Code may
4 be requested when the waivers are necessary to stimulate
5 innovation or improve student performance or when the applicant
6 demonstrates that it can address the intent of the mandate of
7 the School Code in a more effective, efficient, or economical
8 manner. Waivers may not be requested from laws, rules, and
9 regulations pertaining to special education, teacher educator
10 licensure, teacher tenure and seniority, or Section 5-2.1 of
11 this Code or from compliance with the Every Student Succeeds
12 Act (Public Law 114-95). Eligible applicants may not seek a
13 waiver or seek a modification of a mandate regarding the
14 requirements for (i) student performance data to be a
15 significant factor in teacher or principal evaluations or (ii)
16 teachers and principals to be rated using the 4 categories of
17 "excellent", "proficient", "needs improvement", or
18 "unsatisfactory". On September 1, 2014, any previously
19 authorized waiver or modification from such requirements shall
20 terminate.

21 (c) Eligible applicants, as a matter of inherent managerial
22 policy, and any Independent Authority established under
23 Section 2-3.25f-5 of this Code may submit an application for a
24 waiver or modification authorized under this Section. Each
25 application must include a written request by the eligible
26 applicant or Independent Authority and must demonstrate that

1 the intent of the mandate can be addressed in a more effective,
2 efficient, or economical manner or be based upon a specific
3 plan for improved student performance and school improvement.
4 Any eligible applicant requesting a waiver or modification for
5 the reason that intent of the mandate can be addressed in a
6 more economical manner shall include in the application a
7 fiscal analysis showing current expenditures on the mandate and
8 projected savings resulting from the waiver or modification.
9 Applications and plans developed by eligible applicants must be
10 approved by the board or regional superintendent of schools
11 applying on behalf of schools or programs operated by the
12 regional office of education following a public hearing on the
13 application and plan and the opportunity for the board or
14 regional superintendent to hear testimony from staff directly
15 involved in its implementation, parents, and students. The time
16 period for such testimony shall be separate from the time
17 period established by the eligible applicant for public comment
18 on other matters.

19 (c-5) If the applicant is a school district, then the
20 district shall post information that sets forth the time, date,
21 place, and general subject matter of the public hearing on its
22 Internet website at least 14 days prior to the hearing. If the
23 district is requesting to increase the fee charged for driver
24 education authorized pursuant to Section 27-24.2 of this Code,
25 the website information shall include the proposed amount of
26 the fee the district will request. All school districts must

1 publish a notice of the public hearing at least 7 days prior to
2 the hearing in a newspaper of general circulation within the
3 school district that sets forth the time, date, place, and
4 general subject matter of the hearing. Districts requesting to
5 increase the fee charged for driver education shall include in
6 the published notice the proposed amount of the fee the
7 district will request. If the applicant is a joint agreement or
8 regional superintendent, then the joint agreement or regional
9 superintendent shall post information that sets forth the time,
10 date, place, and general subject matter of the public hearing
11 on its Internet website at least 14 days prior to the hearing.
12 If the joint agreement or regional superintendent is requesting
13 to increase the fee charged for driver education authorized
14 pursuant to Section 27-24.2 of this Code, the website
15 information shall include the proposed amount of the fee the
16 applicant will request. All joint agreements and regional
17 superintendents must publish a notice of the public hearing at
18 least 7 days prior to the hearing in a newspaper of general
19 circulation in each school district that is a member of the
20 joint agreement or that is served by the educational service
21 region that sets forth the time, date, place, and general
22 subject matter of the hearing, provided that a notice appearing
23 in a newspaper generally circulated in more than one school
24 district shall be deemed to fulfill this requirement with
25 respect to all of the affected districts. Joint agreements or
26 regional superintendents requesting to increase the fee

1 charged for driver education shall include in the published
2 notice the proposed amount of the fee the applicant will
3 request. The eligible applicant must notify either
4 electronically or in writing the affected exclusive collective
5 bargaining agent and those State legislators representing the
6 eligible applicant's territory of its intent to seek approval
7 of a waiver or modification and of the hearing to be held to
8 take testimony from staff. The affected exclusive collective
9 bargaining agents shall be notified of such public hearing at
10 least 7 days prior to the date of the hearing and shall be
11 allowed to attend such public hearing. The eligible applicant
12 shall attest to compliance with all of the notification and
13 procedural requirements set forth in this Section.

14 (d) A request for a waiver or modification of
15 administrative rules and regulations or for a modification of
16 mandates contained in this School Code shall be submitted to
17 the State Board of Education within 15 days after approval by
18 the board or regional superintendent of schools. The
19 application as submitted to the State Board of Education shall
20 include a description of the public hearing. Following receipt
21 of the waiver or modification request, the State Board shall
22 have 45 days to review the application and request. If the
23 State Board fails to disapprove the application within that
24 45-day ~~45-day~~ period, the waiver or modification shall be
25 deemed granted. The State Board may disapprove any request if
26 it is not based upon sound educational practices, endangers the

1 health or safety of students or staff, compromises equal
2 opportunities for learning, or fails to demonstrate that the
3 intent of the rule or mandate can be addressed in a more
4 effective, efficient, or economical manner or have improved
5 student performance as a primary goal. Any request disapproved
6 by the State Board may be appealed to the General Assembly by
7 the eligible applicant as outlined in this Section.

8 A request for a waiver from mandates contained in this
9 School Code shall be submitted to the State Board within 15
10 days after approval by the board or regional superintendent of
11 schools. The application as submitted to the State Board of
12 Education shall include a description of the public hearing.
13 The description shall include, but need not be limited to, the
14 means of notice, the number of people in attendance, the number
15 of people who spoke as proponents or opponents of the waiver, a
16 brief description of their comments, and whether there were any
17 written statements submitted. The State Board shall review the
18 applications and requests for completeness and shall compile
19 the requests in reports to be filed with the General Assembly.
20 The State Board shall file reports outlining the waivers
21 requested by eligible applicants and appeals by eligible
22 applicants of requests disapproved by the State Board with the
23 Senate and the House of Representatives before each March 1 and
24 October 1.

25 The report shall be reviewed by a panel of 4 members
26 consisting of:

- 1 (1) the Speaker of the House of Representatives;
- 2 (2) the Minority Leader of the House of
- 3 Representatives;
- 4 (3) the President of the Senate; and
- 5 (4) the Minority Leader of the Senate.

6 The State Board of Education may provide the panel
7 recommendations on waiver requests. The members of the panel
8 shall review the report submitted by the State Board of
9 Education and submit to the State Board of Education any notice
10 of further consideration to any waiver request within 14 days
11 after the member receives the report. If 3 or more of the panel
12 members submit a notice of further consideration to any waiver
13 request contained within the report, the State Board of
14 Education shall submit the waiver request to the General
15 Assembly for consideration. If less than 3 panel members submit
16 a notice of further consideration to a waiver request, the
17 waiver may be approved, denied, or modified by the State Board.
18 If the State Board does not act on a waiver request within 10
19 days, then the waiver request is approved. If the waiver
20 request is denied by the State Board, it shall submit the
21 waiver request to the General Assembly for consideration.

22 The General Assembly may disapprove any waiver request
23 submitted to the General Assembly pursuant to this subsection
24 (d) in whole or in part within 60 calendar days after each
25 house of the General Assembly next convenes after the waiver
26 request is submitted by adoption of a resolution by a record

1 vote of the majority of members elected in each house. If the
2 General Assembly fails to disapprove any waiver request or
3 appealed request within such 60-day ~~60-day~~ period, the waiver
4 or modification shall be deemed granted. Any resolution adopted
5 by the General Assembly disapproving a report of the State
6 Board in whole or in part shall be binding on the State Board.

7 (e) An approved waiver or modification may remain in effect
8 for a period not to exceed 5 school years and may be renewed
9 upon application by the eligible applicant. However, such
10 waiver or modification may be changed within that 5-year period
11 by a board or regional superintendent of schools applying on
12 behalf of schools or programs operated by the regional office
13 of education following the procedure as set forth in this
14 Section for the initial waiver or modification request. If
15 neither the State Board of Education nor the General Assembly
16 disapproves, the change is deemed granted.

17 (f) (Blank).

18 (Source: P.A. 99-78, eff. 7-20-15; 100-465, eff. 8-31-17;
19 100-782, eff. 1-1-19; revised 10-1-18.)

20 (105 ILCS 5/2-3.173)

21 Sec. 2-3.173. Substitute teachers; recruiting firms.

22 (a) In this Section, "recruiting firm" means a company with
23 expertise in finding qualified applicants for positions and
24 screening those potential workers for an employer.

25 (b) By January 1, 2019, the State Board of Education shall

1 implement a program and adopt rules to allow school districts
2 to supplement their substitute teacher recruitment for
3 elementary and secondary schools with the use of recruiting
4 firms, subject to the other provisions of this Section. To
5 qualify for the program, a school district shall demonstrate to
6 the State Board that, because of the severity of its substitute
7 teacher shortage, it is unable to find an adequate amount of
8 substitute or retired teachers and has exhausted all other
9 efforts. Substitute teachers provided by a recruiting firm must
10 adhere to all mandated State laws, rules, and screening
11 requirements for substitute teachers not provided by a
12 recruiting firm and must be paid on the same wage scale as
13 substitute teachers not provided by a recruiting firm. This
14 Section shall not be construed to require school districts to
15 use recruiting firms for substitute teachers. A school district
16 may not use a recruiting firm under this Section to circumvent
17 any collective bargaining agreements or State laws, rules, or
18 screening requirements for teachers. A school district may not
19 reduce the number of full-time staff members of a department as
20 a result of hiring a substitute teacher recruiting firm. In the
21 event of a teacher's strike, a school district may not use a
22 recruiting firm to hire a substitute teacher.

23 (c) A school district organized under Article 34 of this
24 Code may contract with a substitute teacher recruiting firm
25 under this Section only if the district meets the following
26 requirements:

1 (1) certifies to the State Board of Education that it
2 has adequate funds to fill and pay for all substitute
3 teacher positions;

4 (2) prioritizes existing substitute teachers over
5 substitute teachers from recruiting firms;

6 (3) files copies of all substitute teacher contracts
7 with the State Board of Education; and

8 (4) requires that the substitute teacher recruiting
9 firm file an annual report with the school district that
10 would include the number of substitute teachers that were
11 placed in the district, the total cost of the contract to
12 the district, and the percentage of substitute teacher
13 openings that were filled.

14 (d) A substitute teacher recruiting firm may enter into an
15 agreement with a labor organization that has a collective
16 bargaining agreement with a school district.

17 (Source: P.A. 100-813, eff. 8-13-18.)

18 (105 ILCS 5/2-3.174)

19 Sec. 2-3.174 ~~2-3.173~~. Supporting Future Teachers Program.

20 (a) In this Section:

21 "English learner" means a child included in the definition
22 of "English learners" under Section 14C-2 of this Code.

23 "Low-income student" means a student that would be included
24 in an Organizational Unit's Low-Income Count, as calculated
25 under Section 18-8.15 of this Code.

1 "Program" means the Supporting Future Teachers Program
2 established under this Section.

3 "Qualified participant" means a high school graduate who:
4 (i) can demonstrate proficiency in a language other than
5 English or is a recipient of a State Seal of Biliteracy or, at
6 any one time during pre-kindergarten through grade 12, was
7 identified as a low-income student; and (ii) is a member of the
8 community in which the participating school district is
9 located. A "qualified participant" must be enrolled in an
10 educator preparation program approved by the State Board of
11 Education at a regionally accredited institution of higher
12 education in this State.

13 "State Board" means the State Board of Education.

14 (b) Beginning with the 2019-2020 school year, the State
15 Board shall establish and maintain the Supporting Future
16 Teachers Program to assist qualified participants in acquiring
17 a Professional Educator License.

18 (c) Each participating school district shall partner with
19 an educator preparation program approved by the State Board at
20 a regionally accredited institution of higher education in this
21 State. Each qualified participant enrolled in the Program
22 through the school district must be enrolled at least part-time
23 each semester at that institution of higher education in its
24 educator preparation program and be working toward a
25 Professional Educator License.

26 (d) A qualified participant shall no longer qualify for the

1 Program if at any time the participating school district or the
2 institution of higher education determines that the qualified
3 participant is no longer making substantial progress toward a
4 degree in an approved educator preparation program.

5 (e) Throughout each semester of participation in the
6 Program, the qualified participant must be employed by the
7 participating school district and working under the
8 supervision of a school district employee. Duties of the
9 qualified participant may include, but are not limited to (i)
10 working in cooperation with his or her supervisor under this
11 subsection (e) to create classroom curriculum and lesson plans
12 and (ii) working with and mentoring English learners or
13 low-income students on a one-on-one basis.

14 Each participating school district may use appropriate
15 State, federal, or local revenue to employ the qualified
16 participant.

17 (f) At the end of each school year of the Program, each
18 participating school district shall submit data to the State
19 Board detailing all of the following:

20 (1) The number of qualified participants enrolled in
21 the Program.

22 (2) The costs associated with the Program.

23 (3) The duties assigned to each qualified participant
24 by his or her supervisor.

25 (4) The current status of each qualified participant in
26 his or her educator preparation program.

1 (5) The qualified participant's Illinois Educator
2 Identification Number, if available.

3 (6) Any other information requested by the State Board.

4 (g) Prior to the 2023-2024 school year, the State Board
5 shall electronically submit a report to the Clerk of the House
6 of Representatives and the Secretary of the Senate detailing
7 the first 4 years of the program, including, but not limited
8 to, the following information:

9 (1) The participating school districts in the Program.

10 (2) The number of qualified participants enrolled in
11 the Program.

12 (3) The costs associated with the Program per school
13 district.

14 (4) A summary of the duties assigned to qualified
15 participants by school district supervisors.

16 (5) Any other information as determined by the State
17 Board.

18 (h) The State Board may establish and adopt any rules
19 necessary to implement this Section.

20 (i) Nothing in this Section shall be construed to require a
21 school district to participate in the Program.

22 (Source: P.A. 100-982, eff. 8-19-18; revised 10-16-18.)

23 (105 ILCS 5/2-3.175)

24 Sec. 2-3.175 ~~2-3.173~~. Registered apprenticeship program.

25 (a) In this Section, "registered apprenticeship program"

1 means an industry-based occupational training program of study
2 with standards reviewed and approved by the United States
3 Department of Labor that meets each of the following
4 characteristics:

5 (1) Apprentices in the program are at all times
6 employed by a company participating in the program.

7 (2) The program features a structured combination of
8 on-the-job learning supported by related technical
9 classroom instruction, met either by a high school or a
10 public community college.

11 (3) Apprentices in the program are paid a training wage
12 of not less than the State minimum wage, which escalates
13 throughout the life of the apprenticeship, and employment
14 is continued with the company following conclusion of the
15 apprenticeship for a period of not less than 2 years.

16 (4) Apprentices in the program earn an
17 industry-related occupational skills certificate and a
18 high school diploma.

19 (5) Apprentices in the program may earn postsecondary
20 credit toward a certificate or degree, as applicable.
21 "Registered apprenticeship program" does not include an
22 apprenticeship program related to construction, as defined
23 under the Employee Classification Act.

24 (b) No later than 6 months after August 20, 2018 (the
25 effective date of Public Act 100-992) ~~this amendatory Act of~~
26 ~~the 100th General Assembly~~, the State Board of Education shall

1 initiate a rulemaking proceeding to adopt rules as may be
2 necessary to allow students of any high school in this State
3 who are 16 years of age or older to participate in registered
4 apprenticeship programs. The rules shall include the waiver of
5 all non-academic requirements mandated for graduation from a
6 high school under this Code that would otherwise prohibit or
7 prevent a student from participating in a registered
8 apprenticeship program.

9 (Source: P.A. 100-992, eff. 8-20-18; revised 10-16-18.)

10 (105 ILCS 5/3-15.12a)

11 Sec. 3-15.12a. Alternate route to high school diploma for
12 adult learners.

13 (a) The purpose of Public Act 100-514 ~~this amendatory Act~~
14 ~~of the 100th General Assembly~~ is to provide eligible applicants
15 that have been or are unable to establish agreements with a
16 secondary or unit school district in the area in which the
17 applicant is located with a process for attaining the authority
18 to award high school diplomas to adult learners.

19 (a-5) In this Section:

20 "Adult learner" means a person ineligible for reenrollment
21 under subsection (b) of Section 26-2 of this Code and 34 CFR
22 300.102.

23 "Board" means the Illinois Community College Board.

24 "Eligible applicant" means a community college established
25 and operating under the authority of the Public Community

1 College Act; a non-profit entity in partnership with a regional
2 superintendent of schools; the chief administrator of an
3 intermediate service center that has the authority, under rules
4 adopted by the State Board of Education, to issue a high school
5 diploma; or a school district organized under Article 34 of
6 this Code. In order to be an eligible applicant, an entity
7 under this definition, other than a school district organized
8 under Article 34 of this Code, must provide evidence or other
9 documentation that it is or has been unable to establish an
10 agreement with a secondary or unit school district in which the
11 eligible applicant is located to provide a program in which
12 students who successfully complete the program can receive a
13 high school diploma from their school district of residence.

14 "Executive Director" means the Executive Director of the
15 Illinois Community College Board.

16 "High school diploma program for adult learners" means a
17 program approved to operate under this Section that provides a
18 program of alternative ~~alterative~~ study to adult learners
19 leading to the issuance of a high school diploma.

20 (b) An eligible applicant is authorized to design a high
21 school diploma program for adult learners, to be approved by
22 the Board prior to implementation. A non-profit eligible
23 applicant shall operate this program only within the
24 jurisdictional authority of the regional superintendent of
25 schools, the chief administrator of an intermediate service
26 center, or a school district organized Article 34 of this Code

1 with whom the non-profit eligible applicant has entered into a
2 partnership. An approved program shall include, without
3 limitation, all of the following:

4 (1) An administrative structure, program activities,
5 program staff, a budget, and a specific curriculum that is
6 consistent with Illinois Learning Standards, as well as
7 Illinois content standards for adults, but may be different
8 from a regular school program in terms of location, length
9 of school day, program sequence, multidisciplinary
10 courses, pace, instructional activities, or any
11 combination of these.

12 (2) Issuance of a high school diploma only if an adult
13 learner meets all minimum requirements under this Code and
14 its implementing rules for receipt of a high school
15 diploma.

16 (3) Specific academic, behavioral, and emotional
17 support services to be offered to adult learners enrolled
18 in the program.

19 (4) Career and technical education courses that lead to
20 industry certifications in high growth and in-demand
21 industry sectors or dual credit courses from a regionally
22 accredited post-secondary educational institution
23 consistent with the Dual Credit Quality Act. The program
24 may include partnering with a community college district to
25 provide career and technical education courses that lead to
26 industry certifications.

1 (5) Specific program outcomes and goals and metrics to
2 be used by the program to determine success.

3 (6) The requirement that all instructional staff must
4 hold an educator license valid for the high school grades
5 issued under Article 21B of this Code.

6 (7) Any other requirements adopted by rule by the
7 Board.

8 (c) Eligible applicants shall apply for approval of a high
9 school diploma program for adult learners to the Board on forms
10 prescribed by the Board.

11 (1) Initial approval shall be for a period not to
12 exceed 2 school years.

13 (2) Renewal of approval shall be for a period not to
14 exceed 4 school years and shall be contingent upon at least
15 specific documented outcomes of student progression,
16 graduation rates, and earning of industry-recognized
17 credentials.

18 (3) Program approval may be given only if the Executive
19 Director determines that the eligible applicant has
20 provided assurance through evidence of other documentation
21 that it will meet the requirements of subsection (b) of
22 this Section and any rules adopted by the Board. The Board
23 shall make public any evaluation criteria it uses in making
24 a determination of program approval or denial.

25 (4) Notwithstanding anything in this Code to the
26 contrary, a non-profit eligible applicant shall provide

1 the following to the Board:

2 (A) documentation that the non-profit entity will
3 fulfill the requirements of subsection (b) of this
4 Section;

5 (B) evidence that the non-profit entity has the
6 capacity to fulfill the requirements of this Section;

7 (C) a description of the coordination and
8 oversight that the eligible entity will provide in the
9 administration of the program by the non-profit
10 entity;

11 (D) evidence that the non-profit entity has a
12 history of providing services to adults 18 years of age
13 or older whose educational and training opportunities
14 have been limited by educational disadvantages,
15 disabilities, and challenges.

16 (5) If an eligible applicant that has been approved
17 fails to meet any of the requirements of subsection (b) of
18 this Section and any rules adopted by the Board, the
19 Executive Director shall immediately initiate a process to
20 revoke the eligible applicant's approval to provide the
21 program, pursuant to rules adopted by the Board.

22 (d) The Board may adopt any rules necessary to implement
23 this Section.

24 (Source: P.A. 100-514, eff. 9-22-17; revised 10-1-18.)

25 (105 ILCS 5/10-17a) (from Ch. 122, par. 10-17a)

1 (Text of Section before amendment by P.A. 100-448)

2 Sec. 10-17a. State, school district, and school report
3 cards.

4 (1) By October 31, 2013 and October 31 of each subsequent
5 school year, the State Board of Education, through the State
6 Superintendent of Education, shall prepare a State report card,
7 school district report cards, and school report cards, and
8 shall by the most economic means provide to each school
9 district in this State, including special charter districts and
10 districts subject to the provisions of Article 34, the report
11 cards for the school district and each of its schools.

12 (2) In addition to any information required by federal law,
13 the State Superintendent shall determine the indicators and
14 presentation of the school report card, which must include, at
15 a minimum, the most current data collected and maintained by
16 the State Board of Education related to the following:

17 (A) school characteristics and student demographics,
18 including average class size, average teaching experience,
19 student racial/ethnic breakdown, and the percentage of
20 students classified as low-income; the percentage of
21 students classified as English learners; the percentage of
22 students who have individualized education plans or 504
23 plans that provide for special education services; the
24 number and percentage of all students who have been
25 assessed for placement in a gifted education or advanced
26 academic program and, of those students: (i) the racial and

1 ethnic breakdown, (ii) the percentage who are classified as
2 low-income, and (iii) the number and percentage of students
3 who received direct instruction from a teacher who holds a
4 gifted education endorsement and, of those students, the
5 percentage who are classified as low-income; the
6 percentage of students scoring at the "exceeds
7 expectations" level on the assessments required under
8 Section 2-3.64a-5 of this Code; the percentage of students
9 who annually transferred in or out of the school district;
10 the per-pupil operating expenditure of the school
11 district; and the per-pupil State average operating
12 expenditure for the district type (elementary, high
13 school, or unit);

14 (B) curriculum information, including, where
15 applicable, Advanced Placement, International
16 Baccalaureate or equivalent courses, dual enrollment
17 courses, foreign language classes, school personnel
18 resources (including Career Technical Education teachers),
19 before and after school programs, extracurricular
20 activities, subjects in which elective classes are
21 offered, health and wellness initiatives (including the
22 average number of days of Physical Education per week per
23 student), approved programs of study, awards received,
24 community partnerships, and special programs such as
25 programming for the gifted and talented, students with
26 disabilities, and work-study students;

1 (C) student outcomes, including, where applicable, the
2 percentage of students deemed proficient on assessments of
3 State standards, the percentage of students in the eighth
4 grade who pass Algebra, the percentage of students enrolled
5 in post-secondary institutions (including colleges,
6 universities, community colleges, trade/vocational
7 schools, and training programs leading to career
8 certification within 2 semesters of high school
9 graduation), the percentage of students graduating from
10 high school who are college and career ready, and the
11 percentage of graduates enrolled in community colleges,
12 colleges, and universities who are in one or more courses
13 that the community college, college, or university
14 identifies as a developmental course;

15 (D) student progress, including, where applicable, the
16 percentage of students in the ninth grade who have earned 5
17 credits or more without failing more than one core class, a
18 measure of students entering kindergarten ready to learn, a
19 measure of growth, and the percentage of students who enter
20 high school on track for college and career readiness;

21 (E) the school environment, including, where
22 applicable, the percentage of students with less than 10
23 absences in a school year, the percentage of teachers with
24 less than 10 absences in a school year for reasons other
25 than professional development, leaves taken pursuant to
26 the federal Family Medical Leave Act of 1993, long-term

1 disability, or parental leaves, the 3-year average of the
2 percentage of teachers returning to the school from the
3 previous year, the number of different principals at the
4 school in the last 6 years, the number of teachers who hold
5 a gifted education endorsement, the process and criteria
6 used by the district to determine whether a student is
7 eligible for participation in a gifted education program or
8 advanced academic program and the manner in which parents
9 and guardians are made aware of the process and criteria, 2
10 or more indicators from any school climate survey selected
11 or approved by the State and administered pursuant to
12 Section 2-3.153 of this Code, with the same or similar
13 indicators included on school report cards for all surveys
14 selected or approved by the State pursuant to Section
15 2-3.153 of this Code, and the combined percentage of
16 teachers rated as proficient or excellent in their most
17 recent evaluation;

18 (F) a school district's and its individual schools'
19 balanced accountability measure, in accordance with
20 Section 2-3.25a of this Code;

21 (G) the total and per pupil normal cost amount the
22 State contributed to the Teachers' Retirement System of the
23 State of Illinois in the prior fiscal year for the school's
24 employees, which shall be reported to the State Board of
25 Education by the Teachers' Retirement System of the State
26 of Illinois;

1 (H) for a school district organized under Article 34 of
2 this Code only, State contributions to the Public School
3 Teachers' Pension and Retirement Fund of Chicago and State
4 contributions for health care for employees of that school
5 district;

6 (I) a school district's Final Percent of Adequacy, as
7 defined in paragraph (4) of subsection (f) of Section
8 18-8.15 of this Code;

9 (J) a school district's Local Capacity Target, as
10 defined in paragraph (2) of subsection (c) of Section
11 18-8.15 of this Code, displayed as a percentage amount;

12 (K) a school district's Real Receipts, as defined in
13 paragraph (1) of subsection (d) of Section 18-8.15 of this
14 Code, divided by a school district's Adequacy Target, as
15 defined in paragraph (1) of subsection (b) of Section
16 18-8.15 of this Code, displayed as a percentage amount; ~~and~~

17 (L) a school district's administrative costs; ~~and~~

18 (M) ~~(L)~~ whether or not the school has participated in
19 the Illinois Youth Survey. In this paragraph (M) ~~(L)~~,
20 "Illinois Youth Survey" means a self-report survey,
21 administered in school settings every 2 years, designed to
22 gather information about health and social indicators,
23 including substance abuse patterns and the attitudes of
24 students in grades 8, 10, and 12.

25 The school report card shall also provide information that
26 allows for comparing the current outcome, progress, and

1 environment data to the State average, to the school data from
2 the past 5 years, and to the outcomes, progress, and
3 environment of similar schools based on the type of school and
4 enrollment of low-income students, special education students,
5 and English learners.

6 As used in this subsection (2):

7 "Administrative costs" means costs associated with
8 executive, administrative, or managerial functions within the
9 school district that involve planning, organizing, managing,
10 or directing the school district.

11 "Advanced academic program" means a course of study to
12 which students are assigned based on advanced cognitive ability
13 or advanced academic achievement compared to local age peers
14 and in which the curriculum is substantially differentiated
15 from the general curriculum to provide appropriate challenge
16 and pace.

17 "Gifted education" means educational services, including
18 differentiated curricula and instructional methods, designed
19 to meet the needs of gifted children as defined in Article 14A
20 of this Code.

21 (3) At the discretion of the State Superintendent, the
22 school district report card shall include a subset of the
23 information identified in paragraphs (A) through (E) of
24 subsection (2) of this Section, as well as information relating
25 to the operating expense per pupil and other finances of the
26 school district, and the State report card shall include a

1 subset of the information identified in paragraphs (A) through
2 (E) of subsection (2) of this Section.

3 (4) Notwithstanding anything to the contrary in this
4 Section, in consultation with key education stakeholders, the
5 State Superintendent shall at any time have the discretion to
6 amend or update any and all metrics on the school, district, or
7 State report card.

8 (5) Annually, no more than 30 calendar days after receipt
9 of the school district and school report cards from the State
10 Superintendent of Education, each school district, including
11 special charter districts and districts subject to the
12 provisions of Article 34, shall present such report cards at a
13 regular school board meeting subject to applicable notice
14 requirements, post the report cards on the school district's
15 Internet web site, if the district maintains an Internet web
16 site, make the report cards available to a newspaper of general
17 circulation serving the district, and, upon request, send the
18 report cards home to a parent (unless the district does not
19 maintain an Internet web site, in which case the report card
20 shall be sent home to parents without request). If the district
21 posts the report card on its Internet web site, the district
22 shall send a written notice home to parents stating (i) that
23 the report card is available on the web site, (ii) the address
24 of the web site, (iii) that a printed copy of the report card
25 will be sent to parents upon request, and (iv) the telephone
26 number that parents may call to request a printed copy of the

1 report card.

2 (6) Nothing contained in Public Act 98-648 repeals,
3 supersedes, invalidates, or nullifies final decisions in
4 lawsuits pending on July 1, 2014 (the effective date of Public
5 Act 98-648) in Illinois courts involving the interpretation of
6 Public Act 97-8.

7 (Source: P.A. 99-30, eff. 7-10-15; 99-193, eff. 7-30-15;
8 99-642, eff. 7-28-16; 100-227, eff. 8-18-17; 100-364, eff.
9 1-1-18; 100-465, eff. 8-31-17; 100-807, eff. 8-10-18; 100-863,
10 eff. 8-14-18; 100-1121, eff. 1-1-19; revised 12-19-18.)

11 (Text of Section after amendment by P.A. 100-448)

12 Sec. 10-17a. State, school district, and school report
13 cards.

14 (1) By October 31, 2013 and October 31 of each subsequent
15 school year, the State Board of Education, through the State
16 Superintendent of Education, shall prepare a State report card,
17 school district report cards, and school report cards, and
18 shall by the most economic means provide to each school
19 district in this State, including special charter districts and
20 districts subject to the provisions of Article 34, the report
21 cards for the school district and each of its schools.

22 (2) In addition to any information required by federal law,
23 the State Superintendent shall determine the indicators and
24 presentation of the school report card, which must include, at
25 a minimum, the most current data collected and maintained by

1 the State Board of Education related to the following:

2 (A) school characteristics and student demographics,
3 including average class size, average teaching experience,
4 student racial/ethnic breakdown, and the percentage of
5 students classified as low-income; the percentage of
6 students classified as English learners; the percentage of
7 students who have individualized education plans or 504
8 plans that provide for special education services; the
9 number and percentage of all students who have been
10 assessed for placement in a gifted education or advanced
11 academic program and, of those students: (i) the racial and
12 ethnic breakdown, (ii) the percentage who are classified as
13 low-income, and (iii) the number and percentage of students
14 who received direct instruction from a teacher who holds a
15 gifted education endorsement and, of those students, the
16 percentage who are classified as low-income; the
17 percentage of students scoring at the "exceeds
18 expectations" level on the assessments required under
19 Section 2-3.64a-5 of this Code; the percentage of students
20 who annually transferred in or out of the school district;
21 average daily attendance; the per-pupil operating
22 expenditure of the school district; and the per-pupil State
23 average operating expenditure for the district type
24 (elementary, high school, or unit);

25 (B) curriculum information, including, where
26 applicable, Advanced Placement, International

1 Baccalaureate or equivalent courses, dual enrollment
2 courses, foreign language classes, school personnel
3 resources (including Career Technical Education teachers),
4 before and after school programs, extracurricular
5 activities, subjects in which elective classes are
6 offered, health and wellness initiatives (including the
7 average number of days of Physical Education per week per
8 student), approved programs of study, awards received,
9 community partnerships, and special programs such as
10 programming for the gifted and talented, students with
11 disabilities, and work-study students;

12 (C) student outcomes, including, where applicable, the
13 percentage of students deemed proficient on assessments of
14 State standards, the percentage of students in the eighth
15 grade who pass Algebra, the percentage of students enrolled
16 in post-secondary institutions (including colleges,
17 universities, community colleges, trade/vocational
18 schools, and training programs leading to career
19 certification within 2 semesters of high school
20 graduation), the percentage of students graduating from
21 high school who are college and career ready, and the
22 percentage of graduates enrolled in community colleges,
23 colleges, and universities who are in one or more courses
24 that the community college, college, or university
25 identifies as a developmental course;

26 (D) student progress, including, where applicable, the

1 percentage of students in the ninth grade who have earned 5
2 credits or more without failing more than one core class, a
3 measure of students entering kindergarten ready to learn, a
4 measure of growth, and the percentage of students who enter
5 high school on track for college and career readiness;

6 (E) the school environment, including, where
7 applicable, the percentage of students with less than 10
8 absences in a school year, the percentage of teachers with
9 less than 10 absences in a school year for reasons other
10 than professional development, leaves taken pursuant to
11 the federal Family Medical Leave Act of 1993, long-term
12 disability, or parental leaves, the 3-year average of the
13 percentage of teachers returning to the school from the
14 previous year, the number of different principals at the
15 school in the last 6 years, the number of teachers who hold
16 a gifted education endorsement, the process and criteria
17 used by the district to determine whether a student is
18 eligible for participation in a gifted education program or
19 advanced academic program and the manner in which parents
20 and guardians are made aware of the process and criteria, 2
21 or more indicators from any school climate survey selected
22 or approved by the State and administered pursuant to
23 Section 2-3.153 of this Code, with the same or similar
24 indicators included on school report cards for all surveys
25 selected or approved by the State pursuant to Section
26 2-3.153 of this Code, and the combined percentage of

1 teachers rated as proficient or excellent in their most
2 recent evaluation;

3 (F) a school district's and its individual schools'
4 balanced accountability measure, in accordance with
5 Section 2-3.25a of this Code;

6 (G) the total and per pupil normal cost amount the
7 State contributed to the Teachers' Retirement System of the
8 State of Illinois in the prior fiscal year for the school's
9 employees, which shall be reported to the State Board of
10 Education by the Teachers' Retirement System of the State
11 of Illinois;

12 (H) for a school district organized under Article 34 of
13 this Code only, State contributions to the Public School
14 Teachers' Pension and Retirement Fund of Chicago and State
15 contributions for health care for employees of that school
16 district;

17 (I) a school district's Final Percent of Adequacy, as
18 defined in paragraph (4) of subsection (f) of Section
19 18-8.15 of this Code;

20 (J) a school district's Local Capacity Target, as
21 defined in paragraph (2) of subsection (c) of Section
22 18-8.15 of this Code, displayed as a percentage amount;

23 (K) a school district's Real Receipts, as defined in
24 paragraph (1) of subsection (d) of Section 18-8.15 of this
25 Code, divided by a school district's Adequacy Target, as
26 defined in paragraph (1) of subsection (b) of Section

1 18-8.15 of this Code, displayed as a percentage amount; ~~and~~
2 (L) a school district's administrative costs; ~~and~~
3 (M) ~~(L)~~ whether or not the school has participated in
4 the Illinois Youth Survey. In this paragraph (M) ~~(L)~~,
5 "Illinois Youth Survey" means a self-report survey,
6 administered in school settings every 2 years, designed to
7 gather information about health and social indicators,
8 including substance abuse patterns and the attitudes of
9 students in grades 8, 10, and 12.

10 The school report card shall also provide information that
11 allows for comparing the current outcome, progress, and
12 environment data to the State average, to the school data from
13 the past 5 years, and to the outcomes, progress, and
14 environment of similar schools based on the type of school and
15 enrollment of low-income students, special education students,
16 and English learners.

17 As used in this subsection (2):

18 "Administrative costs" means costs associated with
19 executive, administrative, or managerial functions within the
20 school district that involve planning, organizing, managing,
21 or directing the school district.

22 "Advanced academic program" means a course of study to
23 which students are assigned based on advanced cognitive ability
24 or advanced academic achievement compared to local age peers
25 and in which the curriculum is substantially differentiated
26 from the general curriculum to provide appropriate challenge

1 and pace.

2 "Gifted education" means educational services, including
3 differentiated curricula and instructional methods, designed
4 to meet the needs of gifted children as defined in Article 14A
5 of this Code.

6 For the purposes of paragraph (A) of this subsection (2),
7 "average daily attendance" means the average of the actual
8 number of attendance days during the previous school year for
9 any enrolled student who is subject to compulsory attendance by
10 Section 26-1 of this Code at each school and charter school.

11 (3) At the discretion of the State Superintendent, the
12 school district report card shall include a subset of the
13 information identified in paragraphs (A) through (E) of
14 subsection (2) of this Section, as well as information relating
15 to the operating expense per pupil and other finances of the
16 school district, and the State report card shall include a
17 subset of the information identified in paragraphs (A) through
18 (E) of subsection (2) of this Section. The school district
19 report card shall include the average daily attendance, as that
20 term is defined in subsection (2) of this Section, of students
21 who have individualized education programs and students who
22 have 504 plans that provide for special education services
23 within the school district.

24 (4) Notwithstanding anything to the contrary in this
25 Section, in consultation with key education stakeholders, the
26 State Superintendent shall at any time have the discretion to

1 amend or update any and all metrics on the school, district, or
2 State report card.

3 (5) Annually, no more than 30 calendar days after receipt
4 of the school district and school report cards from the State
5 Superintendent of Education, each school district, including
6 special charter districts and districts subject to the
7 provisions of Article 34, shall present such report cards at a
8 regular school board meeting subject to applicable notice
9 requirements, post the report cards on the school district's
10 Internet web site, if the district maintains an Internet web
11 site, make the report cards available to a newspaper of general
12 circulation serving the district, and, upon request, send the
13 report cards home to a parent (unless the district does not
14 maintain an Internet web site, in which case the report card
15 shall be sent home to parents without request). If the district
16 posts the report card on its Internet web site, the district
17 shall send a written notice home to parents stating (i) that
18 the report card is available on the web site, (ii) the address
19 of the web site, (iii) that a printed copy of the report card
20 will be sent to parents upon request, and (iv) the telephone
21 number that parents may call to request a printed copy of the
22 report card.

23 (6) Nothing contained in Public Act 98-648 repeals,
24 supersedes, invalidates, or nullifies final decisions in
25 lawsuits pending on July 1, 2014 (the effective date of Public
26 Act 98-648) in Illinois courts involving the interpretation of

1 Public Act 97-8.

2 (Source: P.A. 99-30, eff. 7-10-15; 99-193, eff. 7-30-15;
3 99-642, eff. 7-28-16; 100-227, eff. 8-18-17; 100-364, eff.
4 1-1-18; 100-448, eff. 7-1-19; 100-465, eff. 8-31-17; 100-807,
5 eff. 8-10-18; 100-863, eff. 8-14-18; 100-1121, eff. 1-1-19;
6 revised 12-19-18.)

7 (105 ILCS 5/10-20.67)

8 (Section scheduled to be repealed on July 1, 2023)

9 Sec. 10-20.67. Short-term substitute teacher training.

10 (a) Each school board shall, in collaboration with its
11 teachers or, if applicable, the exclusive bargaining
12 representative of its teachers, jointly develop a short-term
13 substitute teacher training program that provides individuals
14 who hold a Short-Term Substitute Teaching License under Section
15 21B-20 of this Code with information on curriculum, classroom
16 management techniques, school safety, and district and
17 building operations. The State Board of Education may develop a
18 model short-term substitute teacher training program for use by
19 a school board under this subsection (a) if the school board
20 and its teachers or, if applicable, the exclusive bargaining
21 representative of its teachers agree to use the State Board's
22 model. A school board with a substitute teacher training
23 program in place before July 1, 2018 (the effective date of
24 Public Act 100-596) ~~this amendatory Act of the 100th General~~
25 ~~Assembly~~ may utilize that program to satisfy the requirements

1 of this subsection (a).

2 (b) Nothing in this Section prohibits a school board from
3 offering substitute training to substitute teachers licensed
4 under paragraph (3) of Section 21B-20 of this Code or to
5 substitute teachers holding a Professional Educator License.

6 (c) This Section is repealed on July 1, 2023.

7 (Source: P.A. 100-596, eff. 7-1-18; revised 10-22-18.)

8 (105 ILCS 5/10-20.68)

9 Sec. 10-20.68 ~~10-20.67~~. School resource officer.

10 (a) In this Section, "school resource officer" means a law
11 enforcement officer who has been primarily assigned to a school
12 or school district under an agreement with a local law
13 enforcement agency.

14 (b) Beginning January 1, 2021, any law enforcement agency
15 that provides a school resource officer under this Section
16 shall provide to the school district a certificate of
17 completion, or approved waiver, issued by the Illinois Law
18 Enforcement Training Standards Board under Section 10.22 of the
19 Illinois Police Training Act indicating that the subject
20 officer has completed the requisite course of instruction in
21 the applicable subject areas within one year of assignment, or
22 has prior experience and training which satisfies this
23 requirement.

24 (c) In an effort to defray the related costs, any law
25 enforcement agency that provides a school resource officer

1 should apply for grant funding through the federal Community
2 Oriented Policing Services grant program.

3 (Source: P.A. 100-984, eff. 1-1-19; revised 10-22-18.)

4 (105 ILCS 5/10-22.3f)

5 Sec. 10-22.3f. Required health benefits. Insurance
6 protection and benefits for employees shall provide the
7 post-mastectomy care benefits required to be covered by a
8 policy of accident and health insurance under Section 356t and
9 the coverage required under Sections 356g, 356g.5, 356g.5-1,
10 356u, 356w, 356x, 356z.6, 356z.8, 356z.9, 356z.11, 356z.12,
11 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, ~~and~~ 356z.26, ~~and~~
12 356z.29, and 356z.32 of the Illinois Insurance Code. Insurance
13 policies shall comply with Section 356z.19 of the Illinois
14 Insurance Code. The coverage shall comply with Sections
15 155.22a, 355b, and 370c of the Illinois Insurance Code. The
16 Department of Insurance shall enforce the requirements of this
17 Section.

18 Rulemaking authority to implement Public Act 95-1045, if
19 any, is conditioned on the rules being adopted in accordance
20 with all provisions of the Illinois Administrative Procedure
21 Act and all rules and procedures of the Joint Committee on
22 Administrative Rules; any purported rule not so adopted, for
23 whatever reason, is unauthorized.

24 (Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17;
25 100-863, eff. 8-14-18; 100-1024, eff. 1-1-19; 100-1057, eff.

1 1-1-19; 100-1102, eff. 1-1-19; revised 10-4-18.)

2 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

3 Sec. 10-22.6. Suspension or expulsion of pupils; school
4 searches.

5 (a) To expel pupils guilty of gross disobedience or
6 misconduct, including gross disobedience or misconduct
7 perpetuated by electronic means, pursuant to subsection (b-20)
8 of this Section, and no action shall lie against them for such
9 expulsion. Expulsion shall take place only after the parents
10 have been requested to appear at a meeting of the board, or
11 with a hearing officer appointed by it, to discuss their
12 child's behavior. Such request shall be made by registered or
13 certified mail and shall state the time, place and purpose of
14 the meeting. The board, or a hearing officer appointed by it,
15 at such meeting shall state the reasons for dismissal and the
16 date on which the expulsion is to become effective. If a
17 hearing officer is appointed by the board, he shall report to
18 the board a written summary of the evidence heard at the
19 meeting and the board may take such action thereon as it finds
20 appropriate. If the board acts to expel a pupil, the written
21 expulsion decision shall detail the specific reasons why
22 removing the pupil from the learning environment is in the best
23 interest of the school. The expulsion decision shall also
24 include a rationale as to the specific duration of the
25 expulsion. An expelled pupil may be immediately transferred to

1 an alternative program in the manner provided in Article 13A or
2 13B of this Code. A pupil must not be denied transfer because
3 of the expulsion, except in cases in which such transfer is
4 deemed to cause a threat to the safety of students or staff in
5 the alternative program.

6 (b) To suspend or by policy to authorize the superintendent
7 of the district or the principal, assistant principal, or dean
8 of students of any school to suspend pupils guilty of gross
9 disobedience or misconduct, or to suspend pupils guilty of
10 gross disobedience or misconduct on the school bus from riding
11 the school bus, pursuant to subsections (b-15) and (b-20) of
12 this Section, and no action shall lie against them for such
13 suspension. The board may by policy authorize the
14 superintendent of the district or the principal, assistant
15 principal, or dean of students of any school to suspend pupils
16 guilty of such acts for a period not to exceed 10 school days.
17 If a pupil is suspended due to gross disobedience or misconduct
18 on a school bus, the board may suspend the pupil in excess of
19 10 school days for safety reasons.

20 Any suspension shall be reported immediately to the parents
21 or guardian of a pupil along with a full statement of the
22 reasons for such suspension and a notice of their right to a
23 review. The school board must be given a summary of the notice,
24 including the reason for the suspension and the suspension
25 length. Upon request of the parents or guardian, the school
26 board or a hearing officer appointed by it shall review such

1 action of the superintendent or principal, assistant
2 principal, or dean of students. At such review, the parents or
3 guardian of the pupil may appear and discuss the suspension
4 with the board or its hearing officer. If a hearing officer is
5 appointed by the board, he shall report to the board a written
6 summary of the evidence heard at the meeting. After its hearing
7 or upon receipt of the written report of its hearing officer,
8 the board may take such action as it finds appropriate. If a
9 student is suspended pursuant to this subsection (b), the board
10 shall, in the written suspension decision, detail the specific
11 act of gross disobedience or misconduct resulting in the
12 decision to suspend. The suspension decision shall also include
13 a rationale as to the specific duration of the suspension. A
14 pupil who is suspended in excess of 20 school days may be
15 immediately transferred to an alternative program in the manner
16 provided in Article 13A or 13B of this Code. A pupil must not
17 be denied transfer because of the suspension, except in cases
18 in which such transfer is deemed to cause a threat to the
19 safety of students or staff in the alternative program.

20 (b-5) Among the many possible disciplinary interventions
21 and consequences available to school officials, school
22 exclusions, such as out-of-school suspensions and expulsions,
23 are the most serious. School officials shall limit the number
24 and duration of expulsions and suspensions to the greatest
25 extent practicable, and it is recommended that they use them
26 only for legitimate educational purposes. To ensure that

1 students are not excluded from school unnecessarily, it is
2 recommended that school officials consider forms of
3 non-exclusionary discipline prior to using out-of-school
4 suspensions or expulsions.

5 (b-10) Unless otherwise required by federal law or this
6 Code, school boards may not institute zero-tolerance policies
7 by which school administrators are required to suspend or expel
8 students for particular behaviors.

9 (b-15) Out-of-school suspensions of 3 days or less may be
10 used only if the student's continuing presence in school would
11 pose a threat to school safety or a disruption to other
12 students' learning opportunities. For purposes of this
13 subsection (b-15), "threat to school safety or a disruption to
14 other students' learning opportunities" shall be determined on
15 a case-by-case basis by the school board or its designee.
16 School officials shall make all reasonable efforts to resolve
17 such threats, address such disruptions, and minimize the length
18 of suspensions to the greatest extent practicable.

19 (b-20) Unless otherwise required by this Code,
20 out-of-school suspensions of longer than 3 days, expulsions,
21 and disciplinary removals to alternative schools may be used
22 only if other appropriate and available behavioral and
23 disciplinary interventions have been exhausted and the
24 student's continuing presence in school would either (i) pose a
25 threat to the safety of other students, staff, or members of
26 the school community or (ii) substantially disrupt, impede, or

1 interfere with the operation of the school. For purposes of
2 this subsection (b-20), "threat to the safety of other
3 students, staff, or members of the school community" and
4 "substantially disrupt, impede, or interfere with the
5 operation of the school" shall be determined on a case-by-case
6 basis by school officials. For purposes of this subsection
7 (b-20), the determination of whether "appropriate and
8 available behavioral and disciplinary interventions have been
9 exhausted" shall be made by school officials. School officials
10 shall make all reasonable efforts to resolve such threats,
11 address such disruptions, and minimize the length of student
12 exclusions to the greatest extent practicable. Within the
13 suspension decision described in subsection (b) of this Section
14 or the expulsion decision described in subsection (a) of this
15 Section, it shall be documented whether other interventions
16 were attempted or whether it was determined that there were no
17 other appropriate and available interventions.

18 (b-25) Students who are suspended out-of-school for longer
19 than 4 school days shall be provided appropriate and available
20 support services during the period of their suspension. For
21 purposes of this subsection (b-25), "appropriate and available
22 support services" shall be determined by school authorities.
23 Within the suspension decision described in subsection (b) of
24 this Section, it shall be documented whether such services are
25 to be provided or whether it was determined that there are no
26 such appropriate and available services.

1 A school district may refer students who are expelled to
2 appropriate and available support services.

3 A school district shall create a policy to facilitate the
4 re-engagement of students who are suspended out-of-school,
5 expelled, or returning from an alternative school setting.

6 (b-30) A school district shall create a policy by which
7 suspended pupils, including those pupils suspended from the
8 school bus who do not have alternate transportation to school,
9 shall have the opportunity to make up work for equivalent
10 academic credit. It shall be the responsibility of a pupil's
11 parent or guardian to notify school officials that a pupil
12 suspended from the school bus does not have alternate
13 transportation to school.

14 (c) The Department of Human Services shall be invited to
15 send a representative to consult with the board at such meeting
16 whenever there is evidence that mental illness may be the cause
17 for expulsion or suspension.

18 (c-5) School districts shall make reasonable efforts to
19 provide ongoing professional development to teachers,
20 administrators, school board members, school resource
21 officers, and staff on the adverse consequences of school
22 exclusion and justice-system involvement, effective classroom
23 management strategies, culturally responsive discipline, the
24 appropriate and available supportive services for the
25 promotion of student attendance and engagement, and
26 developmentally appropriate disciplinary methods that promote

1 positive and healthy school climates.

2 (d) The board may expel a student for a definite period of
3 time not to exceed 2 calendar years, as determined on a
4 case-by-case basis. A student who is determined to have brought
5 one of the following objects to school, any school-sponsored
6 activity or event, or any activity or event that bears a
7 reasonable relationship to school shall be expelled for a
8 period of not less than one year:

9 (1) A firearm. For the purposes of this Section,
10 "firearm" means any gun, rifle, shotgun, weapon as defined
11 by Section 921 of Title 18 of the United States Code,
12 firearm as defined in Section 1.1 of the Firearm Owners
13 Identification Card Act, or firearm as defined in Section
14 24-1 of the Criminal Code of 2012. The expulsion period
15 under this subdivision (1) may be modified by the
16 superintendent, and the superintendent's determination may
17 be modified by the board on a case-by-case basis.

18 (2) A knife, brass knuckles or other knuckle weapon
19 regardless of its composition, a billy club, or any other
20 object if used or attempted to be used to cause bodily
21 harm, including "look alike" of any firearm as defined in
22 subdivision (1) of this subsection (d). The expulsion
23 requirement under this subdivision (2) may be modified by
24 the superintendent, and the superintendent's determination
25 may be modified by the board on a case-by-case basis.

26 Expulsion or suspension shall be construed in a manner

1 consistent with the federal ~~Federal~~ Individuals with
2 Disabilities Education Act. A student who is subject to
3 suspension or expulsion as provided in this Section may be
4 eligible for a transfer to an alternative school program in
5 accordance with Article 13A of the School Code.

6 (d-5) The board may suspend or by regulation authorize the
7 superintendent of the district or the principal, assistant
8 principal, or dean of students of any school to suspend a
9 student for a period not to exceed 10 school days or may expel
10 a student for a definite period of time not to exceed 2
11 calendar years, as determined on a case-by-case basis, if (i)
12 that student has been determined to have made an explicit
13 threat on an Internet website against a school employee, a
14 student, or any school-related personnel, (ii) the Internet
15 website through which the threat was made is a site that was
16 accessible within the school at the time the threat was made or
17 was available to third parties who worked or studied within the
18 school grounds at the time the threat was made, and (iii) the
19 threat could be reasonably interpreted as threatening to the
20 safety and security of the threatened individual because of his
21 or her duties or employment status or status as a student
22 inside the school.

23 (e) To maintain order and security in the schools, school
24 authorities may inspect and search places and areas such as
25 lockers, desks, parking lots, and other school property and
26 equipment owned or controlled by the school, as well as

1 personal effects left in those places and areas by students,
2 without notice to or the consent of the student, and without a
3 search warrant. As a matter of public policy, the General
4 Assembly finds that students have no reasonable expectation of
5 privacy in these places and areas or in their personal effects
6 left in these places and areas. School authorities may request
7 the assistance of law enforcement officials for the purpose of
8 conducting inspections and searches of lockers, desks, parking
9 lots, and other school property and equipment owned or
10 controlled by the school for illegal drugs, weapons, or other
11 illegal or dangerous substances or materials, including
12 searches conducted through the use of specially trained dogs.
13 If a search conducted in accordance with this Section produces
14 evidence that the student has violated or is violating either
15 the law, local ordinance, or the school's policies or rules,
16 such evidence may be seized by school authorities, and
17 disciplinary action may be taken. School authorities may also
18 turn over such evidence to law enforcement authorities.

19 (f) Suspension or expulsion may include suspension or
20 expulsion from school and all school activities and a
21 prohibition from being present on school grounds.

22 (g) A school district may adopt a policy providing that if
23 a student is suspended or expelled for any reason from any
24 public or private school in this or any other state, the
25 student must complete the entire term of the suspension or
26 expulsion in an alternative school program under Article 13A of

1 this Code or an alternative learning opportunities program
2 under Article 13B of this Code before being admitted into the
3 school district if there is no threat to the safety of students
4 or staff in the alternative program.

5 (h) School officials shall not advise or encourage students
6 to drop out voluntarily due to behavioral or academic
7 difficulties.

8 (i) A student may not be issued a monetary fine or fee as a
9 disciplinary consequence, though this shall not preclude
10 requiring a student to provide restitution for lost, stolen, or
11 damaged property.

12 (j) Subsections (a) through (i) of this Section shall apply
13 to elementary and secondary schools, charter schools, special
14 charter districts, and school districts organized under
15 Article 34 of this Code.

16 (k) The expulsion of children enrolled in programs funded
17 under Section 1C-2 of this Code is subject to the requirements
18 under paragraph (7) of subsection (a) of Section 2-3.71 of this
19 Code.

20 (l) Beginning with the 2018-2019 school year, an in-school
21 suspension program provided by a school district for any
22 students in kindergarten through grade 12 may focus on
23 promoting non-violent conflict resolution and positive
24 interaction with other students and school personnel. A school
25 district may employ a school social worker or a licensed mental
26 health professional to oversee an in-school suspension program

1 in kindergarten through grade 12.

2 (Source: P.A. 99-456, eff. 9-15-16; 100-105, eff. 1-1-18;
3 100-810, eff. 1-1-19; 100-863, eff. 8-14-18; 100-1035, eff.
4 8-22-18; revised 10-1-18.)

5 (105 ILCS 5/10-29)

6 Sec. 10-29. Remote educational programs.

7 (a) For purposes of this Section, "remote educational
8 program" means an educational program delivered to students in
9 the home or other location outside of a school building that
10 meets all of the following criteria:

11 (1) A student may participate in the program only after
12 the school district, pursuant to adopted school board
13 policy, and a person authorized to enroll the student under
14 Section 10-20.12b of this Code determine that a remote
15 educational program will best serve the student's
16 individual learning needs. The adopted school board policy
17 shall include, but not be limited to, all of the following:

18 (A) Criteria for determining that a remote
19 educational program will best serve a student's
20 individual learning needs. The criteria must include
21 consideration of, at a minimum, a student's prior
22 attendance, disciplinary record, and academic history.

23 (B) Any limitations on the number of students or
24 grade levels that may participate in a remote
25 educational program.

1 (C) A description of the process that the school
2 district will use to approve participation in the
3 remote educational program. The process must include
4 without limitation a requirement that, for any student
5 who qualifies to receive services pursuant to the
6 federal Individuals with Disabilities Education
7 Improvement Act of 2004, the student's participation
8 in a remote educational program receive prior approval
9 from the student's individualized education program
10 team.

11 (D) A description of the process the school
12 district will use to develop and approve a written
13 remote educational plan that meets the requirements of
14 subdivision (5) of this subsection (a).

15 (E) A description of the system the school district
16 will establish to determine student participation in
17 instruction in accordance with the remote educational
18 program.

19 (F) A description of the process for renewing a
20 remote educational program at the expiration of its
21 term.

22 (G) Such other terms and provisions as the school
23 district deems necessary to provide for the
24 establishment and delivery of a remote educational
25 program.

26 (2) The school district has determined that the remote

1 educational program's curriculum is aligned to State
2 learning standards and that the program offers instruction
3 and educational experiences consistent with those given to
4 students at the same grade level in the district.

5 (3) The remote educational program is delivered by
6 instructors that meet the following qualifications:

7 (A) they are certificated under Article 21 of this
8 Code;

9 (B) (blank); and

10 (C) they have responsibility for all of the
11 following elements of the program: planning
12 instruction, diagnosing learning needs, prescribing
13 content delivery through class activities, assessing
14 learning, reporting outcomes to administrators and
15 parents and guardians, and evaluating the effects of
16 instruction.

17 (4) During the period of time from and including the
18 opening date to the closing date of the regular school term
19 of the school district established pursuant to Section
20 10-19 of this Code, participation in a remote educational
21 program may be claimed for evidence-based funding purposes
22 under Section 18-8.15 of this Code on any calendar day,
23 notwithstanding whether the day is a day of pupil
24 attendance or institute day on the school district's
25 calendar or any other provision of law restricting
26 instruction on that day. If the district holds year-round

1 classes in some buildings, the district shall classify each
2 student's participation in a remote educational program as
3 either on a year-round or a non-year-round schedule for
4 purposes of claiming evidence-based funding. Outside of
5 the regular school term of the district, the remote
6 educational program may be offered as part of any summer
7 school program authorized by this Code.

8 (5) Each student participating in a remote educational
9 program must have a written remote educational plan that
10 has been approved by the school district and a person
11 authorized to enroll the student under Section 10-20.12b of
12 this Code. The school district and a person authorized to
13 enroll the student under Section 10-20.12b of this Code
14 must approve any amendment to a remote educational plan.
15 The remote educational plan must include, but is not
16 limited to, all of the following:

17 (A) Specific achievement goals for the student
18 aligned to State learning standards.

19 (B) A description of all assessments that will be
20 used to measure student progress, which description
21 shall indicate the assessments that will be
22 administered at an attendance center within the school
23 district.

24 (C) A description of the progress reports that will
25 be provided to the school district and the person or
26 persons authorized to enroll the student under Section

1 10-20.12b of this Code.

2 (D) Expectations, processes, and schedules for
3 interaction between a teacher and student.

4 (E) A description of the specific responsibilities
5 of the student's family and the school district with
6 respect to equipment, materials, phone and Internet
7 service, and any other requirements applicable to the
8 home or other location outside of a school building
9 necessary for the delivery of the remote educational
10 program.

11 (F) If applicable, a description of how the remote
12 educational program will be delivered in a manner
13 consistent with the student's individualized education
14 program required by Section 614(d) of the federal
15 Individuals with Disabilities Education Improvement
16 Act of 2004 or plan to ensure compliance with Section
17 504 of the federal Rehabilitation Act of 1973.

18 (G) A description of the procedures and
19 opportunities for participation in academic and
20 extracurricular ~~extra-curricular~~ activities and
21 programs within the school district.

22 (H) The identification of a parent, guardian, or
23 other responsible adult who will provide direct
24 supervision of the program. The plan must include an
25 acknowledgment by the parent, guardian, or other
26 responsible adult that he or she may engage only in

1 non-teaching duties not requiring instructional
2 judgment or the evaluation of a student. The plan shall
3 designate the parent, guardian, or other responsible
4 adult as non-teaching personnel or volunteer personnel
5 under subsection (a) of Section 10-22.34 of this Code.

6 (I) The identification of a school district
7 administrator who will oversee the remote educational
8 program on behalf of the school district and who may be
9 contacted by the student's parents with respect to any
10 issues or concerns with the program.

11 (J) The term of the student's participation in the
12 remote educational program, which may not extend for
13 longer than 12 months, unless the term is renewed by
14 the district in accordance with subdivision (7) of this
15 subsection (a).

16 (K) A description of the specific location or
17 locations in which the program will be delivered. If
18 the remote educational program is to be delivered to a
19 student in any location other than the student's home,
20 the plan must include a written determination by the
21 school district that the location will provide a
22 learning environment appropriate for the delivery of
23 the program. The location or locations in which the
24 program will be delivered shall be deemed a long
25 distance teaching reception area under subsection (a)
26 of Section 10-22.34 of this Code.

1 (L) Certification by the school district that the
2 plan meets all other requirements of this Section.

3 (6) Students participating in a remote educational
4 program must be enrolled in a school district attendance
5 center pursuant to the school district's enrollment policy
6 or policies. A student participating in a remote
7 educational program must be tested as part of all
8 assessments administered by the school district pursuant
9 to Section 2-3.64a-5 of this Code at the attendance center
10 in which the student is enrolled and in accordance with the
11 attendance center's assessment policies and schedule. The
12 student must be included within all accountability
13 determinations for the school district and attendance
14 center under State and federal law.

15 (7) The term of a student's participation in a remote
16 educational program may not extend for longer than 12
17 months, unless the term is renewed by the school district.
18 The district may only renew a student's participation in a
19 remote educational program following an evaluation of the
20 student's progress in the program, a determination that the
21 student's continuation in the program will best serve the
22 student's individual learning needs, and an amendment to
23 the student's written remote educational plan addressing
24 any changes for the upcoming term of the program.

25 For purposes of this Section, a remote educational program
26 does not include instruction delivered to students through an

1 e-learning program approved under Section 10-20.56 of this
2 Code.

3 (b) A school district may, by resolution of its school
4 board, establish a remote educational program.

5 (c) (Blank).

6 (d) The impact of remote educational programs on wages,
7 hours, and terms and conditions of employment of educational
8 employees within the school district shall be subject to local
9 collective bargaining agreements.

10 (e) The use of a home or other location outside of a school
11 building for a remote educational program shall not cause the
12 home or other location to be deemed a public school facility.

13 (f) A remote educational program may be used, but is not
14 required, for instruction delivered to a student in the home or
15 other location outside of a school building that is not claimed
16 for evidence-based funding purposes under Section 18-8.15 of
17 this Code.

18 (g) School districts that, pursuant to this Section, adopt
19 a policy for a remote educational program must submit to the
20 State Board of Education a copy of the policy and any
21 amendments thereto, as well as data on student participation in
22 a format specified by the State Board of Education. The State
23 Board of Education may perform or contract with an outside
24 entity to perform an evaluation of remote educational programs
25 in this State.

26 (h) The State Board of Education may adopt any rules

1 necessary to ensure compliance by remote educational programs
2 with the requirements of this Section and other applicable
3 legal requirements.

4 (Source: P.A. 99-193, eff. 7-30-15; 99-194, eff. 7-30-15;
5 99-642, eff. 7-28-16; 100-465, eff. 8-31-17; 100-1046, eff.
6 8-23-18; revised 10-4-18.)

7 (105 ILCS 5/21B-20)

8 Sec. 21B-20. Types of licenses. The State Board of
9 Education shall implement a system of educator licensure,
10 whereby individuals employed in school districts who are
11 required to be licensed must have one of the following
12 licenses: (i) a professional educator license; (ii) an educator
13 license with stipulations; (iii) a substitute teaching
14 license; or (iv) until June 30, 2023, a short-term substitute
15 teaching license. References in law regarding individuals
16 certified or certificated or required to be certified or
17 certificated under Article 21 of this Code shall also include
18 individuals licensed or required to be licensed under this
19 Article. The first year of all licenses ends on June 30
20 following one full year of the license being issued.

21 The State Board of Education, in consultation with the
22 State Educator Preparation and Licensure Board, may adopt such
23 rules as may be necessary to govern the requirements for
24 licenses and endorsements under this Section.

25 (1) Professional Educator License. Persons who (i)

1 have successfully completed an approved educator
2 preparation program and are recommended for licensure by
3 the Illinois institution offering the educator preparation
4 program, (ii) have successfully completed the required
5 testing under Section 21B-30 of this Code, (iii) have
6 successfully completed coursework on the psychology of,
7 the identification of, and the methods of instruction for
8 the exceptional child, including without limitation
9 children with learning disabilities, (iv) have
10 successfully completed coursework in methods of reading
11 and reading in the content area, and (v) have met all other
12 criteria established by rule of the State Board of
13 Education shall be issued a Professional Educator License.
14 All Professional Educator Licenses are valid until June 30
15 immediately following 5 years of the license being issued.
16 The Professional Educator License shall be endorsed with
17 specific areas and grade levels in which the individual is
18 eligible to practice.

19 Individuals can receive subsequent endorsements on the
20 Professional Educator License. Subsequent endorsements
21 shall require a minimum of 24 semester hours of coursework
22 in the endorsement area and passage of the applicable
23 content area test, unless otherwise specified by rule.

24 (2) Educator License with Stipulations. An Educator
25 License with Stipulations shall be issued an endorsement
26 that limits the license holder to one particular position

1 or does not require completion of an approved educator
2 program or both.

3 An individual with an Educator License with
4 Stipulations must not be employed by a school district or
5 any other entity to replace any presently employed teacher
6 who otherwise would not be replaced for any reason.

7 An Educator License with Stipulations may be issued
8 with the following endorsements:

9 (A) (Blank). ~~A A provisional educator endorsement~~
10 ~~for a service member or a spouse of a service member is~~
11 ~~valid until June 30 immediately following 3 years of~~
12 ~~the license being issued, provided that any remaining~~
13 ~~testing and coursework deficiencies are met under this~~
14 ~~Section. In this Section, "spouse of a service member"~~
15 ~~means any person who, at the time of application under~~
16 ~~this Section, is the spouse of an active duty member of~~
17 ~~the United States Armed Forces or any reserve component~~
18 ~~of the United States Armed Forces or the National Guard~~
19 ~~of any state, commonwealth, or territory of the United~~
20 ~~States or the District of Columbia.~~

21 ~~Except as otherwise provided under this~~
22 ~~subparagraph, a~~

23 (B) Alternative provisional educator. An
24 alternative provisional educator endorsement on an
25 Educator License with Stipulations may be issued to an
26 applicant who, at the time of applying for the

1 endorsement, has done all of the following:

2 (i) Graduated from a regionally accredited
3 college or university with a minimum of a
4 bachelor's degree.

5 (ii) Successfully completed the first phase of
6 the Alternative Educator Licensure Program for
7 Teachers, as described in Section 21B-50 of this
8 Code.

9 (iii) Passed a test of basic skills and content
10 area test, as required under Section 21B-30 of this
11 Code.

12 The alternative provisional educator endorsement is
13 valid for 2 years of teaching and may be renewed for a
14 third year by an individual meeting the requirements set
15 forth in Section 21B-50 of this Code.

16 (C) Alternative provisional superintendent. An
17 alternative provisional superintendent endorsement on
18 an Educator License with Stipulations entitles the
19 holder to serve only as a superintendent or assistant
20 superintendent in a school district's central office.
21 This endorsement may only be issued to an applicant
22 who, at the time of applying for the endorsement, has
23 done all of the following:

24 (i) Graduated from a regionally accredited
25 college or university with a minimum of a master's
26 degree in a management field other than education.

1 (ii) Been employed for a period of at least 5
2 years in a management level position in a field
3 other than education.

4 (iii) Successfully completed the first phase
5 of an alternative route to superintendent
6 endorsement program, as provided in Section 21B-55
7 of this Code.

8 (iv) Passed a test of basic skills and content
9 area tests required under Section 21B-30 of this
10 Code.

11 The endorsement is valid for 2 fiscal years in
12 order to complete one full year of serving as a
13 superintendent or assistant superintendent.

14 (D) (Blank).

15 (E) Career and technical educator. A career and
16 technical educator endorsement on an Educator License
17 with Stipulations may be issued to an applicant who has
18 a minimum of 60 semester hours of coursework from a
19 regionally accredited institution of higher education
20 or an accredited trade and technical institution and
21 has a minimum of 2,000 hours of experience outside of
22 education in each area to be taught.

23 The career and technical educator endorsement on
24 an Educator License with Stipulations is valid until
25 June 30 immediately following 5 years of the
26 endorsement being issued and may be renewed. For

1 individuals who were issued the career and technical
2 educator endorsement on an Educator License with
3 Stipulations on or after January 1, 2015, the license
4 may be renewed if the individual passes a test of basic
5 skills or test of work proficiency, as required under
6 Section 21B-30 of this Code.

7 An individual who holds a valid career and
8 technical educator endorsement on an Educator License
9 with Stipulations but does not hold a bachelor's degree
10 may substitute teach in career and technical education
11 classrooms.

12 (F) Part-time provisional career and technical
13 educator or provisional career and technical educator.
14 A part-time provisional career and technical educator
15 endorsement or a provisional career and technical
16 educator endorsement on an Educator License with
17 Stipulations may be issued to an applicant who has a
18 minimum of 8,000 hours of work experience in the skill
19 for which the applicant is seeking the endorsement. It
20 is the responsibility of each employing school board
21 and regional office of education to provide
22 verification, in writing, to the State Superintendent
23 of Education at the time the application is submitted
24 that no qualified teacher holding a Professional
25 Educator License or an Educator License with
26 Stipulations with a career and technical educator

1 endorsement is available and that actual circumstances
2 require such issuance.

3 The provisional career and technical educator
4 endorsement on an Educator License with Stipulations
5 is valid until June 30 immediately following 5 years of
6 the endorsement being issued and may be renewed for 5
7 years. For individuals who were issued the provisional
8 career and technical educator endorsement on an
9 Educator License with Stipulations on or after January
10 1, 2015, the license may be renewed if the individual
11 passes a test of basic skills or test of work
12 proficiency, as required under Section 21B-30 of this
13 Code.

14 A part-time provisional career and technical
15 educator endorsement on an Educator License with
16 Stipulations may be issued for teaching no more than 2
17 courses of study for grades 6 through 12. The part-time
18 provisional career and technical educator endorsement
19 on an Educator License with Stipulations is valid until
20 June 30 immediately following 5 years of the
21 endorsement being issued and may be renewed for 5 years
22 if the individual makes application for renewal.

23 An individual who holds a provisional or part-time
24 provisional career and technical educator endorsement
25 on an Educator License with Stipulations but does not
26 hold a bachelor's degree may substitute teach in career

1 and technical education classrooms.

2 (G) Transitional bilingual educator. A
3 transitional bilingual educator endorsement on an
4 Educator License with Stipulations may be issued for
5 the purpose of providing instruction in accordance
6 with Article 14C of this Code to an applicant who
7 provides satisfactory evidence that he or she meets all
8 of the following requirements:

9 (i) Possesses adequate speaking, reading, and
10 writing ability in the language other than English
11 in which transitional bilingual education is
12 offered.

13 (ii) Has the ability to successfully
14 communicate in English.

15 (iii) Either possessed, within 5 years
16 previous to his or her applying for a transitional
17 bilingual educator endorsement, a valid and
18 comparable teaching certificate or comparable
19 authorization issued by a foreign country or holds
20 a degree from an institution of higher learning in
21 a foreign country that the State Educator
22 Preparation and Licensure Board determines to be
23 the equivalent of a bachelor's degree from a
24 regionally accredited institution of higher
25 learning in the United States.

26 A transitional bilingual educator endorsement

1 shall be valid for prekindergarten through grade 12, is
2 valid until June 30 immediately following 5 years of
3 the endorsement being issued, and shall not be renewed.

4 Persons holding a transitional bilingual educator
5 endorsement shall not be employed to replace any
6 presently employed teacher who otherwise would not be
7 replaced for any reason.

8 (H) Language endorsement. In an effort to
9 alleviate the shortage of teachers speaking a language
10 other than English in the public schools, an individual
11 who holds an Educator License with Stipulations may
12 also apply for a language endorsement, provided that
13 the applicant provides satisfactory evidence that he
14 or she meets all of the following requirements:

15 (i) Holds a transitional bilingual
16 endorsement.

17 (ii) Has demonstrated proficiency in the
18 language for which the endorsement is to be issued
19 by passing the applicable language content test
20 required by the State Board of Education.

21 (iii) Holds a bachelor's degree or higher from
22 a regionally accredited institution of higher
23 education or, for individuals educated in a
24 country other than the United States, holds a
25 degree from an institution of higher learning in a
26 foreign country that the State Educator

1 Preparation and Licensure Board determines to be
2 the equivalent of a bachelor's degree from a
3 regionally accredited institution of higher
4 learning in the United States.

5 (iv) Has passed a test of basic skills, as
6 required under Section 21B-30 of this Code.

7 A language endorsement on an Educator License with
8 Stipulations is valid for prekindergarten through
9 grade 12 for the same validity period as the
10 individual's transitional bilingual educator
11 endorsement on the Educator License with Stipulations
12 and shall not be renewed.

13 (I) Visiting international educator. A visiting
14 international educator endorsement on an Educator
15 License with Stipulations may be issued to an
16 individual who is being recruited by a particular
17 school district that conducts formal recruitment
18 programs outside of the United States to secure the
19 services of qualified teachers and who meets all of the
20 following requirements:

21 (i) Holds the equivalent of a minimum of a
22 bachelor's degree issued in the United States.

23 (ii) Has been prepared as a teacher at the
24 grade level for which he or she will be employed.

25 (iii) Has adequate content knowledge in the
26 subject to be taught.

1 (iv) Has an adequate command of the English
2 language.

3 A holder of a visiting international educator
4 endorsement on an Educator License with Stipulations
5 shall be permitted to teach in bilingual education
6 programs in the language that was the medium of
7 instruction in his or her teacher preparation program,
8 provided that he or she passes the English Language
9 Proficiency Examination or another test of writing
10 skills in English identified by the State Board of
11 Education, in consultation with the State Educator
12 Preparation and Licensure Board.

13 A visiting international educator endorsement on
14 an Educator License with Stipulations is valid for 3
15 years and shall not be renewed.

16 (J) Paraprofessional educator. A paraprofessional
17 educator endorsement on an Educator License with
18 Stipulations may be issued to an applicant who holds a
19 high school diploma or its recognized equivalent and
20 either holds an associate's degree or a minimum of 60
21 semester hours of credit from a regionally accredited
22 institution of higher education or has passed a test of
23 basic skills required under Section 21B-30 of this
24 Code. The paraprofessional educator endorsement is
25 valid until June 30 immediately following 5 years of
26 the endorsement being issued and may be renewed through

1 application and payment of the appropriate fee, as
2 required under Section 21B-40 of this Code. An
3 individual who holds only a paraprofessional educator
4 endorsement is not subject to additional requirements
5 in order to renew the endorsement.

6 (K) Chief school business official. A chief school
7 business official endorsement on an Educator License
8 with Stipulations may be issued to an applicant who
9 qualifies by having a master's degree or higher, 2
10 years of full-time administrative experience in school
11 business management or 2 years of university-approved
12 practical experience, and a minimum of 24 semester
13 hours of graduate credit in a program approved by the
14 State Board of Education for the preparation of school
15 business administrators and by passage of the
16 applicable State tests, including a test of basic
17 skills and applicable content area test.

18 The chief school business official endorsement may
19 also be affixed to the Educator License with
20 Stipulations of any holder who qualifies by having a
21 master's degree in business administration, finance,
22 accounting, or public administration and who completes
23 an additional 6 semester hours of internship in school
24 business management from a regionally accredited
25 institution of higher education and passes the
26 applicable State tests, including a test of basic

1 skills and applicable content area test. This
2 endorsement shall be required for any individual
3 employed as a chief school business official.

4 The chief school business official endorsement on
5 an Educator License with Stipulations is valid until
6 June 30 immediately following 5 years of the
7 endorsement being issued and may be renewed if the
8 license holder completes renewal requirements as
9 required for individuals who hold a Professional
10 Educator License endorsed for chief school business
11 official under Section 21B-45 of this Code and such
12 rules as may be adopted by the State Board of
13 Education.

14 The State Board of Education shall adopt any rules
15 necessary to implement Public Act 100-288.

16 (L) Provisional in-state educator. A provisional
17 in-state educator endorsement on an Educator License
18 with Stipulations may be issued to a candidate who has
19 completed an Illinois-approved educator preparation
20 program at an Illinois institution of higher education
21 and who has not successfully completed an
22 evidence-based assessment of teacher effectiveness but
23 who meets all of the following requirements:

24 (i) Holds at least a bachelor's degree.

25 (ii) Has completed an approved educator
26 preparation program at an Illinois institution.

1 (iii) Has passed a test of basic skills and
2 applicable content area test, as required by
3 Section 21B-30 of this Code.

4 (iv) Has attempted an evidence-based
5 assessment of teacher effectiveness and received a
6 minimum score on that assessment, as established
7 by the State Board of Education in consultation
8 with the State Educator Preparation and Licensure
9 Board.

10 A provisional in-state educator endorsement on an
11 Educator License with Stipulations is valid for one
12 full fiscal year after the date of issuance and may not
13 be renewed.

14 (M) School support personnel intern. A school
15 support personnel intern endorsement on an Educator
16 License with Stipulations may be issued as specified by
17 rule.

18 (N) Special education area. A special education
19 area endorsement on an Educator License with
20 Stipulations may be issued as defined and specified by
21 rule.

22 (3) Substitute Teaching License. A Substitute Teaching
23 License may be issued to qualified applicants for
24 substitute teaching in all grades of the public schools,
25 prekindergarten through grade 12. Substitute Teaching
26 Licenses are not eligible for endorsements. Applicants for

1 a Substitute Teaching License must hold a bachelor's degree
2 or higher from a regionally accredited institution of
3 higher education.

4 Substitute Teaching Licenses are valid for 5 years.

5 Substitute Teaching Licenses are valid for substitute
6 teaching in every county of this State. If an individual
7 has had his or her Professional Educator License or
8 Educator License with Stipulations suspended or revoked,
9 then that individual is not eligible to obtain a Substitute
10 Teaching License.

11 A substitute teacher may only teach in the place of a
12 licensed teacher who is under contract with the employing
13 board. If, however, there is no licensed teacher under
14 contract because of an emergency situation, then a district
15 may employ a substitute teacher for no longer than 30
16 calendar days per each vacant position in the district if
17 the district notifies the appropriate regional office of
18 education within 5 business days after the employment of
19 the substitute teacher in the emergency situation. An
20 emergency situation is one in which an unforeseen vacancy
21 has occurred and (i) a teacher is unable to fulfill his or
22 her contractual duties or (ii) teacher capacity needs of
23 the district exceed previous indications, and the district
24 is actively engaged in advertising to hire a fully licensed
25 teacher for the vacant position.

26 There is no limit on the number of days that a

1 substitute teacher may teach in a single school district,
2 provided that no substitute teacher may teach for longer
3 than 90 school days for any one licensed teacher under
4 contract in the same school year. A substitute teacher who
5 holds a Professional Educator License or Educator License
6 with Stipulations shall not teach for more than 120 school
7 days for any one licensed teacher under contract in the
8 same school year. The limitations in this paragraph (3) on
9 the number of days a substitute teacher may be employed do
10 not apply to any school district operating under Article 34
11 of this Code.

12 A school district may not require an individual who
13 holds a valid Professional Educator License or Educator
14 License with Stipulations to seek or hold a Substitute
15 Teaching License to teach as a substitute teacher.

16 (4) Short-Term Substitute Teaching License. Beginning
17 on July 1, 2018 and until June 30, 2023, the State Board of
18 Education may issue a Short-Term Substitute Teaching
19 License. A Short-Term Substitute Teaching License may be
20 issued to a qualified applicant for substitute teaching in
21 all grades of the public schools, prekindergarten through
22 grade 12. Short-Term Substitute Teaching Licenses are not
23 eligible for endorsements. Applicants for a Short-Term
24 Substitute Teaching License must hold an associate's
25 degree or have completed at least 60 credit hours from a
26 regionally accredited institution of higher education.

1 Short-Term Substitute Teaching Licenses are valid for
2 substitute teaching in every county of this State. If an
3 individual has had his or her Professional Educator License
4 or Educator License with Stipulations suspended or
5 revoked, then that individual is not eligible to obtain a
6 Short-Term Substitute Teaching License.

7 The provisions of Sections 10-21.9 and 34-18.5 of this
8 Code apply to short-term substitute teachers.

9 An individual holding a Short-Term Substitute Teaching
10 License may teach no more than 5 consecutive days per
11 licensed teacher who is under contract. For teacher
12 absences lasting 6 or more days per licensed teacher who is
13 under contract, a school district may not hire an
14 individual holding a Short-Term Substitute Teaching
15 License. An individual holding a Short-Term Substitute
16 Teaching License must complete the training program under
17 Section 10-20.67 or 34-18.60 of this Code to be eligible to
18 teach at a public school. This paragraph (4) is inoperative
19 on and after July 1, 2023.

20 (Source: P.A. 99-35, eff. 1-1-16; 99-58, eff. 7-16-15; 99-143,
21 eff. 7-27-15; 99-642, eff. 7-28-16; 99-920, eff. 1-6-17; 100-8,
22 eff. 7-1-17; 100-13, eff. 7-1-17; 100-288, eff. 8-24-17;
23 100-596, eff. 7-1-18; 100-821, eff. 9-3-18; 100-863, eff.
24 8-14-18; revised 10-1-18.)

1 Sec. 21B-25. Endorsement on licenses. All licenses issued
2 under paragraph (1) of Section 21B-20 of this Code shall be
3 specifically endorsed by the State Board of Education for each
4 content area, school support area, and administrative area for
5 which the holder of the license is qualified. Recognized
6 institutions approved to offer educator preparation programs
7 shall be trained to add endorsements to licenses issued to
8 applicants who meet all of the requirements for the endorsement
9 or endorsements, including passing any required tests. The
10 State Superintendent of Education shall randomly audit
11 institutions to ensure that all rules and standards are being
12 followed for entitlement or when endorsements are being
13 recommended.

14 (1) The State Board of Education, in consultation with
15 the State Educator Preparation and Licensure Board, shall
16 establish, by rule, the grade level and subject area
17 endorsements to be added to the Professional Educator
18 License. These rules shall outline the requirements for
19 obtaining each endorsement.

20 (2) In addition to any and all grade level and content
21 area endorsements developed by rule, the State Board of
22 Education, in consultation with the State Educator
23 Preparation and Licensure Board, shall develop the
24 requirements for the following endorsements:

25 (A) (Blank).

26 (B) Principal endorsement. A principal endorsement

1 shall be affixed to a Professional Educator License of
2 any holder who qualifies by having all of the
3 following:

4 (i) Successful completion of a principal
5 preparation program approved in accordance with
6 Section 21B-60 of this Code and any applicable
7 rules.

8 (ii) At least 4 total years of teaching or 4
9 total years of working in the capacity of school
10 support personnel in an Illinois public school or
11 nonpublic school recognized by the State Board of
12 Education, in a school under the supervision of the
13 Department of Corrections, or in an out-of-state
14 public school or out-of-state nonpublic school
15 meeting out-of-state recognition standards
16 comparable to those approved by the State
17 Superintendent of Education; however, the State
18 Board of Education, in consultation with the State
19 Educator Preparation and Licensure Board, shall
20 allow, by rules, for fewer than 4 years of
21 experience based on meeting standards set forth in
22 such rules, including without limitation a review
23 of performance evaluations or other evidence of
24 demonstrated qualifications.

25 (iii) A master's degree or higher from a
26 regionally accredited college or university.

1 (C) Chief school business official endorsement. A
2 chief school business official endorsement shall be
3 affixed to the Professional Educator License of any
4 holder who qualifies by having a master's degree or
5 higher, 2 years of full-time administrative experience
6 in school business management or 2 years of
7 university-approved practical experience, and a
8 minimum of 24 semester hours of graduate credit in a
9 program approved by the State Board of Education for
10 the preparation of school business administrators and
11 by passage of the applicable State tests. The chief
12 school business official endorsement may also be
13 affixed to the Professional Educator License of any
14 holder who qualifies by having a master's degree in
15 business administration, finance, accounting, or
16 public administration and who completes an additional
17 6 semester hours of internship in school business
18 management from a regionally accredited institution of
19 higher education and passes the applicable State
20 tests. This endorsement shall be required for any
21 individual employed as a chief school business
22 official.

23 (D) Superintendent endorsement. A superintendent
24 endorsement shall be affixed to the Professional
25 Educator License of any holder who has completed a
26 program approved by the State Board of Education for

1 the preparation of superintendents of schools, has had
2 at least 2 years of experience employed full-time in a
3 general administrative position or as a full-time
4 principal, director of special education, or chief
5 school business official in the public schools or in a
6 State-recognized nonpublic school in which the chief
7 administrator is required to have the licensure
8 necessary to be a principal in a public school in this
9 State and where a majority of the teachers are required
10 to have the licensure necessary to be instructors in a
11 public school in this State, and has passed the
12 required State tests; or of any holder who has
13 completed a program that is not an Illinois-approved
14 educator preparation program at an Illinois
15 institution of higher education and that has
16 recognition standards comparable to those approved by
17 the State Superintendent of Education and holds the
18 general administrative, principal, or chief school
19 business official endorsement and who has had 2 years
20 of experience as a principal, director of special
21 education, or chief school business official while
22 holding a valid educator license or certificate
23 comparable in validity and educational and experience
24 requirements and has passed the appropriate State
25 tests, as provided in Section 21B-30 of this Code. The
26 superintendent endorsement shall allow individuals to

1 serve only as a superintendent or assistant
2 superintendent.

3 (E) Teacher leader endorsement. It shall be the
4 policy of this State to improve the quality of
5 instructional leaders by providing a career pathway
6 for teachers interested in serving in leadership
7 roles, but not as principals. The State Board of
8 Education, in consultation with the State Educator
9 Preparation and Licensure Board, may issue a teacher
10 leader endorsement under this subdivision (E). Persons
11 who meet and successfully complete the requirements of
12 the endorsement shall be issued a teacher leader
13 endorsement on the Professional Educator License for
14 serving in schools in this State. Teacher leaders may
15 qualify to serve in such positions as department
16 chairs, coaches, mentors, curriculum and instruction
17 leaders, or other leadership positions as defined by
18 the district. The endorsement shall be available to
19 those teachers who (i) hold a Professional Educator
20 License, (ii) hold a master's degree or higher from a
21 regionally accredited institution, (iii) have
22 completed a program of study that has been approved by
23 the State Board of Education, in consultation with the
24 State Educator Preparation and Licensure Board, and
25 (iv) have successfully demonstrated competencies as
26 defined by rule.

1 A teacher who meets the requirements set forth in
2 this Section and holds a teacher leader endorsement may
3 evaluate teachers pursuant to Section 24A-5 of this
4 Code, provided that the individual has completed the
5 evaluation component required by Section 24A-3 of this
6 Code and a teacher leader is allowed to evaluate
7 personnel under the respective school district's
8 collective bargaining agreement.

9 The State Board of Education, in consultation with
10 the State Educator Preparation and Licensure Board,
11 may adopt such rules as may be necessary to establish
12 and implement the teacher leader endorsement program
13 and to specify the positions for which this endorsement
14 shall be required.

15 (F) Special education endorsement. A special
16 education endorsement in one or more areas shall be
17 affixed to a Professional Educator License for any
18 individual that meets those requirements established
19 by the State Board of Education in rules. Special
20 education endorsement areas shall include without
21 limitation the following:

- 22 (i) Learning Behavior Specialist I;
- 23 (ii) Learning Behavior Specialist II;
- 24 (iii) Speech Language Pathologist;
- 25 (iv) Blind or Visually Impaired;
- 26 (v) Deaf-Hard of Hearing;

1 (vi) Early Childhood Special Education; and

2 (vii) Director of Special Education.

3 Notwithstanding anything in this Code to the contrary,
4 the State Board of Education, in consultation with the
5 State Educator Preparation and Licensure Board, may
6 add additional areas of special education by rule.

7 (G) School support personnel endorsement. School
8 support personnel endorsement areas shall include, but
9 are not limited to, school counselor, marriage and
10 family therapist, school psychologist, school speech
11 and language pathologist, school nurse, and school
12 social worker. This endorsement is for individuals who
13 are not teachers or administrators, but still require
14 licensure to work in an instructional support position
15 in a public or State-operated elementary school,
16 secondary school, or cooperative or joint agreement
17 with a governing body or board of control or a charter
18 school operating in compliance with the Charter
19 Schools Law. The school support personnel endorsement
20 shall be affixed to the Professional Educator License
21 and shall meet all of the requirements established in
22 any rules adopted to implement this subdivision (G).
23 The holder of such an endorsement is entitled to all of
24 the rights and privileges granted holders of any other
25 Professional Educator License, including teacher
26 benefits, compensation, and working conditions.

1 (Source: P.A. 99-58, eff. 7-16-15; 99-623, eff. 7-22-16;
2 99-920, eff. 1-6-17; 100-13, eff. 7-1-17; 100-267, eff.
3 8-22-17; 100-288, eff. 8-24-17; 100-596, eff. 7-1-18; 100-780,
4 eff. 1-1-19; 100-863, eff. 8-14-18; revised 10-1-18.)

5 (105 ILCS 5/21B-30)

6 Sec. 21B-30. Educator testing.

7 (a) This Section applies beginning on July 1, 2012.

8 (b) The State Board of Education, in consultation with the
9 State Educator Preparation and Licensure Board, shall design
10 and implement a system of examinations, which shall be required
11 prior to the issuance of educator licenses. These examinations
12 and indicators must be based on national and State professional
13 teaching standards, as determined by the State Board of
14 Education, in consultation with the State Educator Preparation
15 and Licensure Board. The State Board of Education may adopt
16 such rules as may be necessary to implement and administer this
17 Section.

18 (c) Except as otherwise provided in this Article,
19 applicants seeking a Professional Educator License or an
20 Educator License with Stipulations shall be required to pass a
21 test of basic skills before the license is issued, unless the
22 endorsement the individual is seeking does not require passage
23 of the test. All applicants completing Illinois-approved,
24 teacher education or school service personnel preparation
25 programs shall be required to pass the State Board of

1 Education's recognized test of basic skills prior to starting
2 their student teaching or starting the final semester of their
3 internship. An institution of higher learning, as defined in
4 the Higher Education Student Assistance Act, may not require an
5 applicant to complete the State Board's recognized test of
6 basic skills prior to the semester before student teaching or
7 prior to the semester before starting the final semester of an
8 internship. An individual who passes a test of basic skills
9 does not need to do so again for subsequent endorsements or
10 other educator licenses.

11 (d) All applicants seeking a State license shall be
12 required to pass a test of content area knowledge for each area
13 of endorsement for which there is an applicable test. There
14 shall be no exception to this requirement. No candidate shall
15 be allowed to student teach or serve as the teacher of record
16 until he or she has passed the applicable content area test.

17 (e) (Blank).

18 (f) Except as otherwise provided in this Article, beginning
19 on September 1, 2015, all candidates completing teacher
20 preparation programs in this State and all candidates subject
21 to Section 21B-35 of this Code are required to pass a teacher
22 performance assessment approved by the State Board of
23 Education, in consultation with the State Educator Preparation
24 and Licensure Board.

25 (g) Tests of basic skills and content area knowledge and
26 the teacher performance assessment shall be the tests that from

1 time to time are designated by the State Board of Education, in
2 consultation with the State Educator Preparation and Licensure
3 Board, and may be tests prepared by an educational testing
4 organization or tests designed by the State Board of Education,
5 in consultation with the State Educator Preparation and
6 Licensure Board. The areas to be covered by a test of basic
7 skills shall include reading, language arts, and mathematics.
8 The test of content area knowledge shall assess content
9 knowledge in a specific subject field. The tests must be
10 designed to be racially neutral to ensure that no person taking
11 the tests is discriminated against on the basis of race, color,
12 national origin, or other factors unrelated to the person's
13 ability to perform as a licensed employee. The score required
14 to pass the tests shall be fixed by the State Board of
15 Education, in consultation with the State Educator Preparation
16 and Licensure Board. The tests shall be administered not fewer
17 than 3 times a year at such time and place as may be designated
18 by the State Board of Education, in consultation with the State
19 Educator Preparation and Licensure Board.

20 The State Board shall implement a test or tests to assess
21 the speaking, reading, writing, and grammar skills of
22 applicants for an endorsement or a license issued under
23 subdivision (G) of paragraph (2) of Section 21B-20 of this Code
24 in the English language and in the language of the transitional
25 bilingual education program requested by the applicant.

26 (h) Except as provided in Section 34-6 of this Code, the

1 provisions of this Section shall apply equally in any school
2 district subject to Article 34 of this Code.

3 (i) The rules developed to implement and enforce the
4 testing requirements under this Section shall include without
5 limitation provisions governing test selection, test
6 validation and determination of a passing score,
7 administration of the tests, frequency of administration,
8 applicant fees, frequency of applicants taking the tests, the
9 years for which a score is valid, and appropriate special
10 accommodations. The State Board of Education shall develop such
11 rules as may be needed to ensure uniformity from year to year
12 in the level of difficulty for each form of an assessment.

13 (Source: P.A. 99-58, eff. 7-16-15; 99-657, eff. 7-28-16;
14 99-920, eff. 1-6-17; 100-596, eff. 7-1-18; 100-863, eff.
15 8-14-18; 100-932, eff. 8-17-18; revised 10-1-18.)

16 (105 ILCS 5/21B-40)

17 Sec. 21B-40. Fees.

18 (a) Beginning with the start of the new licensure system
19 established pursuant to this Article, the following fees shall
20 be charged to applicants:

21 (1) A \$100 application fee for a Professional Educator
22 License or an Educator License with Stipulations.
23 Beginning on July 1, 2018, the license renewal fee for an
24 Educator License with Stipulations with a paraprofessional
25 educator endorsement shall be \$25.

1 (1.5) A \$50 application fee for a Substitute Teaching
2 License. If the application for a Substitute Teaching
3 License is made and granted after July 1, 2017, the
4 licensee may apply for a refund of the application fee
5 within 18 months of issuance of the new license and shall
6 be issued that refund by the State Board of Education if
7 the licensee provides evidence to the State Board of
8 Education that the licensee has taught pursuant to the
9 Substitute Teaching License at least 10 full school days
10 within one year of issuance.

11 (1.7) A \$25 application fee for a Short-Term Substitute
12 Teaching License. The Short-Term Substitute Teaching
13 License must be registered in at least one region in this
14 State, but does not require a registration fee. The
15 licensee may apply for a refund of the application fee
16 within 18 months of issuance of the new license and shall
17 be issued that refund by the State Board of Education if
18 the licensee provides evidence to the State Board of
19 Education that the licensee has taught pursuant to the
20 Short-Term Substitute Teaching License at least 10 full
21 school days within one year of issuance.

22 (2) A \$150 application fee for individuals who have not
23 been entitled by an Illinois-approved educator preparation
24 program at an Illinois institution of higher education and
25 are seeking any of the licenses set forth in subdivision
26 (1) of this subsection (a).

1 (3) A \$50 application fee for each endorsement or
2 approval.

3 (4) A \$10 per year registration fee for the course of
4 the validity cycle to register the license, which shall be
5 paid to the regional office of education having supervision
6 and control over the school in which the individual holding
7 the license is to be employed. If the individual holding
8 the license is not yet employed, then the license may be
9 registered in any county in this State. The registration
10 fee must be paid in its entirety the first time the
11 individual registers the license for a particular validity
12 period in a single region. No additional fee may be charged
13 for that validity period should the individual
14 subsequently register the license in additional regions.
15 An individual must register the license (i) immediately
16 after initial issuance of the license and (ii) at the
17 beginning of each renewal cycle if the individual has
18 satisfied the renewal requirements required under this
19 Code.

20 Beginning on July 1, 2017, at the beginning of each
21 renewal cycle, individuals who hold a Substitute Teaching
22 License may apply for a reimbursement of the registration
23 fee within 18 months of renewal and shall be issued that
24 reimbursement by the State Board of Education from funds
25 appropriated for that purpose if the licensee provides
26 evidence to the State Board of Education that the licensee

1 has taught pursuant to the Substitute Teaching License at
2 least 10 full school days within one year of renewal.

3 (b) All application fees paid pursuant to subdivisions (1)
4 through (3) of subsection (a) of this Section shall be
5 deposited into the Teacher Certificate Fee Revolving Fund and
6 shall be used, subject to appropriation, by the State Board of
7 Education to provide the technology and human resources
8 necessary for the timely and efficient processing of
9 applications and for the renewal of licenses. Funds available
10 from the Teacher Certificate Fee Revolving Fund may also be
11 used by the State Board of Education to support the recruitment
12 and retention of educators, to support educator preparation
13 programs as they seek national accreditation, and to provide
14 professional development aligned with the requirements set
15 forth in Section 21B-45 of this Code. A majority of the funds
16 in the Teacher Certificate Fee Revolving Fund must be dedicated
17 to the timely and efficient processing of applications and for
18 the renewal of licenses. The Teacher Certificate Fee Revolving
19 Fund is not subject to administrative charge transfers,
20 authorized under Section 8h of the State Finance Act, from the
21 Teacher Certificate Fee Revolving Fund into any other fund of
22 this State, and moneys in the Teacher Certificate Fee Revolving
23 Fund shall not revert back to the General Revenue Fund at any
24 time.

25 The regional superintendent of schools shall deposit the
26 registration fees paid pursuant to subdivision (4) of

1 subsection (a) of this Section into the institute fund
2 established pursuant to Section 3-11 of this Code.

3 (c) The State Board of Education and each regional office
4 of education are authorized to charge a service or convenience
5 fee for the use of credit cards for the payment of license
6 fees. This service or convenience fee shall not exceed the
7 amount required by the credit card processing company or vendor
8 that has entered into a contract with the State Board or
9 regional office of education for this purpose, and the fee must
10 be paid to that company or vendor.

11 (d) If, at the time a certificate issued under Article 21
12 of this Code is exchanged for a license issued under this
13 Article, a person has paid registration fees for any years of
14 the validity period of the certificate and these years have not
15 expired when the certificate is exchanged, then those fees must
16 be applied to the registration of the new license.

17 (Source: P.A. 99-58, eff. 7-16-15; 99-920, eff. 1-6-17;
18 100-550, eff. 11-8-17; 100-596, eff. 7-1-18; 100-772, eff.
19 8-10-18; revised 10-1-18.)

20 (105 ILCS 5/22-30)

21 Sec. 22-30. Self-administration and self-carry of asthma
22 medication and epinephrine injectors; administration of
23 undesignated epinephrine injectors; administration of an
24 opioid antagonist; administration of undesignated asthma
25 medication; asthma episode emergency response protocol.

1 (a) For the purpose of this Section only, the following
2 terms shall have the meanings set forth below:

3 "Asthma action plan" means a written plan developed with a
4 pupil's medical provider to help control the pupil's asthma.
5 The goal of an asthma action plan is to reduce or prevent
6 flare-ups and emergency department visits through day-to-day
7 management and to serve as a student-specific document to be
8 referenced in the event of an asthma episode.

9 "Asthma episode emergency response protocol" means a
10 procedure to provide assistance to a pupil experiencing
11 symptoms of wheezing, coughing, shortness of breath, chest
12 tightness, or breathing difficulty.

13 "Epinephrine injector" includes an auto-injector approved
14 by the United States Food and Drug Administration for the
15 administration of epinephrine and a pre-filled syringe
16 approved by the United States Food and Drug Administration and
17 used for the administration of epinephrine that contains a
18 pre-measured dose of epinephrine that is equivalent to the
19 dosages used in an auto-injector.

20 "Asthma medication" means quick-relief asthma medication,
21 including albuterol or other short-acting bronchodilators,
22 that is approved by the United States Food and Drug
23 Administration for the treatment of respiratory distress.
24 "Asthma medication" includes medication delivered through a
25 device, including a metered dose inhaler with a reusable or
26 disposable spacer or a nebulizer with a mouthpiece or mask.

1 "Opioid antagonist" means a drug that binds to opioid
2 receptors and blocks or inhibits the effect of opioids acting
3 on those receptors, including, but not limited to, naloxone
4 hydrochloride or any other similarly acting drug approved by
5 the U.S. Food and Drug Administration.

6 "Respiratory distress" means the perceived or actual
7 presence of wheezing, coughing, shortness of breath, chest
8 tightness, breathing difficulty, or any other symptoms
9 consistent with asthma. Respiratory distress may be
10 categorized as "mild-to-moderate" or "severe".

11 "School nurse" means a registered nurse working in a school
12 with or without licensure endorsed in school nursing.

13 "Self-administration" means a pupil's discretionary use of
14 his or her prescribed asthma medication or epinephrine
15 injector.

16 "Self-carry" means a pupil's ability to carry his or her
17 prescribed asthma medication or epinephrine injector.

18 "Standing protocol" may be issued by (i) a physician
19 licensed to practice medicine in all its branches, (ii) a
20 licensed physician assistant with prescriptive authority, or
21 (iii) a licensed advanced practice registered nurse with
22 prescriptive authority.

23 "Trained personnel" means any school employee or volunteer
24 personnel authorized in Sections 10-22.34, 10-22.34a, and
25 10-22.34b of this Code who has completed training under
26 subsection (g) of this Section to recognize and respond to

1 anaphylaxis, an opioid overdose, or respiratory distress.

2 "Undesignated asthma medication" means asthma medication
3 prescribed in the name of a school district, public school,
4 charter school, or nonpublic school.

5 "Undesignated epinephrine injector" means an epinephrine
6 injector prescribed in the name of a school district, public
7 school, charter school, or nonpublic school.

8 (b) A school, whether public, charter, or nonpublic, must
9 permit the self-administration and self-carry of asthma
10 medication by a pupil with asthma or the self-administration
11 and self-carry of an epinephrine injector by a pupil, provided
12 that:

13 (1) the parents or guardians of the pupil provide to
14 the school (i) written authorization from the parents or
15 guardians for (A) the self-administration and self-carry
16 of asthma medication or (B) the self-carry of asthma
17 medication or (ii) for (A) the self-administration and
18 self-carry of an epinephrine injector or (B) the self-carry
19 of an epinephrine injector, written authorization from the
20 pupil's physician, physician assistant, or advanced
21 practice registered nurse; and

22 (2) the parents or guardians of the pupil provide to
23 the school (i) the prescription label, which must contain
24 the name of the asthma medication, the prescribed dosage,
25 and the time at which or circumstances under which the
26 asthma medication is to be administered, or (ii) for the

1 self-administration or self-carry of an epinephrine
2 injector, a written statement from the pupil's physician,
3 physician assistant, or advanced practice registered nurse
4 containing the following information:

5 (A) the name and purpose of the epinephrine
6 injector;

7 (B) the prescribed dosage; and

8 (C) the time or times at which or the special
9 circumstances under which the epinephrine injector is
10 to be administered.

11 The information provided shall be kept on file in the office of
12 the school nurse or, in the absence of a school nurse, the
13 school's administrator.

14 (b-5) A school district, public school, charter school, or
15 nonpublic school may authorize the provision of a
16 student-specific or undesignated epinephrine injector to a
17 student or any personnel authorized under a student's
18 Individual Health Care Action Plan, Illinois Food Allergy
19 Emergency Action Plan and Treatment Authorization Form, or plan
20 pursuant to Section 504 of the federal Rehabilitation Act of
21 1973 to administer an epinephrine injector to the student, that
22 meets the student's prescription on file.

23 (b-10) The school district, public school, charter school,
24 or nonpublic school may authorize a school nurse or trained
25 personnel to do the following: (i) provide an undesignated
26 epinephrine injector to a student for self-administration only

1 or any personnel authorized under a student's Individual Health
2 Care Action Plan, Illinois Food Allergy Emergency Action Plan
3 and Treatment Authorization Form, plan pursuant to Section 504
4 of the federal Rehabilitation Act of 1973, or individualized
5 education program plan to administer to the student that meets
6 the student's prescription on file; (ii) administer an
7 undesignated epinephrine injector that meets the prescription
8 on file to any student who has an Individual Health Care Action
9 Plan, Illinois Food Allergy Emergency Action Plan and Treatment
10 Authorization Form, plan pursuant to Section 504 of the federal
11 Rehabilitation Act of 1973, or individualized education
12 program plan that authorizes the use of an epinephrine
13 injector; (iii) administer an undesignated epinephrine
14 injector to any person that the school nurse or trained
15 personnel in good faith believes is having an anaphylactic
16 reaction; (iv) administer an opioid antagonist to any person
17 that the school nurse or trained personnel in good faith
18 believes is having an opioid overdose; (v) provide undesignated
19 asthma medication to a student for self-administration only or
20 to any personnel authorized under a student's Individual Health
21 Care Action Plan or asthma action plan, plan pursuant to
22 Section 504 of the federal Rehabilitation Act of 1973, or
23 individualized education program plan to administer to the
24 student that meets the student's prescription on file; (vi)
25 administer undesignated asthma medication that meets the
26 prescription on file to any student who has an Individual

1 Health Care Action Plan or asthma action plan, plan pursuant to
2 Section 504 of the federal Rehabilitation Act of 1973, or
3 individualized education program plan that authorizes the use
4 of asthma medication; and (vii) administer undesignated asthma
5 medication to any person that the school nurse or trained
6 personnel believes in good faith is having respiratory
7 distress.

8 (c) The school district, public school, charter school, or
9 nonpublic school must inform the parents or guardians of the
10 pupil, in writing, that the school district, public school,
11 charter school, or nonpublic school and its employees and
12 agents, including a physician, physician assistant, or
13 advanced practice registered nurse providing standing protocol
14 and a prescription for school epinephrine injectors, an opioid
15 antagonist, or undesignated asthma medication, are to incur no
16 liability or professional discipline, except for willful and
17 wanton conduct, as a result of any injury arising from the
18 administration of asthma medication, an epinephrine injector,
19 or an opioid antagonist regardless of whether authorization was
20 given by the pupil's parents or guardians or by the pupil's
21 physician, physician assistant, or advanced practice
22 registered nurse. The parents or guardians of the pupil must
23 sign a statement acknowledging that the school district, public
24 school, charter school, or nonpublic school and its employees
25 and agents are to incur no liability, except for willful and
26 wanton conduct, as a result of any injury arising from the

1 administration of asthma medication, an epinephrine injector,
2 or an opioid antagonist regardless of whether authorization was
3 given by the pupil's parents or guardians or by the pupil's
4 physician, physician assistant, or advanced practice
5 registered nurse and that the parents or guardians must
6 indemnify and hold harmless the school district, public school,
7 charter school, or nonpublic school and its employees and
8 agents against any claims, except a claim based on willful and
9 wanton conduct, arising out of the administration of asthma
10 medication, an epinephrine injector, or an opioid antagonist
11 regardless of whether authorization was given by the pupil's
12 parents or guardians or by the pupil's physician, physician
13 assistant, or advanced practice registered nurse.

14 (c-5) When a school nurse or trained personnel administers
15 an undesignated epinephrine injector to a person whom the
16 school nurse or trained personnel in good faith believes is
17 having an anaphylactic reaction, administers an opioid
18 antagonist to a person whom the school nurse or trained
19 personnel in good faith believes is having an opioid overdose,
20 or administers undesignated asthma medication to a person whom
21 the school nurse or trained personnel in good faith believes is
22 having respiratory distress, notwithstanding the lack of
23 notice to the parents or guardians of the pupil or the absence
24 of the parents or guardians signed statement acknowledging no
25 liability, except for willful and wanton conduct, the school
26 district, public school, charter school, or nonpublic school

1 and its employees and agents, and a physician, a physician
2 assistant, or an advanced practice registered nurse providing
3 standing protocol and a prescription for undesignated
4 epinephrine injectors, an opioid antagonist, or undesignated
5 asthma medication, are to incur no liability or professional
6 discipline, except for willful and wanton conduct, as a result
7 of any injury arising from the use of an undesignated
8 epinephrine injector, the use of an opioid antagonist, or the
9 use of undesignated asthma medication, regardless of whether
10 authorization was given by the pupil's parents or guardians or
11 by the pupil's physician, physician assistant, or advanced
12 practice registered nurse.

13 (d) The permission for self-administration and self-carry
14 of asthma medication or the self-administration and self-carry
15 of an epinephrine injector is effective for the school year for
16 which it is granted and shall be renewed each subsequent school
17 year upon fulfillment of the requirements of this Section.

18 (e) Provided that the requirements of this Section are
19 fulfilled, a pupil with asthma may self-administer and
20 self-carry his or her asthma medication or a pupil may
21 self-administer and self-carry an epinephrine injector (i)
22 while in school, (ii) while at a school-sponsored activity,
23 (iii) while under the supervision of school personnel, or (iv)
24 before or after normal school activities, such as while in
25 before-school or after-school care on school-operated property
26 or while being transported on a school bus.

1 (e-5) Provided that the requirements of this Section are
2 fulfilled, a school nurse or trained personnel may administer
3 an undesignated epinephrine injector to any person whom the
4 school nurse or trained personnel in good faith believes to be
5 having an anaphylactic reaction (i) while in school, (ii) while
6 at a school-sponsored activity, (iii) while under the
7 supervision of school personnel, or (iv) before or after normal
8 school activities, such as while in before-school or
9 after-school care on school-operated property or while being
10 transported on a school bus. A school nurse or trained
11 personnel may carry undesignated epinephrine injectors on his
12 or her person while in school or at a school-sponsored
13 activity.

14 (e-10) Provided that the requirements of this Section are
15 fulfilled, a school nurse or trained personnel may administer
16 an opioid antagonist to any person whom the school nurse or
17 trained personnel in good faith believes to be having an opioid
18 overdose (i) while in school, (ii) while at a school-sponsored
19 activity, (iii) while under the supervision of school
20 personnel, or (iv) before or after normal school activities,
21 such as while in before-school or after-school care on
22 school-operated property. A school nurse or trained personnel
23 may carry an opioid antagonist on his or her person while in
24 school or at a school-sponsored activity.

25 (e-15) If the requirements of this Section are met, a
26 school nurse or trained personnel may administer undesignated

1 asthma medication to any person whom the school nurse or
2 trained personnel in good faith believes to be experiencing
3 respiratory distress (i) while in school, (ii) while at a
4 school-sponsored activity, (iii) while under the supervision
5 of school personnel, or (iv) before or after normal school
6 activities, including before-school or after-school care on
7 school-operated property. A school nurse or trained personnel
8 may carry undesignated asthma medication on his or her person
9 while in school or at a school-sponsored activity.

10 (f) The school district, public school, charter school, or
11 nonpublic school may maintain a supply of undesignated
12 epinephrine injectors in any secure location that is accessible
13 before, during, and after school where an allergic person is
14 most at risk, including, but not limited to, classrooms and
15 lunchrooms. A physician, a physician assistant who has
16 prescriptive authority in accordance with Section 7.5 of the
17 Physician Assistant Practice Act of 1987, or an advanced
18 practice registered nurse who has prescriptive authority in
19 accordance with Section 65-40 of the Nurse Practice Act may
20 prescribe undesignated epinephrine injectors in the name of the
21 school district, public school, charter school, or nonpublic
22 school to be maintained for use when necessary. Any supply of
23 epinephrine injectors shall be maintained in accordance with
24 the manufacturer's instructions.

25 The school district, public school, charter school, or
26 nonpublic school may maintain a supply of an opioid antagonist

1 in any secure location where an individual may have an opioid
2 overdose. A health care professional who has been delegated
3 prescriptive authority for opioid antagonists in accordance
4 with Section 5-23 of the Substance Use Disorder Act may
5 prescribe opioid antagonists in the name of the school
6 district, public school, charter school, or nonpublic school,
7 to be maintained for use when necessary. Any supply of opioid
8 antagonists shall be maintained in accordance with the
9 manufacturer's instructions.

10 The school district, public school, charter school, or
11 nonpublic school may maintain a supply of asthma medication in
12 any secure location that is accessible before, during, or after
13 school where a person is most at risk, including, but not
14 limited to, a classroom or the nurse's office. A physician, a
15 physician assistant who has prescriptive authority under
16 Section 7.5 of the Physician Assistant Practice Act of 1987, or
17 an advanced practice registered nurse who has prescriptive
18 authority under Section 65-40 of the Nurse Practice Act may
19 prescribe undesignated asthma medication in the name of the
20 school district, public school, charter school, or nonpublic
21 school to be maintained for use when necessary. Any supply of
22 undesignated asthma medication must be maintained in
23 accordance with the manufacturer's instructions.

24 (f-3) Whichever entity initiates the process of obtaining
25 undesignated epinephrine injectors and providing training to
26 personnel for carrying and administering undesignated

1 epinephrine injectors shall pay for the costs of the
2 undesignated epinephrine injectors.

3 (f-5) Upon any administration of an epinephrine injector, a
4 school district, public school, charter school, or nonpublic
5 school must immediately activate the EMS system and notify the
6 student's parent, guardian, or emergency contact, if known.

7 Upon any administration of an opioid antagonist, a school
8 district, public school, charter school, or nonpublic school
9 must immediately activate the EMS system and notify the
10 student's parent, guardian, or emergency contact, if known.

11 (f-10) Within 24 hours of the administration of an
12 undesignated epinephrine injector, a school district, public
13 school, charter school, or nonpublic school must notify the
14 physician, physician assistant, or advanced practice
15 registered nurse who provided the standing protocol and a
16 prescription for the undesignated epinephrine injector of its
17 use.

18 Within 24 hours after the administration of an opioid
19 antagonist, a school district, public school, charter school,
20 or nonpublic school must notify the health care professional
21 who provided the prescription for the opioid antagonist of its
22 use.

23 Within 24 hours after the administration of undesignated
24 asthma medication, a school district, public school, charter
25 school, or nonpublic school must notify the student's parent or
26 guardian or emergency contact, if known, and the physician,

1 physician assistant, or advanced practice registered nurse who
2 provided the standing protocol and a prescription for the
3 undesignated asthma medication of its use. The district or
4 school must follow up with the school nurse, if available, and
5 may, with the consent of the child's parent or guardian, notify
6 the child's health care provider of record, as determined under
7 this Section, of its use.

8 (g) Prior to the administration of an undesignated
9 epinephrine injector, trained personnel must submit to the
10 school's administration proof of completion of a training
11 curriculum to recognize and respond to anaphylaxis that meets
12 the requirements of subsection (h) of this Section. Training
13 must be completed annually. The school district, public school,
14 charter school, or nonpublic school must maintain records
15 related to the training curriculum and trained personnel.

16 Prior to the administration of an opioid antagonist,
17 trained personnel must submit to the school's administration
18 proof of completion of a training curriculum to recognize and
19 respond to an opioid overdose, which curriculum must meet the
20 requirements of subsection (h-5) of this Section. Training must
21 be completed annually. Trained personnel must also submit to
22 the school's administration proof of cardiopulmonary
23 resuscitation and automated external defibrillator
24 certification. The school district, public school, charter
25 school, or nonpublic school must maintain records relating to
26 the training curriculum and the trained personnel.

1 Prior to the administration of undesignated asthma
2 medication, trained personnel must submit to the school's
3 administration proof of completion of a training curriculum to
4 recognize and respond to respiratory distress, which must meet
5 the requirements of subsection (h-10) of this Section. Training
6 must be completed annually, and the school district, public
7 school, charter school, or nonpublic school must maintain
8 records relating to the training curriculum and the trained
9 personnel.

10 (h) A training curriculum to recognize and respond to
11 anaphylaxis, including the administration of an undesignated
12 epinephrine injector, may be conducted online or in person.

13 Training shall include, but is not limited to:

14 (1) how to recognize signs and symptoms of an allergic
15 reaction, including anaphylaxis;

16 (2) how to administer an epinephrine injector; and

17 (3) a test demonstrating competency of the knowledge
18 required to recognize anaphylaxis and administer an
19 epinephrine injector.

20 Training may also include, but is not limited to:

21 (A) a review of high-risk areas within a school and its
22 related facilities;

23 (B) steps to take to prevent exposure to allergens;

24 (C) emergency follow-up procedures, including the
25 importance of calling 9-1-1 ~~911~~ or, if 9-1-1 ~~911~~ is not
26 available, other local emergency medical services;

1 (D) how to respond to a student with a known allergy,
2 as well as a student with a previously unknown allergy; and

3 (E) other criteria as determined in rules adopted
4 pursuant to this Section.

5 In consultation with statewide professional organizations
6 representing physicians licensed to practice medicine in all of
7 its branches, registered nurses, and school nurses, the State
8 Board of Education shall make available resource materials
9 consistent with criteria in this subsection (h) for educating
10 trained personnel to recognize and respond to anaphylaxis. The
11 State Board may take into consideration the curriculum on this
12 subject developed by other states, as well as any other
13 curricular materials suggested by medical experts and other
14 groups that work on life-threatening allergy issues. The State
15 Board is not required to create new resource materials. The
16 State Board shall make these resource materials available on
17 its Internet website.

18 (h-5) A training curriculum to recognize and respond to an
19 opioid overdose, including the administration of an opioid
20 antagonist, may be conducted online or in person. The training
21 must comply with any training requirements under Section 5-23
22 of the Substance Use Disorder Act and the corresponding rules.
23 It must include, but is not limited to:

24 (1) how to recognize symptoms of an opioid overdose;

25 (2) information on drug overdose prevention and
26 recognition;

- 1 (3) how to perform rescue breathing and resuscitation;
- 2 (4) how to respond to an emergency involving an opioid
3 overdose;
- 4 (5) opioid antagonist dosage and administration;
- 5 (6) the importance of calling 9-1-1 ~~911~~ or, if 9-1-1
6 ~~911~~ is not available, other local emergency medical
7 services;
- 8 (7) care for the overdose victim after administration
9 of the overdose antagonist;
- 10 (8) a test demonstrating competency of the knowledge
11 required to recognize an opioid overdose and administer a
12 dose of an opioid antagonist; and
- 13 (9) other criteria as determined in rules adopted
14 pursuant to this Section.
- 15 (h-10) A training curriculum to recognize and respond to
16 respiratory distress, including the administration of
17 undesignated asthma medication, may be conducted online or in
18 person. The training must include, but is not limited to:
 - 19 (1) how to recognize symptoms of respiratory distress
20 and how to distinguish respiratory distress from
21 anaphylaxis;
 - 22 (2) how to respond to an emergency involving
23 respiratory distress;
 - 24 (3) asthma medication dosage and administration;
 - 25 (4) the importance of calling 9-1-1 ~~911~~ or, if 9-1-1
26 ~~911~~ is not available, other local emergency medical

1 services;

2 (5) a test demonstrating competency of the knowledge
3 required to recognize respiratory distress and administer
4 asthma medication; and

5 (6) other criteria as determined in rules adopted under
6 this Section.

7 (i) Within 3 days after the administration of an
8 undesignated epinephrine injector by a school nurse, trained
9 personnel, or a student at a school or school-sponsored
10 activity, the school must report to the State Board of
11 Education in a form and manner prescribed by the State Board
12 the following information:

13 (1) age and type of person receiving epinephrine
14 (student, staff, visitor);

15 (2) any previously known diagnosis of a severe allergy;

16 (3) trigger that precipitated allergic episode;

17 (4) location where symptoms developed;

18 (5) number of doses administered;

19 (6) type of person administering epinephrine (school
20 nurse, trained personnel, student); and

21 (7) any other information required by the State Board.

22 If a school district, public school, charter school, or
23 nonpublic school maintains or has an independent contractor
24 providing transportation to students who maintains a supply of
25 undesignated epinephrine injectors, then the school district,
26 public school, charter school, or nonpublic school must report

1 that information to the State Board of Education upon adoption
2 or change of the policy of the school district, public school,
3 charter school, nonpublic school, or independent contractor,
4 in a manner as prescribed by the State Board. The report must
5 include the number of undesignated epinephrine injectors in
6 supply.

7 (i-5) Within 3 days after the administration of an opioid
8 antagonist by a school nurse or trained personnel, the school
9 must report to the State Board of Education, in a form and
10 manner prescribed by the State Board, the following
11 information:

12 (1) the age and type of person receiving the opioid
13 antagonist (student, staff, or visitor);

14 (2) the location where symptoms developed;

15 (3) the type of person administering the opioid
16 antagonist (school nurse or trained personnel); and

17 (4) any other information required by the State Board.

18 (i-10) Within 3 days after the administration of
19 undesignated asthma medication by a school nurse, trained
20 personnel, or a student at a school or school-sponsored
21 activity, the school must report to the State Board of
22 Education, on a form and in a manner prescribed by the State
23 Board of Education, the following information:

24 (1) the age and type of person receiving the asthma
25 medication (student, staff, or visitor);

26 (2) any previously known diagnosis of asthma for the

1 person;

2 (3) the trigger that precipitated respiratory
3 distress, if identifiable;

4 (4) the location of where the symptoms developed;

5 (5) the number of doses administered;

6 (6) the type of person administering the asthma
7 medication (school nurse, trained personnel, or student);

8 (7) the outcome of the asthma medication
9 administration; and

10 (8) any other information required by the State Board.

11 (j) By October 1, 2015 and every year thereafter, the State
12 Board of Education shall submit a report to the General
13 Assembly identifying the frequency and circumstances of
14 undesignated epinephrine and undesignated asthma medication
15 administration during the preceding academic year. Beginning
16 with the 2017 report, the report shall also contain information
17 on which school districts, public schools, charter schools, and
18 nonpublic schools maintain or have independent contractors
19 providing transportation to students who maintain a supply of
20 undesignated epinephrine injectors. This report shall be
21 published on the State Board's Internet website on the date the
22 report is delivered to the General Assembly.

23 (j-5) Annually, each school district, public school,
24 charter school, or nonpublic school shall request an asthma
25 action plan from the parents or guardians of a pupil with
26 asthma. If provided, the asthma action plan must be kept on

1 file in the office of the school nurse or, in the absence of a
2 school nurse, the school administrator. Copies of the asthma
3 action plan may be distributed to appropriate school staff who
4 interact with the pupil on a regular basis, and, if applicable,
5 may be attached to the pupil's federal Section 504 plan or
6 individualized education program plan.

7 (j-10) To assist schools with emergency response
8 procedures for asthma, the State Board of Education, in
9 consultation with statewide professional organizations with
10 expertise in asthma management and a statewide organization
11 representing school administrators, shall develop a model
12 asthma episode emergency response protocol before September 1,
13 2016. Each school district, charter school, and nonpublic
14 school shall adopt an asthma episode emergency response
15 protocol before January 1, 2017 that includes all of the
16 components of the State Board's model protocol.

17 (j-15) Every 2 years, school personnel who work with pupils
18 shall complete an in-person or online training program on the
19 management of asthma, the prevention of asthma symptoms, and
20 emergency response in the school setting. In consultation with
21 statewide professional organizations with expertise in asthma
22 management, the State Board of Education shall make available
23 resource materials for educating school personnel about asthma
24 and emergency response in the school setting.

25 (j-20) On or before October 1, 2016 and every year
26 thereafter, the State Board of Education shall submit a report

1 to the General Assembly and the Department of Public Health
2 identifying the frequency and circumstances of opioid
3 antagonist administration during the preceding academic year.
4 This report shall be published on the State Board's Internet
5 website on the date the report is delivered to the General
6 Assembly.

7 (k) The State Board of Education may adopt rules necessary
8 to implement this Section.

9 (l) Nothing in this Section shall limit the amount of
10 epinephrine injectors that any type of school or student may
11 carry or maintain a supply of.

12 (Source: P.A. 99-173, eff. 7-29-15; 99-480, eff. 9-9-15;
13 99-642, eff. 7-28-16; 99-711, eff. 1-1-17; 99-843, eff.
14 8-19-16; 100-201, eff. 8-18-17; 100-513, eff. 1-1-18; 100-726,
15 eff. 1-1-19; 100-759, eff. 1-1-19; 100-799, eff. 1-1-19;
16 revised 10-4-18.)

17 (105 ILCS 5/22-80)

18 Sec. 22-80. Student athletes; concussions and head
19 injuries.

20 (a) The General Assembly recognizes all of the following:

21 (1) Concussions are one of the most commonly reported
22 injuries in children and adolescents who participate in
23 sports and recreational activities. The Centers for
24 Disease Control and Prevention estimates that as many as
25 3,900,000 sports-related and recreation-related

1 concussions occur in the United States each year. A
2 concussion is caused by a blow or motion to the head or
3 body that causes the brain to move rapidly inside the
4 skull. The risk of catastrophic injuries or death is ~~are~~
5 significant when a concussion or head injury is not
6 properly evaluated and managed.

7 (2) Concussions are a type of brain injury that can
8 range from mild to severe and can disrupt the way the brain
9 normally works. Concussions can occur in any organized or
10 unorganized sport or recreational activity and can result
11 from a fall or from players colliding with each other, the
12 ground, or with obstacles. Concussions occur with or
13 without loss of consciousness, but the vast majority of
14 concussions occur without loss of consciousness.

15 (3) Continuing to play with a concussion or symptoms of
16 a head injury leaves a young athlete especially vulnerable
17 to greater injury and even death. The General Assembly
18 recognizes that, despite having generally recognized
19 return-to-play standards for concussions and head
20 injuries, some affected youth athletes are prematurely
21 returned to play, resulting in actual or potential physical
22 injury or death to youth athletes in this State.

23 (4) Student athletes who have sustained a concussion
24 may need informal or formal accommodations, modifications
25 of curriculum, and monitoring by medical or academic staff
26 until the student is fully recovered. To that end, all

1 schools are encouraged to establish a return-to-learn
2 protocol that is based on peer-reviewed scientific
3 evidence consistent with Centers for Disease Control and
4 Prevention guidelines and conduct baseline testing for
5 student athletes.

6 (b) In this Section:

7 "Athletic trainer" means an athletic trainer licensed
8 under the Illinois Athletic Trainers Practice Act who is
9 working under the supervision of a physician.

10 "Coach" means any volunteer or employee of a school who is
11 responsible for organizing and supervising students to teach
12 them or train them in the fundamental skills of an
13 interscholastic athletic activity. "Coach" refers to both head
14 coaches and assistant coaches.

15 "Concussion" means a complex pathophysiological process
16 affecting the brain caused by a traumatic physical force or
17 impact to the head or body, which may include temporary or
18 prolonged altered brain function resulting in physical,
19 cognitive, or emotional symptoms or altered sleep patterns and
20 which may or may not involve a loss of consciousness.

21 "Department" means the Department of Financial and
22 Professional Regulation.

23 "Game official" means a person who officiates at an
24 interscholastic athletic activity, such as a referee or umpire,
25 including, but not limited to, persons enrolled as game
26 officials by the Illinois High School Association or Illinois

1 Elementary School Association.

2 "Interscholastic athletic activity" means any organized
3 school-sponsored or school-sanctioned activity for students,
4 generally outside of school instructional hours, under the
5 direction of a coach, athletic director, or band leader,
6 including, but not limited to, baseball, basketball,
7 cheerleading, cross country track, fencing, field hockey,
8 football, golf, gymnastics, ice hockey, lacrosse, marching
9 band, rugby, soccer, skating, softball, swimming and diving,
10 tennis, track (indoor and outdoor), ultimate Frisbee,
11 volleyball, water polo, and wrestling. All interscholastic
12 athletics are deemed to be interscholastic activities.

13 "Licensed healthcare professional" means a person who has
14 experience with concussion management and who is a nurse, a
15 psychologist who holds a license under the Clinical
16 Psychologist Licensing Act and specializes in the practice of
17 neuropsychology, a physical therapist licensed under the
18 Illinois Physical Therapy Act, an occupational therapist
19 licensed under the Illinois Occupational Therapy Practice Act,
20 a physician assistant, or an athletic trainer.

21 "Nurse" means a person who is employed by or volunteers at
22 a school and is licensed under the Nurse Practice Act as a
23 registered nurse, practical nurse, or advanced practice
24 registered nurse.

25 "Physician" means a physician licensed to practice
26 medicine in all of its branches under the Medical Practice Act

1 of 1987.

2 "Physician assistant" means a physician assistant licensed
3 under the Physician Assistant Practice Act of 1987.

4 "School" means any public or private elementary or
5 secondary school, including a charter school.

6 "Student" means an adolescent or child enrolled in a
7 school.

8 (c) This Section applies to any interscholastic athletic
9 activity, including practice and competition, sponsored or
10 sanctioned by a school, the Illinois Elementary School
11 Association, or the Illinois High School Association. This
12 Section applies beginning with the 2016-2017 school year.

13 (d) The governing body of each public or charter school and
14 the appropriate administrative officer of a private school with
15 students enrolled who participate in an interscholastic
16 athletic activity shall appoint or approve a concussion
17 oversight team. Each concussion oversight team shall establish
18 a return-to-play protocol, based on peer-reviewed scientific
19 evidence consistent with Centers for Disease Control and
20 Prevention guidelines, for a student's return to
21 interscholastic athletics practice or competition following a
22 force or impact believed to have caused a concussion. Each
23 concussion oversight team shall also establish a
24 return-to-learn protocol, based on peer-reviewed scientific
25 evidence consistent with Centers for Disease Control and
26 Prevention guidelines, for a student's return to the classroom

1 after that student is believed to have experienced a
2 concussion, whether or not the concussion took place while the
3 student was participating in an interscholastic athletic
4 activity.

5 Each concussion oversight team must include to the extent
6 practicable at least one physician. If a school employs an
7 athletic trainer, the athletic trainer must be a member of the
8 school concussion oversight team to the extent practicable. If
9 a school employs a nurse, the nurse must be a member of the
10 school concussion oversight team to the extent practicable. At
11 a minimum, a school shall appoint a person who is responsible
12 for implementing and complying with the return-to-play and
13 return-to-learn protocols adopted by the concussion oversight
14 team. At a minimum, a concussion oversight team may be composed
15 of only one person and this person need not be a licensed
16 healthcare professional, but it may not be a coach. A school
17 may appoint other licensed healthcare professionals to serve on
18 the concussion oversight team.

19 (e) A student may not participate in an interscholastic
20 athletic activity for a school year until the student and the
21 student's parent or guardian or another person with legal
22 authority to make medical decisions for the student have signed
23 a form for that school year that acknowledges receiving and
24 reading written information that explains concussion
25 prevention, symptoms, treatment, and oversight and that
26 includes guidelines for safely resuming participation in an

1 athletic activity following a concussion. The form must be
2 approved by the Illinois High School Association.

3 (f) A student must be removed from an interscholastic
4 athletics practice or competition immediately if one of the
5 following persons believes the student might have sustained a
6 concussion during the practice or competition:

7 (1) a coach;

8 (2) a physician;

9 (3) a game official;

10 (4) an athletic trainer;

11 (5) the student's parent or guardian or another person
12 with legal authority to make medical decisions for the
13 student;

14 (6) the student; or

15 (7) any other person deemed appropriate under the
16 school's return-to-play protocol.

17 (g) A student removed from an interscholastic athletics
18 practice or competition under this Section may not be permitted
19 to practice or compete again following the force or impact
20 believed to have caused the concussion until:

21 (1) the student has been evaluated, using established
22 medical protocols based on peer-reviewed scientific
23 evidence consistent with Centers for Disease Control and
24 Prevention guidelines, by a treating physician (chosen by
25 the student or the student's parent or guardian or another
26 person with legal authority to make medical decisions for

1 the student), an athletic trainer, an advanced practice
2 registered nurse, or a physician assistant;

3 (2) the student has successfully completed each
4 requirement of the return-to-play protocol established
5 under this Section necessary for the student to return to
6 play;

7 (3) the student has successfully completed each
8 requirement of the return-to-learn protocol established
9 under this Section necessary for the student to return to
10 learn;

11 (4) the treating physician, the athletic trainer, or
12 the physician assistant has provided a written statement
13 indicating that, in the physician's professional judgment,
14 it is safe for the student to return to play and return to
15 learn or the treating advanced practice registered nurse
16 has provided a written statement indicating that it is safe
17 for the student to return to play and return to learn; and

18 (5) the student and the student's parent or guardian or
19 another person with legal authority to make medical
20 decisions for the student:

21 (A) have acknowledged that the student has
22 completed the requirements of the return-to-play and
23 return-to-learn protocols necessary for the student to
24 return to play;

25 (B) have provided the treating physician's,
26 athletic trainer's, advanced practice registered

1 nurse's, or physician assistant's written statement
2 under subdivision (4) of this subsection (g) to the
3 person responsible for compliance with the
4 return-to-play and return-to-learn protocols under
5 this subsection (g) and the person who has supervisory
6 responsibilities under this subsection (g); and

7 (C) have signed a consent form indicating that the
8 person signing:

9 (i) has been informed concerning and consents
10 to the student participating in returning to play
11 in accordance with the return-to-play and
12 return-to-learn protocols;

13 (ii) understands the risks associated with the
14 student returning to play and returning to learn
15 and will comply with any ongoing requirements in
16 the return-to-play and return-to-learn protocols;
17 and

18 (iii) consents to the disclosure to
19 appropriate persons, consistent with the federal
20 Health Insurance Portability and Accountability
21 Act of 1996 (Public Law 104-191), of the treating
22 physician's, athletic trainer's, physician
23 assistant's, or advanced practice registered
24 nurse's written statement under subdivision (4) of
25 this subsection (g) and, if any, the
26 return-to-play and return-to-learn recommendations

1 of the treating physician, the athletic trainer,
2 the physician assistant, or the advanced practice
3 registered nurse, as the case may be.

4 A coach of an interscholastic athletics team may not
5 authorize a student's return to play or return to learn.

6 The district superintendent or the superintendent's
7 designee in the case of a public elementary or secondary
8 school, the chief school administrator or that person's
9 designee in the case of a charter school, or the appropriate
10 administrative officer or that person's designee in the case of
11 a private school shall supervise an athletic trainer or other
12 person responsible for compliance with the return-to-play
13 protocol and shall supervise the person responsible for
14 compliance with the return-to-learn protocol. The person who
15 has supervisory responsibilities under this paragraph may not
16 be a coach of an interscholastic athletics team.

17 (h) (1) The Illinois High School Association shall approve,
18 for coaches, game officials, and non-licensed healthcare
19 professionals, training courses that provide for not less than
20 2 hours of training in the subject matter of concussions,
21 including evaluation, prevention, symptoms, risks, and
22 long-term effects. The Association shall maintain an updated
23 list of individuals and organizations authorized by the
24 Association to provide the training.

25 (2) The following persons must take a training course in
26 accordance with paragraph (4) of this subsection (h) from an

1 authorized training provider at least once every 2 years:

2 (A) a coach of an interscholastic athletic activity;

3 (B) a nurse, licensed healthcare professional, or
4 non-licensed healthcare professional who serves as a
5 member of a concussion oversight team either on a volunteer
6 basis or in his or her capacity as an employee,
7 representative, or agent of a school; and

8 (C) a game official of an interscholastic athletic
9 activity.

10 (3) A physician who serves as a member of a concussion
11 oversight team shall, to the greatest extent practicable,
12 periodically take an appropriate continuing medical education
13 course in the subject matter of concussions.

14 (4) For purposes of paragraph (2) of this subsection (h):

15 (A) a coach, game official, or non-licensed healthcare
16 professional, as the case may be, must take a course
17 described in paragraph (1) of this subsection (h);

18 (B) an athletic trainer must take a concussion-related
19 continuing education course from an athletic trainer
20 continuing education sponsor approved by the Department;

21 (C) a nurse must take a concussion-related continuing
22 education course from a nurse continuing education sponsor
23 approved by the Department;

24 (D) a physical therapist must take a
25 concussion-related continuing education course from a
26 physical therapist continuing education sponsor approved

1 by the Department;

2 (E) a psychologist must take a concussion-related
3 continuing education course from a psychologist continuing
4 education sponsor approved by the Department;

5 (F) an occupational therapist must take a
6 concussion-related continuing education course from an
7 occupational therapist continuing education sponsor
8 approved by the Department; and

9 (G) a physician assistant must take a
10 concussion-related continuing education course from a
11 physician assistant continuing education sponsor approved
12 by the Department.

13 (5) Each person described in paragraph (2) of this
14 subsection (h) must submit proof of timely completion of an
15 approved course in compliance with paragraph (4) of this
16 subsection (h) to the district superintendent or the
17 superintendent's designee in the case of a public elementary or
18 secondary school, the chief school administrator or that
19 person's designee in the case of a charter school, or the
20 appropriate administrative officer or that person's designee
21 in the case of a private school.

22 (6) A physician, licensed healthcare professional, or
23 non-licensed healthcare professional who is not in compliance
24 with the training requirements under this subsection (h) may
25 not serve on a concussion oversight team in any capacity.

26 (7) A person required under this subsection (h) to take a

1 training course in the subject of concussions must complete the
2 training prior to serving on a concussion oversight team in any
3 capacity.

4 (i) The governing body of each public or charter school and
5 the appropriate administrative officer of a private school with
6 students enrolled who participate in an interscholastic
7 athletic activity shall develop a school-specific emergency
8 action plan for interscholastic athletic activities to address
9 the serious injuries and acute medical conditions in which the
10 condition of the student may deteriorate rapidly. The plan
11 shall include a delineation of roles, methods of communication,
12 available emergency equipment, and access to and a plan for
13 emergency transport. This emergency action plan must be:

14 (1) in writing;

15 (2) reviewed by the concussion oversight team;

16 (3) approved by the district superintendent or the
17 superintendent's designee in the case of a public
18 elementary or secondary school, the chief school
19 administrator or that person's designee in the case of a
20 charter school, or the appropriate administrative officer
21 or that person's designee in the case of a private school;

22 (4) distributed to all appropriate personnel;

23 (5) posted conspicuously at all venues utilized by the
24 school; and

25 (6) reviewed annually by all athletic trainers, first
26 responders, coaches, school nurses, athletic directors,

1 and volunteers for interscholastic athletic activities.

2 (j) The State Board of Education shall adopt rules as
3 necessary to administer this Section, including, but not
4 limited to, rules governing the informal or formal
5 accommodation of a student who may have sustained a concussion
6 during an interscholastic athletic activity.

7 (Source: P.A. 99-245, eff. 8-3-15; 99-486, eff. 11-20-15;
8 99-642, eff. 7-28-16; 100-309, eff. 9-1-17; 100-513, eff.
9 1-1-18; 100-747, eff. 1-1-19; 100-863, eff. 8-14-18; revised
10 9-28-18.)

11 (105 ILCS 5/24-5) (from Ch. 122, par. 24-5)

12 Sec. 24-5. Physical fitness and professional growth.

13 (a) In this Section, "employee" means any employee of a
14 school district, a student teacher, an employee of a contractor
15 that provides services to students or in schools, or any other
16 individual subject to the requirements of Section 10-21.9 or
17 34-18.5 of this Code.

18 (b) This subsection (b) does not apply to substitute
19 teacher employees. School boards shall require of new employees
20 evidence of physical fitness to perform duties assigned and
21 freedom from communicable disease. Such evidence shall consist
22 of a physical examination by a physician licensed in Illinois
23 or any other state to practice medicine and surgery in all its
24 branches, a licensed advanced practice registered nurse, or a
25 licensed physician assistant not more than 90 days preceding

1 time of presentation to the board, and the cost of such
2 examination shall rest with the employee. A new or existing
3 employee may be subject to additional health examinations,
4 including screening for tuberculosis, as required by rules
5 adopted by the Department of Public Health or by order of a
6 local public health official. The board may from time to time
7 require an examination of any employee by a physician licensed
8 in Illinois to practice medicine and surgery in all its
9 branches, a licensed advanced practice registered nurse, or a
10 licensed physician assistant and shall pay the expenses thereof
11 from school funds.

12 (b-5) School boards may require of new substitute teacher
13 employees evidence of physical fitness to perform duties
14 assigned and shall require of new substitute teacher employees
15 evidence of freedom from communicable disease. Evidence may
16 consist of a physical examination by a physician licensed in
17 Illinois or any other state to practice medicine and surgery in
18 all its branches, a licensed advanced practice registered
19 nurse, or a licensed physician assistant not more than 90 days
20 preceding time of presentation to the board, and the cost of
21 such examination shall rest with the substitute teacher
22 employee. A new or existing substitute teacher employee may be
23 subject to additional health examinations, including screening
24 for tuberculosis, as required by rules adopted by the
25 Department of Public Health or by order of a local public
26 health official. The board may from time to time require an

1 examination of any substitute teacher employee by a physician
2 licensed in Illinois to practice medicine and surgery in all
3 its branches, a licensed advanced practice registered nurse, or
4 a licensed physician assistant and shall pay the expenses
5 thereof from school funds.

6 (c) School boards may require teachers in their employ to
7 furnish from time to time evidence of continued professional
8 growth.

9 (Source: P.A. 99-173, eff. 7-29-15; 100-513, eff. 1-1-18;
10 100-855, eff. 8-14-18; revised 9-28-18.)

11 (105 ILCS 5/24-12) (from Ch. 122, par. 24-12)

12 Sec. 24-12. Removal or dismissal of teachers in contractual
13 continued service.

14 (a) This subsection (a) applies only to honorable
15 dismissals and recalls in which the notice of dismissal is
16 provided on or before the end of the 2010-2011 school term. If
17 a teacher in contractual continued service is removed or
18 dismissed as a result of a decision of the board to decrease
19 the number of teachers employed by the board or to discontinue
20 some particular type of teaching service, written notice shall
21 be mailed to the teacher and also given the teacher either by
22 certified mail, return receipt requested or personal delivery
23 with receipt at least 60 days before the end of the school
24 term, together with a statement of honorable dismissal and the
25 reason therefor, and in all such cases the board shall first

1 remove or dismiss all teachers who have not entered upon
2 contractual continued service before removing or dismissing
3 any teacher who has entered upon contractual continued service
4 and who is legally qualified to hold a position currently held
5 by a teacher who has not entered upon contractual continued
6 service.

7 As between teachers who have entered upon contractual
8 continued service, the teacher or teachers with the shorter
9 length of continuing service with the district shall be
10 dismissed first unless an alternative method of determining the
11 sequence of dismissal is established in a collective bargaining
12 agreement or contract between the board and a professional
13 faculty members' organization and except that this provision
14 shall not impair the operation of any affirmative action
15 program in the district, regardless of whether it exists by
16 operation of law or is conducted on a voluntary basis by the
17 board. Any teacher dismissed as a result of such decrease or
18 discontinuance shall be paid all earned compensation on or
19 before the third business day following the last day of pupil
20 attendance in the regular school term.

21 If the board has any vacancies for the following school
22 term or within one calendar year from the beginning of the
23 following school term, the positions thereby becoming
24 available shall be tendered to the teachers so removed or
25 dismissed so far as they are legally qualified to hold such
26 positions; provided, however, that if the number of honorable

1 dismissal notices based on economic necessity exceeds 15% of
2 the number of full-time ~~full-time~~ equivalent positions filled
3 by certified employees (excluding principals and
4 administrative personnel) during the preceding school year,
5 then if the board has any vacancies for the following school
6 term or within 2 calendar years from the beginning of the
7 following school term, the positions so becoming available
8 shall be tendered to the teachers who were so notified and
9 removed or dismissed whenever they are legally qualified to
10 hold such positions. Each board shall, in consultation with any
11 exclusive employee representatives, each year establish a
12 list, categorized by positions, showing the length of
13 continuing service of each teacher who is qualified to hold any
14 such positions, unless an alternative method of determining a
15 sequence of dismissal is established as provided for in this
16 Section, in which case a list shall be made in accordance with
17 the alternative method. Copies of the list shall be distributed
18 to the exclusive employee representative on or before February
19 1 of each year. Whenever the number of honorable dismissal
20 notices based upon economic necessity exceeds 5, or 150% of the
21 average number of teachers honorably dismissed in the preceding
22 3 years, whichever is more, then the board also shall hold a
23 public hearing on the question of the dismissals. Following the
24 hearing and board review, the action to approve any such
25 reduction shall require a majority vote of the board members.

26 (b) This subsection (b) applies only to honorable

1 dismissals and recalls in which the notice of dismissal is
2 provided during the 2011-2012 school term or a subsequent
3 school term. If any teacher, whether or not in contractual
4 continued service, is removed or dismissed as a result of a
5 decision of a school board to decrease the number of teachers
6 employed by the board, a decision of a school board to
7 discontinue some particular type of teaching service, or a
8 reduction in the number of programs or positions in a special
9 education joint agreement, then written notice must be mailed
10 to the teacher and also given to the teacher either by
11 certified mail, return receipt requested, or personal delivery
12 with receipt at least 45 days before the end of the school
13 term, together with a statement of honorable dismissal and the
14 reason therefor, and in all such cases the sequence of
15 dismissal shall occur in accordance with this subsection (b);
16 except that this subsection (b) shall not impair the operation
17 of any affirmative action program in the school district,
18 regardless of whether it exists by operation of law or is
19 conducted on a voluntary basis by the board.

20 Each teacher must be categorized into one or more positions
21 for which the teacher is qualified to hold, based upon legal
22 qualifications and any other qualifications established in a
23 district or joint agreement job description, on or before the
24 May 10 prior to the school year during which the sequence of
25 dismissal is determined. Within each position and subject to
26 agreements made by the joint committee on honorable dismissals

1 that are authorized by subsection (c) of this Section, the
2 school district or joint agreement must establish 4 groupings
3 of teachers qualified to hold the position as follows:

4 (1) Grouping one shall consist of each teacher who is
5 not in contractual continued service and who (i) has not
6 received a performance evaluation rating, (ii) is employed
7 for one school term or less to replace a teacher on leave,
8 or (iii) is employed on a part-time basis. "Part-time
9 basis" for the purposes of this subsection (b) means a
10 teacher who is employed to teach less than a full-day,
11 teacher workload or less than 5 days of the normal student
12 attendance week, unless otherwise provided for in a
13 collective bargaining agreement between the district and
14 the exclusive representative of the district's teachers.
15 For the purposes of this Section, a teacher (A) who is
16 employed as a full-time teacher but who actually teaches or
17 is otherwise present and participating in the district's
18 educational program for less than a school term or (B) who,
19 in the immediately previous school term, was employed on a
20 full-time basis and actually taught or was otherwise
21 present and participated in the district's educational
22 program for 120 days or more is not considered employed on
23 a part-time basis.

24 (2) Grouping 2 shall consist of each teacher with a
25 Needs Improvement or Unsatisfactory performance evaluation
26 rating on either of the teacher's last 2 performance

1 evaluation ratings.

2 (3) Grouping 3 shall consist of each teacher with a
3 performance evaluation rating of at least Satisfactory or
4 Proficient on both of the teacher's last 2 performance
5 evaluation ratings, if 2 ratings are available, or on the
6 teacher's last performance evaluation rating, if only one
7 rating is available, unless the teacher qualifies for
8 placement into grouping 4.

9 (4) Grouping 4 shall consist of each teacher whose last
10 2 performance evaluation ratings are Excellent and each
11 teacher with 2 Excellent performance evaluation ratings
12 out of the teacher's last 3 performance evaluation ratings
13 with a third rating of Satisfactory or Proficient.

14 Among teachers qualified to hold a position, teachers must
15 be dismissed in the order of their groupings, with teachers in
16 grouping one dismissed first and teachers in grouping 4
17 dismissed last.

18 Within grouping one, the sequence of dismissal must be at
19 the discretion of the school district or joint agreement.
20 Within grouping 2, the sequence of dismissal must be based upon
21 average performance evaluation ratings, with the teacher or
22 teachers with the lowest average performance evaluation rating
23 dismissed first. A teacher's average performance evaluation
24 rating must be calculated using the average of the teacher's
25 last 2 performance evaluation ratings, if 2 ratings are
26 available, or the teacher's last performance evaluation

1 rating, if only one rating is available, using the following
2 numerical values: 4 for Excellent; 3 for Proficient or
3 Satisfactory; 2 for Needs Improvement; and 1 for
4 Unsatisfactory. As between or among teachers in grouping 2 with
5 the same average performance evaluation rating and within each
6 of groupings 3 and 4, the teacher or teachers with the shorter
7 length of continuing service with the school district or joint
8 agreement must be dismissed first unless an alternative method
9 of determining the sequence of dismissal is established in a
10 collective bargaining agreement or contract between the board
11 and a professional faculty members' organization.

12 Each board, including the governing board of a joint
13 agreement, shall, in consultation with any exclusive employee
14 representatives, each year establish a sequence of honorable
15 dismissal list categorized by positions and the groupings
16 defined in this subsection (b). Copies of the list showing each
17 teacher by name and categorized by positions and the groupings
18 defined in this subsection (b) must be distributed to the
19 exclusive bargaining representative at least 75 days before the
20 end of the school term, provided that the school district or
21 joint agreement may, with notice to any exclusive employee
22 representatives, move teachers from grouping one into another
23 grouping during the period of time from 75 days until 45 days
24 before the end of the school term. Each year, each board shall
25 also establish, in consultation with any exclusive employee
26 representatives, a list showing the length of continuing

1 service of each teacher who is qualified to hold any such
2 positions, unless an alternative method of determining a
3 sequence of dismissal is established as provided for in this
4 Section, in which case a list must be made in accordance with
5 the alternative method. Copies of the list must be distributed
6 to the exclusive employee representative at least 75 days
7 before the end of the school term.

8 Any teacher dismissed as a result of such decrease or
9 discontinuance must be paid all earned compensation on or
10 before the third business day following the last day of pupil
11 attendance in the regular school term.

12 If the board or joint agreement has any vacancies for the
13 following school term or within one calendar year from the
14 beginning of the following school term, the positions thereby
15 becoming available must be tendered to the teachers so removed
16 or dismissed who were in groupings 3 or 4 of the sequence of
17 dismissal and are qualified to hold the positions, based upon
18 legal qualifications and any other qualifications established
19 in a district or joint agreement job description, on or before
20 the May 10 prior to the date of the positions becoming
21 available, provided that if the number of honorable dismissal
22 notices based on economic necessity exceeds 15% of the number
23 of full-time equivalent positions filled by certified
24 employees (excluding principals and administrative personnel)
25 during the preceding school year, then the recall period is for
26 the following school term or within 2 calendar years from the

1 beginning of the following school term. If the board or joint
2 agreement has any vacancies within the period from the
3 beginning of the following school term through February 1 of
4 the following school term (unless a date later than February 1,
5 but no later than 6 months from the beginning of the following
6 school term, is established in a collective bargaining
7 agreement), the positions thereby becoming available must be
8 tendered to the teachers so removed or dismissed who were in
9 grouping 2 of the sequence of dismissal due to one "needs
10 improvement" rating on either of the teacher's last 2
11 performance evaluation ratings, provided that, if 2 ratings are
12 available, the other performance evaluation rating used for
13 grouping purposes is "satisfactory", "proficient", or
14 "excellent", and are qualified to hold the positions, based
15 upon legal qualifications and any other qualifications
16 established in a district or joint agreement job description,
17 on or before the May 10 prior to the date of the positions
18 becoming available. On and after July 1, 2014 (the effective
19 date of Public Act 98-648) ~~this amendatory Act of the 98th~~
20 ~~General Assembly~~, the preceding sentence shall apply to
21 teachers removed or dismissed by honorable dismissal, even if
22 notice of honorable dismissal occurred during the 2013-2014
23 school year. Among teachers eligible for recall pursuant to the
24 preceding sentence, the order of recall must be in inverse
25 order of dismissal, unless an alternative order of recall is
26 established in a collective bargaining agreement or contract

1 between the board and a professional faculty members'
2 organization. Whenever the number of honorable dismissal
3 notices based upon economic necessity exceeds 5 notices or 150%
4 of the average number of teachers honorably dismissed in the
5 preceding 3 years, whichever is more, then the school board or
6 governing board of a joint agreement, as applicable, shall also
7 hold a public hearing on the question of the dismissals.
8 Following the hearing and board review, the action to approve
9 any such reduction shall require a majority vote of the board
10 members.

11 For purposes of this subsection (b), subject to agreement
12 on an alternative definition reached by the joint committee
13 described in subsection (c) of this Section, a teacher's
14 performance evaluation rating means the overall performance
15 evaluation rating resulting from an annual or biennial
16 performance evaluation conducted pursuant to Article 24A of
17 this Code by the school district or joint agreement determining
18 the sequence of dismissal, not including any performance
19 evaluation conducted during or at the end of a remediation
20 period. No more than one evaluation rating each school term
21 shall be one of the evaluation ratings used for the purpose of
22 determining the sequence of dismissal. Except as otherwise
23 provided in this subsection for any performance evaluations
24 conducted during or at the end of a remediation period, if
25 multiple performance evaluations are conducted in a school
26 term, only the rating from the last evaluation conducted prior

1 to establishing the sequence of honorable dismissal list in
2 such school term shall be the one evaluation rating from that
3 school term used for the purpose of determining the sequence of
4 dismissal. Averaging ratings from multiple evaluations is not
5 permitted unless otherwise agreed to in a collective bargaining
6 agreement or contract between the board and a professional
7 faculty members' organization. The preceding 3 sentences are
8 not a legislative declaration that existing law does or does
9 not already require that only one performance evaluation each
10 school term shall be used for the purpose of determining the
11 sequence of dismissal. For performance evaluation ratings
12 determined prior to September 1, 2012, any school district or
13 joint agreement with a performance evaluation rating system
14 that does not use either of the rating category systems
15 specified in subsection (d) of Section 24A-5 of this Code for
16 all teachers must establish a basis for assigning each teacher
17 a rating that complies with subsection (d) of Section 24A-5 of
18 this Code for all of the performance evaluation ratings that
19 are to be used to determine the sequence of dismissal. A
20 teacher's grouping and ranking on a sequence of honorable
21 dismissal shall be deemed a part of the teacher's performance
22 evaluation, and that information shall be disclosed to the
23 exclusive bargaining representative as part of a sequence of
24 honorable dismissal list, notwithstanding any laws prohibiting
25 disclosure of such information. A performance evaluation
26 rating may be used to determine the sequence of dismissal,

1 notwithstanding the pendency of any grievance resolution or
2 arbitration procedures relating to the performance evaluation.
3 If a teacher has received at least one performance evaluation
4 rating conducted by the school district or joint agreement
5 determining the sequence of dismissal and a subsequent
6 performance evaluation is not conducted in any school year in
7 which such evaluation is required to be conducted under Section
8 24A-5 of this Code, the teacher's performance evaluation rating
9 for that school year for purposes of determining the sequence
10 of dismissal is deemed Proficient. If a performance evaluation
11 rating is nullified as the result of an arbitration,
12 administrative agency, or court determination, then the school
13 district or joint agreement is deemed to have conducted a
14 performance evaluation for that school year, but the
15 performance evaluation rating may not be used in determining
16 the sequence of dismissal.

17 Nothing in this subsection (b) shall be construed as
18 limiting the right of a school board or governing board of a
19 joint agreement to dismiss a teacher not in contractual
20 continued service in accordance with Section 24-11 of this
21 Code.

22 Any provisions regarding the sequence of honorable
23 dismissals and recall of honorably dismissed teachers in a
24 collective bargaining agreement entered into on or before
25 January 1, 2011 and in effect on June 13, 2011 (the effective
26 date of Public Act 97-8) ~~this amendatory Act of the 97th~~

1 ~~General Assembly~~ that may conflict with Public Act 97-8 ~~this~~
2 ~~amendatory Act of the 97th General Assembly~~ shall remain in
3 effect through the expiration of such agreement or June 30,
4 2013, whichever is earlier.

5 (c) Each school district and special education joint
6 agreement must use a joint committee composed of equal
7 representation selected by the school board and its teachers
8 or, if applicable, the exclusive bargaining representative of
9 its teachers, to address the matters described in paragraphs
10 (1) through (5) of this subsection (c) pertaining to honorable
11 dismissals under subsection (b) of this Section.

12 (1) The joint committee must consider and may agree to
13 criteria for excluding from grouping 2 and placing into
14 grouping 3 a teacher whose last 2 performance evaluations
15 include a Needs Improvement and either a Proficient or
16 Excellent.

17 (2) The joint committee must consider and may agree to
18 an alternative definition for grouping 4, which definition
19 must take into account prior performance evaluation
20 ratings and may take into account other factors that relate
21 to the school district's or program's educational
22 objectives. An alternative definition for grouping 4 may
23 not permit the inclusion of a teacher in the grouping with
24 a Needs Improvement or Unsatisfactory performance
25 evaluation rating on either of the teacher's last 2
26 performance evaluation ratings.

1 (3) The joint committee may agree to including within
2 the definition of a performance evaluation rating a
3 performance evaluation rating administered by a school
4 district or joint agreement other than the school district
5 or joint agreement determining the sequence of dismissal.

6 (4) For each school district or joint agreement that
7 administers performance evaluation ratings that are
8 inconsistent with either of the rating category systems
9 specified in subsection (d) of Section 24A-5 of this Code,
10 the school district or joint agreement must consult with
11 the joint committee on the basis for assigning a rating
12 that complies with subsection (d) of Section 24A-5 of this
13 Code to each performance evaluation rating that will be
14 used in a sequence of dismissal.

15 (5) Upon request by a joint committee member submitted
16 to the employing board by no later than 10 days after the
17 distribution of the sequence of honorable dismissal list, a
18 representative of the employing board shall, within 5 days
19 after the request, provide to members of the joint
20 committee a list showing the most recent and prior
21 performance evaluation ratings of each teacher identified
22 only by length of continuing service in the district or
23 joint agreement and not by name. If, after review of this
24 list, a member of the joint committee has a good faith
25 belief that a disproportionate number of teachers with
26 greater length of continuing service with the district or

1 joint agreement have received a recent performance
2 evaluation rating lower than the prior rating, the member
3 may request that the joint committee review the list to
4 assess whether such a trend may exist. Following the joint
5 committee's review, but by no later than the end of the
6 applicable school term, the joint committee or any member
7 or members of the joint committee may submit a report of
8 the review to the employing board and exclusive bargaining
9 representative, if any. Nothing in this paragraph (5) shall
10 impact the order of honorable dismissal or a school
11 district's or joint agreement's authority to carry out a
12 dismissal in accordance with subsection (b) of this
13 Section.

14 Agreement by the joint committee as to a matter requires
15 the majority vote of all committee members, and if the joint
16 committee does not reach agreement on a matter, then the
17 otherwise applicable requirements of subsection (b) of this
18 Section shall apply. Except as explicitly set forth in this
19 subsection (c), a joint committee has no authority to agree to
20 any further modifications to the requirements for honorable
21 dismissals set forth in subsection (b) of this Section. The
22 joint committee must be established, and the first meeting of
23 the joint committee each school year must occur on or before
24 December 1.

25 The joint committee must reach agreement on a matter on or
26 before February 1 of a school year in order for the agreement

1 of the joint committee to apply to the sequence of dismissal
2 determined during that school year. Subject to the February 1
3 deadline for agreements, the agreement of a joint committee on
4 a matter shall apply to the sequence of dismissal until the
5 agreement is amended or terminated by the joint committee.

6 The provisions of the Open Meetings Act shall not apply to
7 meetings of a joint committee created under this subsection
8 (c).

9 (d) Notwithstanding anything to the contrary in this
10 subsection (d), the requirements and dismissal procedures of
11 Section 24-16.5 of this Code shall apply to any dismissal
12 sought under Section 24-16.5 of this Code.

13 (1) If a dismissal of a teacher in contractual
14 continued service is sought for any reason or cause other
15 than an honorable dismissal under subsections (a) or (b) of
16 this Section or a dismissal sought under Section 24-16.5 of
17 this Code, including those under Section 10-22.4, the board
18 must first approve a motion containing specific charges by
19 a majority vote of all its members. Written notice of such
20 charges, including a bill of particulars and the teacher's
21 right to request a hearing, must be mailed to the teacher
22 and also given to the teacher either by certified mail,
23 return receipt requested, or personal delivery with
24 receipt within 5 days of the adoption of the motion. Any
25 written notice sent on or after July 1, 2012 shall inform
26 the teacher of the right to request a hearing before a

1 mutually selected hearing officer, with the cost of the
2 hearing officer split equally between the teacher and the
3 board, or a hearing before a board-selected hearing
4 officer, with the cost of the hearing officer paid by the
5 board.

6 Before setting a hearing on charges stemming from
7 causes that are considered remediable, a board must give
8 the teacher reasonable warning in writing, stating
9 specifically the causes that, if not removed, may result in
10 charges; however, no such written warning is required if
11 the causes have been the subject of a remediation plan
12 pursuant to Article 24A of this Code.

13 If, in the opinion of the board, the interests of the
14 school require it, the board may suspend the teacher
15 without pay, pending the hearing, but if the board's
16 dismissal or removal is not sustained, the teacher shall
17 not suffer the loss of any salary or benefits by reason of
18 the suspension.

19 (2) No hearing upon the charges is required unless the
20 teacher within 17 days after receiving notice requests in
21 writing of the board that a hearing be scheduled before a
22 mutually selected hearing officer or a hearing officer
23 selected by the board. The secretary of the school board
24 shall forward a copy of the notice to the State Board of
25 Education.

26 (3) Within 5 business days after receiving a notice of

1 hearing in which either notice to the teacher was sent
2 before July 1, 2012 or, if the notice was sent on or after
3 July 1, 2012, the teacher has requested a hearing before a
4 mutually selected hearing officer, the State Board of
5 Education shall provide a list of 5 prospective, impartial
6 hearing officers from the master list of qualified,
7 impartial hearing officers maintained by the State Board of
8 Education. Each person on the master list must (i) be
9 accredited by a national arbitration organization and have
10 had a minimum of 5 years of experience directly related to
11 labor and employment relations matters between employers
12 and employees or their exclusive bargaining
13 representatives and (ii) beginning September 1, 2012, have
14 participated in training provided or approved by the State
15 Board of Education for teacher dismissal hearing officers
16 so that he or she is familiar with issues generally
17 involved in evaluative and non-evaluative dismissals.

18 If notice to the teacher was sent before July 1, 2012
19 or, if the notice was sent on or after July 1, 2012, the
20 teacher has requested a hearing before a mutually selected
21 hearing officer, the board and the teacher or their legal
22 representatives within 3 business days shall alternately
23 strike one name from the list provided by the State Board
24 of Education until only one name remains. Unless waived by
25 the teacher, the teacher shall have the right to proceed
26 first with the striking. Within 3 business days of receipt

1 of the list provided by the State Board of Education, the
2 board and the teacher or their legal representatives shall
3 each have the right to reject all prospective hearing
4 officers named on the list and notify the State Board of
5 Education of such rejection. Within 3 business days after
6 receiving this notification, the State Board of Education
7 shall appoint a qualified person from the master list who
8 did not appear on the list sent to the parties to serve as
9 the hearing officer, unless the parties notify it that they
10 have chosen to alternatively select a hearing officer under
11 paragraph (4) of this subsection (d).

12 If the teacher has requested a hearing before a hearing
13 officer selected by the board, the board shall select one
14 name from the master list of qualified impartial hearing
15 officers maintained by the State Board of Education within
16 3 business days after receipt and shall notify the State
17 Board of Education of its selection.

18 A hearing officer mutually selected by the parties,
19 selected by the board, or selected through an alternative
20 selection process under paragraph (4) of this subsection
21 (d) (A) must not be a resident of the school district, (B)
22 must be available to commence the hearing within 75 days
23 and conclude the hearing within 120 days after being
24 selected as the hearing officer, and (C) must issue a
25 decision as to whether the teacher must be dismissed and
26 give a copy of that decision to both the teacher and the

1 board within 30 days from the conclusion of the hearing or
2 closure of the record, whichever is later.

3 (4) In the alternative to selecting a hearing officer
4 from the list received from the State Board of Education or
5 accepting the appointment of a hearing officer by the State
6 Board of Education or if the State Board of Education
7 cannot provide a list or appoint a hearing officer that
8 meets the foregoing requirements, the board and the teacher
9 or their legal representatives may mutually agree to select
10 an impartial hearing officer who is not on the master list
11 either by direct appointment by the parties or by using
12 procedures for the appointment of an arbitrator
13 established by the Federal Mediation and Conciliation
14 Service or the American Arbitration Association. The
15 parties shall notify the State Board of Education of their
16 intent to select a hearing officer using an alternative
17 procedure within 3 business days of receipt of a list of
18 prospective hearing officers provided by the State Board of
19 Education, notice of appointment of a hearing officer by
20 the State Board of Education, or receipt of notice from the
21 State Board of Education that it cannot provide a list that
22 meets the foregoing requirements, whichever is later.

23 (5) If the notice of dismissal was sent to the teacher
24 before July 1, 2012, the fees and costs for the hearing
25 officer must be paid by the State Board of Education. If
26 the notice of dismissal was sent to the teacher on or after

1 July 1, 2012, the hearing officer's fees and costs must be
2 paid as follows in this paragraph (5). The fees and
3 permissible costs for the hearing officer must be
4 determined by the State Board of Education. If the board
5 and the teacher or their legal representatives mutually
6 agree to select an impartial hearing officer who is not on
7 a list received from the State Board of Education, they may
8 agree to supplement the fees determined by the State Board
9 to the hearing officer, at a rate consistent with the
10 hearing officer's published professional fees. If the
11 hearing officer is mutually selected by the parties, then
12 the board and the teacher or their legal representatives
13 shall each pay 50% of the fees and costs and any
14 supplemental allowance to which they agree. If the hearing
15 officer is selected by the board, then the board shall pay
16 100% of the hearing officer's fees and costs. The fees and
17 costs must be paid to the hearing officer within 14 days
18 after the board and the teacher or their legal
19 representatives receive the hearing officer's decision set
20 forth in paragraph (7) of this subsection (d).

21 (6) The teacher is required to answer the bill of
22 particulars and aver affirmative matters in his or her
23 defense, and the time for initially doing so and the time
24 for updating such answer and defenses after pre-hearing
25 discovery must be set by the hearing officer. The State
26 Board of Education shall promulgate rules so that each

1 party has a fair opportunity to present its case and to
2 ensure that the dismissal process proceeds in a fair and
3 expeditious manner. These rules shall address, without
4 limitation, discovery and hearing scheduling conferences;
5 the teacher's initial answer and affirmative defenses to
6 the bill of particulars and the updating of that
7 information after pre-hearing discovery; provision for
8 written interrogatories and requests for production of
9 documents; the requirement that each party initially
10 disclose to the other party and then update the disclosure
11 no later than 10 calendar days prior to the commencement of
12 the hearing, the names and addresses of persons who may be
13 called as witnesses at the hearing, a summary of the facts
14 or opinions each witness will testify to, and all other
15 documents and materials, including information maintained
16 electronically, relevant to its own as well as the other
17 party's case (the hearing officer may exclude witnesses and
18 exhibits not identified and shared, except those offered in
19 rebuttal for which the party could not reasonably have
20 anticipated prior to the hearing); pre-hearing discovery
21 and preparation, including provision for written
22 interrogatories and requests for production of documents,
23 provided that discovery depositions are prohibited; the
24 conduct of the hearing; the right of each party to be
25 represented by counsel, the offer of evidence and witnesses
26 and the cross-examination of witnesses; the authority of

1 the hearing officer to issue subpoenas and subpoenas duces
2 tecum, provided that the hearing officer may limit the
3 number of witnesses to be subpoenaed on behalf of each
4 party to no more than 7; the length of post-hearing briefs;
5 and the form, length, and content of hearing officers'
6 decisions. The hearing officer shall hold a hearing and
7 render a final decision for dismissal pursuant to Article
8 24A of this Code or shall report to the school board
9 findings of fact and a recommendation as to whether or not
10 the teacher must be dismissed for conduct. The hearing
11 officer shall commence the hearing within 75 days and
12 conclude the hearing within 120 days after being selected
13 as the hearing officer, provided that the hearing officer
14 may modify these timelines upon the showing of good cause
15 or mutual agreement of the parties. Good cause for the
16 purpose of this subsection (d) shall mean the illness or
17 otherwise unavoidable emergency of the teacher, district
18 representative, their legal representatives, the hearing
19 officer, or an essential witness as indicated in each
20 party's pre-hearing submission. In a dismissal hearing
21 pursuant to Article 24A of this Code, the hearing officer
22 shall consider and give weight to all of the teacher's
23 evaluations written pursuant to Article 24A that are
24 relevant to the issues in the hearing.

25 Each party shall have no more than 3 days to present
26 its case, unless extended by the hearing officer to enable

1 a party to present adequate evidence and testimony,
2 including due to the other party's cross-examination of the
3 party's witnesses, for good cause or by mutual agreement of
4 the parties. The State Board of Education shall define in
5 rules the meaning of "day" for such purposes. All testimony
6 at the hearing shall be taken under oath administered by
7 the hearing officer. The hearing officer shall cause a
8 record of the proceedings to be kept and shall employ a
9 competent reporter to take stenographic or stenotype notes
10 of all the testimony. The costs of the reporter's
11 attendance and services at the hearing shall be paid by the
12 party or parties who are responsible for paying the fees
13 and costs of the hearing officer. Either party desiring a
14 transcript of the hearing shall pay for the cost thereof.
15 Any post-hearing briefs must be submitted by the parties by
16 no later than 21 days after a party's receipt of the
17 transcript of the hearing, unless extended by the hearing
18 officer for good cause or by mutual agreement of the
19 parties.

20 (7) The hearing officer shall, within 30 days from the
21 conclusion of the hearing or closure of the record,
22 whichever is later, make a decision as to whether or not
23 the teacher shall be dismissed pursuant to Article 24A of
24 this Code or report to the school board findings of fact
25 and a recommendation as to whether or not the teacher shall
26 be dismissed for cause and shall give a copy of the

1 decision or findings of fact and recommendation to both the
2 teacher and the school board. If a hearing officer fails
3 without good cause, specifically provided in writing to
4 both parties and the State Board of Education, to render a
5 decision or findings of fact and recommendation within 30
6 days after the hearing is concluded or the record is
7 closed, whichever is later, the parties may mutually agree
8 to select a hearing officer pursuant to the alternative
9 procedure, as provided in this Section, to rehear the
10 charges heard by the hearing officer who failed to render a
11 decision or findings of fact and recommendation or to
12 review the record and render a decision. If any hearing
13 officer fails without good cause, specifically provided in
14 writing to both parties and the State Board of Education,
15 to render a decision or findings of fact and recommendation
16 within 30 days after the hearing is concluded or the record
17 is closed, whichever is later, the hearing officer shall be
18 removed from the master list of hearing officers maintained
19 by the State Board of Education for not more than 24
20 months. The parties and the State Board of Education may
21 also take such other actions as it deems appropriate,
22 including recovering, reducing, or withholding any fees
23 paid or to be paid to the hearing officer. If any hearing
24 officer repeats such failure, he or she must be permanently
25 removed from the master list maintained by the State Board
26 of Education and may not be selected by parties through the

1 alternative selection process under this paragraph (7) or
2 paragraph (4) of this subsection (d). The board shall not
3 lose jurisdiction to discharge a teacher if the hearing
4 officer fails to render a decision or findings of fact and
5 recommendation within the time specified in this Section.
6 If the decision of the hearing officer for dismissal
7 pursuant to Article 24A of this Code or of the school board
8 for dismissal for cause is in favor of the teacher, then
9 the hearing officer or school board shall order
10 reinstatement to the same or substantially equivalent
11 position and shall determine the amount for which the
12 school board is liable, including, but not limited to, loss
13 of income and benefits.

14 (8) The school board, within 45 days after receipt of
15 the hearing officer's findings of fact and recommendation
16 as to whether (i) the conduct at issue occurred, (ii) the
17 conduct that did occur was remediable, and (iii) the
18 proposed dismissal should be sustained, shall issue a
19 written order as to whether the teacher must be retained or
20 dismissed for cause from its employ. The school board's
21 written order shall incorporate the hearing officer's
22 findings of fact, except that the school board may modify
23 or supplement the findings of fact if, in its opinion, the
24 findings of fact are against the manifest weight of the
25 evidence.

26 If the school board dismisses the teacher

1 notwithstanding the hearing officer's findings of fact and
2 recommendation, the school board shall make a conclusion in
3 its written order, giving its reasons therefor, and such
4 conclusion and reasons must be included in its written
5 order. The failure of the school board to strictly adhere
6 to the timelines contained in this Section shall not render
7 it without jurisdiction to dismiss the teacher. The school
8 board shall not lose jurisdiction to discharge the teacher
9 for cause if the hearing officer fails to render a
10 recommendation within the time specified in this Section.
11 The decision of the school board is final, unless reviewed
12 as provided in paragraph (9) of this subsection (d).

13 If the school board retains the teacher, the school
14 board shall enter a written order stating the amount of
15 back pay and lost benefits, less mitigation, to be paid to
16 the teacher, within 45 days after its retention order.
17 Should the teacher object to the amount of the back pay and
18 lost benefits or amount mitigated, the teacher shall give
19 written objections to the amount within 21 days. If the
20 parties fail to reach resolution within 7 days, the dispute
21 shall be referred to the hearing officer, who shall
22 consider the school board's written order and teacher's
23 written objection and determine the amount to which the
24 school board is liable. The costs of the hearing officer's
25 review and determination must be paid by the board.

26 (9) The decision of the hearing officer pursuant to

1 Article 24A of this Code or of the school board's decision
2 to dismiss for cause is final unless reviewed as provided
3 in Section 24-16 of this Code Act. If the school board's
4 decision to dismiss for cause is contrary to the hearing
5 officer's recommendation, the court on review shall give
6 consideration to the school board's decision and its
7 supplemental findings of fact, if applicable, and the
8 hearing officer's findings of fact and recommendation in
9 making its decision. In the event such review is
10 instituted, the school board shall be responsible for
11 preparing and filing the record of proceedings, and such
12 costs associated therewith must be divided equally between
13 the parties.

14 (10) If a decision of the hearing officer for dismissal
15 pursuant to Article 24A of this Code or of the school board
16 for dismissal for cause is adjudicated upon review or
17 appeal in favor of the teacher, then the trial court shall
18 order reinstatement and shall remand the matter to the
19 school board with direction for entry of an order setting
20 the amount of back pay, lost benefits, and costs, less
21 mitigation. The teacher may challenge the school board's
22 order setting the amount of back pay, lost benefits, and
23 costs, less mitigation, through an expedited arbitration
24 procedure, with the costs of the arbitrator borne by the
25 school board.

26 Any teacher who is reinstated by any hearing or

1 adjudication brought under this Section shall be assigned
2 by the board to a position substantially similar to the one
3 which that teacher held prior to that teacher's suspension
4 or dismissal.

5 (11) Subject to any later effective date referenced in
6 this Section for a specific aspect of the dismissal
7 process, the changes made by Public Act 97-8 shall apply to
8 dismissals instituted on or after September 1, 2011. Any
9 dismissal instituted prior to September 1, 2011 must be
10 carried out in accordance with the requirements of this
11 Section prior to amendment by Public Act 97-8.

12 (e) Nothing contained in Public Act 98-648 ~~this amendatory~~
13 ~~Act of the 98th General Assembly~~ repeals, supersedes,
14 invalidates, or nullifies final decisions in lawsuits pending
15 on July 1, 2014 (the effective date of Public Act 98-648) ~~this~~
16 ~~amendatory Act of the 98th General Assembly~~ in Illinois courts
17 involving the interpretation of Public Act 97-8.

18 (Source: P.A. 99-78, eff. 7-20-15; 100-768, eff. 1-1-19;
19 revised 9-28-18.)

20 (105 ILCS 5/26-2a) (from Ch. 122, par. 26-2a)

21 Sec. 26-2a. A "truant" is defined as a child who is subject
22 to compulsory school attendance and who is absent without valid
23 cause, as defined under this Section, from such attendance for
24 more than 1% but less than 5% of the past 180 school days.

25 "Valid cause" for absence shall be illness, observance of a

1 religious holiday, death in the immediate family, family
2 emergency, and shall include such other situations beyond the
3 control of the student as determined by the board of education
4 in each district, or such other circumstances which cause
5 reasonable concern to the parent for the mental, emotional, or
6 physical health or safety of the student.

7 "Chronic or habitual truant" shall be defined as a child
8 who is subject to compulsory school attendance and who is
9 absent without valid cause from such attendance for 5% or more
10 of the previous 180 regular attendance days.

11 "Truant minor" is defined as a chronic truant to whom
12 supportive services, including prevention, diagnostic,
13 intervention and remedial services, alternative programs and
14 other school and community resources have been provided and
15 have failed to result in the cessation of chronic truancy, or
16 have been offered and refused.

17 A "dropout" is defined as any child enrolled in grades 9
18 through 12 whose name has been removed from the district
19 enrollment roster for any reason other than the student's
20 death, extended illness, removal for medical non-compliance,
21 expulsion, aging out, graduation, or completion of a program of
22 studies and who has not transferred to another public or
23 private school and is not known to be home-schooled by his or
24 her parents or guardians or continuing school in another
25 country.

26 "Religion" for the purposes of this Article, includes all

1 aspects of religious observance and practice, as well as
2 belief.

3 (Source: P.A. 100-810, eff. 1-1-19; 100-918, eff. 8-17-18;
4 revised 10-4-18.)

5 (105 ILCS 5/26-12) (from Ch. 122, par. 26-12)

6 Sec. 26-12. Punitive action.

7 (a) No punitive action, including out-of-school ~~out-of~~
8 ~~school~~ suspensions, expulsions, or court action, shall be taken
9 against truant minors for such truancy unless appropriate and
10 available supportive services and other school resources have
11 been provided to the student. Notwithstanding the provisions of
12 Section 10-22.6 of this Code, a truant minor may not be
13 expelled for nonattendance unless he or she has accrued 15
14 consecutive days of absences without valid cause and the
15 student cannot be located by the school district or the school
16 district has located the student but cannot, after exhausting
17 all available supportive ~~support~~ services, compel the student
18 to return to school.

19 (b) A school district may not refer a truant, chronic
20 truant, or truant minor to any other local public entity, as
21 defined under Section 1-206 of the Local Governmental and
22 Governmental Employees Tort Immunity Act, for that local public
23 entity to issue the child a fine or a fee as punishment for his
24 or her truancy.

25 (c) A school district may refer any person having custody

1 or control of a truant, chronic truant, or truant minor to any
2 other local public entity, as defined under Section 1-206 of
3 the Local Governmental and Governmental Employees Tort
4 Immunity Act, for that local public entity to issue the person
5 a fine or fee for the child's truancy only if the school
6 district's truant officer, regional office of education, or
7 intermediate service center has been notified of the truant
8 behavior and the school district, regional office of education,
9 or intermediate service center has offered all appropriate and
10 available supportive services and other school resources to the
11 child. Before a school district may refer a person having
12 custody or control of a child to a municipality, as defined
13 under Section 1-1-2 of the Illinois Municipal Code, the school
14 district must provide the following appropriate and available
15 services:

16 (1) For any child who is a homeless child, as defined
17 under Section 1-5 of the Education for Homeless Children
18 Act, a meeting between the child, the person having custody
19 or control of the child, relevant school personnel, and a
20 homeless liaison to discuss any barriers to the child's
21 attendance due to the child's transitional living
22 situation and to construct a plan that removes these
23 barriers.

24 (2) For any child with a documented disability, a
25 meeting between the child, the person having custody or
26 control of the child, and relevant school personnel to

1 review the child's current needs and address the
2 appropriateness of the child's placement and services. For
3 any child subject to Article 14 of this Code, this meeting
4 shall be an individualized education program meeting and
5 shall include relevant members of the individualized
6 education program team. For any child with a disability
7 under Section 504 of the federal Rehabilitation Act of 1973
8 (29 U.S.C. 794), this meeting shall be a Section 504 plan
9 review and include relevant members of the Section 504 plan
10 team.

11 (3) For any child currently being evaluated by a school
12 district for a disability or for whom the school has a
13 basis of knowledge that the child is a child with a
14 disability under 20 U.S.C. 1415(k)(5), the completion of
15 the evaluation and determination of the child's
16 eligibility for special education services.

17 (d) Before a school district may refer a person having
18 custody or control of a child to a local public entity under
19 this Section, the school district must document any appropriate
20 and available supportive services offered to the child. In the
21 event a meeting under this Section does not occur, a school
22 district must have documentation that it made reasonable
23 efforts to convene the meeting at a mutually convenient time
24 and date for the school district and the person having custody
25 or control of the child and, but for the conduct of that
26 person, the meeting would have occurred.

1 (Source: P.A. 100-810, eff. 1-1-19; 100-825, eff. 8-13-18;
2 revised 10-5-18.)

3 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

4 Sec. 27-8.1. Health examinations and immunizations.

5 (1) In compliance with rules and regulations which the
6 Department of Public Health shall promulgate, and except as
7 hereinafter provided, all children in Illinois shall have a
8 health examination as follows: within one year prior to
9 entering kindergarten or the first grade of any public,
10 private, or parochial elementary school; upon entering the
11 sixth and ninth grades of any public, private, or parochial
12 school; prior to entrance into any public, private, or
13 parochial nursery school; and, irrespective of grade,
14 immediately prior to or upon entrance into any public, private,
15 or parochial school or nursery school, each child shall present
16 proof of having been examined in accordance with this Section
17 and the rules and regulations promulgated hereunder. Any child
18 who received a health examination within one year prior to
19 entering the fifth grade for the 2007-2008 school year is not
20 required to receive an additional health examination in order
21 to comply with the provisions of Public Act 95-422 when he or
22 she attends school for the 2008-2009 school year, unless the
23 child is attending school for the first time as provided in
24 this paragraph.

25 A tuberculosis skin test screening shall be included as a

1 required part of each health examination included under this
2 Section if the child resides in an area designated by the
3 Department of Public Health as having a high incidence of
4 tuberculosis. Additional health examinations of pupils,
5 including eye examinations, may be required when deemed
6 necessary by school authorities. Parents are encouraged to have
7 their children undergo eye examinations at the same points in
8 time required for health examinations.

9 (1.5) In compliance with rules adopted by the Department of
10 Public Health and except as otherwise provided in this Section,
11 all children in kindergarten and the second, sixth, and ninth
12 grades of any public, private, or parochial school shall have a
13 dental examination. Each of these children shall present proof
14 of having been examined by a dentist in accordance with this
15 Section and rules adopted under this Section before May 15th of
16 the school year. If a child in the second, sixth, or ninth
17 grade fails to present proof by May 15th, the school may hold
18 the child's report card until one of the following occurs: (i)
19 the child presents proof of a completed dental examination or
20 (ii) the child presents proof that a dental examination will
21 take place within 60 days after May 15th. The Department of
22 Public Health shall establish, by rule, a waiver for children
23 who show an undue burden or a lack of access to a dentist. Each
24 public, private, and parochial school must give notice of this
25 dental examination requirement to the parents and guardians of
26 students at least 60 days before May 15th of each school year.

1 (1.10) Except as otherwise provided in this Section, all
2 children enrolling in kindergarten in a public, private, or
3 parochial school on or after January 1, 2008 (the effective
4 date of Public Act 95-671) and any student enrolling for the
5 first time in a public, private, or parochial school on or
6 after January 1, 2008 (the effective date of Public Act 95-671)
7 shall have an eye examination. Each of these children shall
8 present proof of having been examined by a physician licensed
9 to practice medicine in all of its branches or a licensed
10 optometrist within the previous year, in accordance with this
11 Section and rules adopted under this Section, before October
12 15th of the school year. If the child fails to present proof by
13 October 15th, the school may hold the child's report card until
14 one of the following occurs: (i) the child presents proof of a
15 completed eye examination or (ii) the child presents proof that
16 an eye examination will take place within 60 days after October
17 15th. The Department of Public Health shall establish, by rule,
18 a waiver for children who show an undue burden or a lack of
19 access to a physician licensed to practice medicine in all of
20 its branches who provides eye examinations or to a licensed
21 optometrist. Each public, private, and parochial school must
22 give notice of this eye examination requirement to the parents
23 and guardians of students in compliance with rules of the
24 Department of Public Health. Nothing in this Section shall be
25 construed to allow a school to exclude a child from attending
26 because of a parent's or guardian's failure to obtain an eye

1 examination for the child.

2 (2) The Department of Public Health shall promulgate rules
3 and regulations specifying the examinations and procedures
4 that constitute a health examination, which shall include an
5 age-appropriate developmental screening, an age-appropriate
6 social and emotional screening, and the collection of data
7 relating to asthma and obesity (including at a minimum, date of
8 birth, gender, height, weight, blood pressure, and date of
9 exam), and a dental examination and may recommend by rule that
10 certain additional examinations be performed. The rules and
11 regulations of the Department of Public Health shall specify
12 that a tuberculosis skin test screening shall be included as a
13 required part of each health examination included under this
14 Section if the child resides in an area designated by the
15 Department of Public Health as having a high incidence of
16 tuberculosis. With respect to the developmental screening and
17 the social and emotional screening, the Department of Public
18 Health must, no later than January 1, 2019, develop rules and
19 appropriate revisions to the Child Health Examination form in
20 conjunction with a statewide organization representing school
21 boards; a statewide organization representing pediatricians;
22 statewide organizations representing individuals holding
23 Illinois educator licenses with school support personnel
24 endorsements, including school social workers, school
25 psychologists, and school nurses; a statewide organization
26 representing children's mental health experts; a statewide

1 organization representing school principals; the Director of
2 Healthcare and Family Services or his or her designee, the
3 State Superintendent of Education or his or her designee; and
4 representatives of other appropriate State agencies and, at a
5 minimum, must recommend the use of validated screening tools
6 appropriate to the child's age or grade, and, with regard to
7 the social and emotional screening, require recording only
8 whether or not the screening was completed. The rules shall
9 take into consideration the screening recommendations of the
10 American Academy of Pediatrics and must be consistent with the
11 State Board of Education's social and emotional learning
12 standards. The Department of Public Health shall specify that a
13 diabetes screening as defined by rule shall be included as a
14 required part of each health examination. Diabetes testing is
15 not required.

16 Physicians licensed to practice medicine in all of its
17 branches, licensed advanced practice registered nurses, or
18 licensed physician assistants shall be responsible for the
19 performance of the health examinations, other than dental
20 examinations, eye examinations, and vision and hearing
21 screening, and shall sign all report forms required by
22 subsection (4) of this Section that pertain to those portions
23 of the health examination for which the physician, advanced
24 practice registered nurse, or physician assistant is
25 responsible. If a registered nurse performs any part of a
26 health examination, then a physician licensed to practice

1 medicine in all of its branches must review and sign all
2 required report forms. Licensed dentists shall perform all
3 dental examinations and shall sign all report forms required by
4 subsection (4) of this Section that pertain to the dental
5 examinations. Physicians licensed to practice medicine in all
6 its branches or licensed optometrists shall perform all eye
7 examinations required by this Section and shall sign all report
8 forms required by subsection (4) of this Section that pertain
9 to the eye examination. For purposes of this Section, an eye
10 examination shall at a minimum include history, visual acuity,
11 subjective refraction to best visual acuity near and far,
12 internal and external examination, and a glaucoma evaluation,
13 as well as any other tests or observations that in the
14 professional judgment of the doctor are necessary. Vision and
15 hearing screening tests, which shall not be considered
16 examinations as that term is used in this Section, shall be
17 conducted in accordance with rules and regulations of the
18 Department of Public Health, and by individuals whom the
19 Department of Public Health has certified. In these rules and
20 regulations, the Department of Public Health shall require that
21 individuals conducting vision screening tests give a child's
22 parent or guardian written notification, before the vision
23 screening is conducted, that states, "Vision screening is not a
24 substitute for a complete eye and vision evaluation by an eye
25 doctor. Your child is not required to undergo this vision
26 screening if an optometrist or ophthalmologist has completed

1 and signed a report form indicating that an examination has
2 been administered within the previous 12 months.".

3 (2.5) With respect to the developmental screening and the
4 social and emotional screening portion of the health
5 examination, each child may present proof of having been
6 screened in accordance with this Section and the rules adopted
7 under this Section before October 15th of the school year. With
8 regard to the social and emotional screening only, the
9 examining health care provider shall only record whether or not
10 the screening was completed. If the child fails to present
11 proof of the developmental screening or the social and
12 emotional screening portions of the health examination by
13 October 15th of the school year, qualified school support
14 personnel may, with a parent's or guardian's consent, offer the
15 developmental screening or the social and emotional screening
16 to the child. Each public, private, and parochial school must
17 give notice of the developmental screening and social and
18 emotional screening requirements to the parents and guardians
19 of students in compliance with the rules of the Department of
20 Public Health. Nothing in this Section shall be construed to
21 allow a school to exclude a child from attending because of a
22 parent's or guardian's failure to obtain a developmental
23 screening or a social and emotional screening for the child.
24 Once a developmental screening or a social and emotional
25 screening is completed and proof has been presented to the
26 school, the school may, with a parent's or guardian's consent,

1 make available appropriate school personnel to work with the
2 parent or guardian, the child, and the provider who signed the
3 screening form to obtain any appropriate evaluations and
4 services as indicated on the form and in other information and
5 documentation provided by the parents, guardians, or provider.

6 (3) Every child shall, at or about the same time as he or
7 she receives a health examination required by subsection (1) of
8 this Section, present to the local school proof of having
9 received such immunizations against preventable communicable
10 diseases as the Department of Public Health shall require by
11 rules and regulations promulgated pursuant to this Section and
12 the Communicable Disease Prevention Act.

13 (4) The individuals conducting the health examination,
14 dental examination, or eye examination shall record the fact of
15 having conducted the examination, and such additional
16 information as required, including for a health examination
17 data relating to asthma and obesity (including at a minimum,
18 date of birth, gender, height, weight, blood pressure, and date
19 of exam), on uniform forms which the Department of Public
20 Health and the State Board of Education shall prescribe for
21 statewide use. The examiner shall summarize on the report form
22 any condition that he or she suspects indicates a need for
23 special services, including for a health examination factors
24 relating to asthma or obesity. The duty to summarize on the
25 report form does not apply to social and emotional screenings.
26 The confidentiality of the information and records relating to

1 the developmental screening and the social and emotional
2 screening shall be determined by the statutes, rules, and
3 professional ethics governing the type of provider conducting
4 the screening. The individuals confirming the administration
5 of required immunizations shall record as indicated on the form
6 that the immunizations were administered.

7 (5) If a child does not submit proof of having had either
8 the health examination or the immunization as required, then
9 the child shall be examined or receive the immunization, as the
10 case may be, and present proof by October 15 of the current
11 school year, or by an earlier date of the current school year
12 established by a school district. To establish a date before
13 October 15 of the current school year for the health
14 examination or immunization as required, a school district must
15 give notice of the requirements of this Section 60 days prior
16 to the earlier established date. If for medical reasons one or
17 more of the required immunizations must be given after October
18 15 of the current school year, or after an earlier established
19 date of the current school year, then the child shall present,
20 by October 15, or by the earlier established date, a schedule
21 for the administration of the immunizations and a statement of
22 the medical reasons causing the delay, both the schedule and
23 the statement being issued by the physician, advanced practice
24 registered nurse, physician assistant, registered nurse, or
25 local health department that will be responsible for
26 administration of the remaining required immunizations. If a

1 child does not comply by October 15, or by the earlier
2 established date of the current school year, with the
3 requirements of this subsection, then the local school
4 authority shall exclude that child from school until such time
5 as the child presents proof of having had the health
6 examination as required and presents proof of having received
7 those required immunizations which are medically possible to
8 receive immediately. During a child's exclusion from school for
9 noncompliance with this subsection, the child's parents or
10 legal guardian shall be considered in violation of Section 26-1
11 and subject to any penalty imposed by Section 26-10. This
12 subsection (5) does not apply to dental examinations, eye
13 examinations, and the developmental screening and the social
14 and emotional screening portions of the health examination. If
15 the student is an out-of-state transfer student and does not
16 have the proof required under this subsection (5) before
17 October 15 of the current year or whatever date is set by the
18 school district, then he or she may only attend classes (i) if
19 he or she has proof that an appointment for the required
20 vaccinations has been scheduled with a party authorized to
21 submit proof of the required vaccinations. If the proof of
22 vaccination required under this subsection (5) is not submitted
23 within 30 days after the student is permitted to attend
24 classes, then the student is not to be permitted to attend
25 classes until proof of the vaccinations has been properly
26 submitted. No school district or employee of a school district

1 shall be held liable for any injury or illness to another
2 person that results from admitting an out-of-state transfer
3 student to class that has an appointment scheduled pursuant to
4 this subsection (5).

5 (6) Every school shall report to the State Board of
6 Education by November 15, in the manner which that agency shall
7 require, the number of children who have received the necessary
8 immunizations and the health examination (other than a dental
9 examination or eye examination) as required, indicating, of
10 those who have not received the immunizations and examination
11 as required, the number of children who are exempt from health
12 examination and immunization requirements on religious or
13 medical grounds as provided in subsection (8). On or before
14 December 1 of each year, every public school district and
15 registered nonpublic school shall make publicly available the
16 immunization data they are required to submit to the State
17 Board of Education by November 15. The immunization data made
18 publicly available must be identical to the data the school
19 district or school has reported to the State Board of
20 Education.

21 Every school shall report to the State Board of Education
22 by June 30, in the manner that the State Board requires, the
23 number of children who have received the required dental
24 examination, indicating, of those who have not received the
25 required dental examination, the number of children who are
26 exempt from the dental examination on religious grounds as

1 provided in subsection (8) of this Section and the number of
2 children who have received a waiver under subsection (1.5) of
3 this Section.

4 Every school shall report to the State Board of Education
5 by June 30, in the manner that the State Board requires, the
6 number of children who have received the required eye
7 examination, indicating, of those who have not received the
8 required eye examination, the number of children who are exempt
9 from the eye examination as provided in subsection (8) of this
10 Section, the number of children who have received a waiver
11 under subsection (1.10) of this Section, and the total number
12 of children in noncompliance with the eye examination
13 requirement.

14 The reported information under this subsection (6) shall be
15 provided to the Department of Public Health by the State Board
16 of Education.

17 (7) Upon determining that the number of pupils who are
18 required to be in compliance with subsection (5) of this
19 Section is below 90% of the number of pupils enrolled in the
20 school district, 10% of each State aid payment made pursuant to
21 Section 18-8.05 or 18-8.15 to the school district for such year
22 may be withheld by the State Board of Education until the
23 number of students in compliance with subsection (5) is the
24 applicable specified percentage or higher.

25 (8) Children of parents or legal guardians who object to
26 health, dental, or eye examinations or any part thereof, to

1 immunizations, or to vision and hearing screening tests on
2 religious grounds shall not be required to undergo the
3 examinations, tests, or immunizations to which they so object
4 if such parents or legal guardians present to the appropriate
5 local school authority a signed Certificate of Religious
6 Exemption detailing the grounds for objection and the specific
7 immunizations, tests, or examinations to which they object. The
8 grounds for objection must set forth the specific religious
9 belief that conflicts with the examination, test,
10 immunization, or other medical intervention. The signed
11 certificate shall also reflect the parent's or legal guardian's
12 understanding of the school's exclusion policies in the case of
13 a vaccine-preventable disease outbreak or exposure. The
14 certificate must also be signed by the authorized examining
15 health care provider responsible for the performance of the
16 child's health examination confirming that the provider
17 provided education to the parent or legal guardian on the
18 benefits of immunization and the health risks to the student
19 and to the community of the communicable diseases for which
20 immunization is required in this State. However, the health
21 care provider's signature on the certificate reflects only that
22 education was provided and does not allow a health care
23 provider grounds to determine a religious exemption. Those
24 receiving immunizations required under this Code shall be
25 provided with the relevant vaccine information statements that
26 are required to be disseminated by the federal National

1 Childhood Vaccine Injury Act of 1986, which may contain
2 information on circumstances when a vaccine should not be
3 administered, prior to administering a vaccine. A healthcare
4 provider may consider including without limitation the
5 nationally accepted recommendations from federal agencies such
6 as the Advisory Committee on Immunization Practices, the
7 information outlined in the relevant vaccine information
8 statement, and vaccine package inserts, along with the
9 healthcare provider's clinical judgment, to determine whether
10 any child may be more susceptible to experiencing an adverse
11 vaccine reaction than the general population, and, if so, the
12 healthcare provider may exempt the child from an immunization
13 or adopt an individualized immunization schedule. The
14 Certificate of Religious Exemption shall be created by the
15 Department of Public Health and shall be made available and
16 used by parents and legal guardians by the beginning of the
17 2015-2016 school year. Parents or legal guardians must submit
18 the Certificate of Religious Exemption to their local school
19 authority prior to entering kindergarten, sixth grade, and
20 ninth grade for each child for which they are requesting an
21 exemption. The religious objection stated need not be directed
22 by the tenets of an established religious organization.
23 However, general philosophical or moral reluctance to allow
24 physical examinations, eye examinations, immunizations, vision
25 and hearing screenings, or dental examinations does not provide
26 a sufficient basis for an exception to statutory requirements.

1 The local school authority is responsible for determining if
2 the content of the Certificate of Religious Exemption
3 constitutes a valid religious objection. The local school
4 authority shall inform the parent or legal guardian of
5 exclusion procedures, in accordance with the Department's
6 rules under Part 690 of Title 77 of the Illinois Administrative
7 Code, at the time the objection is presented.

8 If the physical condition of the child is such that any one
9 or more of the immunizing agents should not be administered,
10 the examining physician, advanced practice registered nurse,
11 or physician assistant responsible for the performance of the
12 health examination shall endorse that fact upon the health
13 examination form.

14 Exempting a child from the health, dental, or eye
15 examination does not exempt the child from participation in the
16 program of physical education training provided in Sections
17 27-5 through 27-7 of this Code.

18 (8.5) The school board of a school district shall include
19 informational materials regarding influenza and influenza
20 vaccinations and meningococcal disease and meningococcal
21 vaccinations developed, provided, or approved by the
22 Department of Public Health under Section 2310-700 of the
23 Department of Public Health Powers and Duties Law of the Civil
24 Administrative Code of Illinois when the board provides
25 information on immunizations, infectious diseases,
26 medications, or other school health issues to the parents or

1 guardians of students.

2 (9) For the purposes of this Section, "nursery schools"
3 means those nursery schools operated by elementary school
4 systems or secondary level school units or institutions of
5 higher learning.

6 (Source: P.A. 99-173, eff. 7-29-15; 99-249, eff. 8-3-15;
7 99-642, eff. 7-28-16; 99-927, eff. 6-1-17; 100-238, eff.
8 1-1-18; 100-465, eff. 8-31-17; 100-513, eff. 1-1-18; 100-829,
9 eff. 1-1-19; 100-863, eff. 8-14-18; 100-977, eff. 1-1-19;
10 100-1011, eff. 8-21-18; revised 10-5-18.)

11 (105 ILCS 5/27-22.05)

12 Sec. 27-22.05. Required course substitute. Notwithstanding
13 any other provision of this Article or this Code, a school
14 board that maintains any of grades 9 through 12 is authorized
15 to adopt a policy under which a student who is enrolled in any
16 of those grades may satisfy one or more high school course or
17 graduation requirements, including, but not limited to, any
18 requirements under Sections 27-6 and 27-22, by successfully
19 completing a registered apprenticeship program under rules
20 adopted by the State Board of Education under Section 2-3.175
21 ~~2-3.173~~ of this Code, or by substituting for and successfully
22 completing in place of the high school course or graduation
23 requirement a related vocational or technical education
24 course. A vocational or technical education course shall not
25 qualify as a related vocational or technical education course

1 within the meaning of this Section unless it contains at least
2 50% of the content of the required course or graduation
3 requirement for which it is substituted, as determined by the
4 State Board of Education in accordance with standards that it
5 shall adopt and uniformly apply for purposes of this Section.
6 No vocational or technical education course may be substituted
7 for a required course or graduation requirement under any
8 policy adopted by a school board as authorized in this Section
9 unless the pupil's parent or guardian first requests the
10 substitution and approves it in writing on forms that the
11 school district makes available for purposes of this Section.
12 (Source: P.A. 100-992, eff. 8-20-18; revised 10-16-18.)

13 (105 ILCS 5/27-23.11)

14 Sec. 27-23.11. Traffic injury prevention; policy. The
15 school board of a school district that maintains any of grades
16 kindergarten through 8 shall adopt a policy on educating
17 students on the effective methods of preventing and avoiding
18 traffic injuries related to walking and bicycling, which
19 education must be made available to students in grades
20 kindergarten through 8.

21 (Source: P.A. 100-1056, eff. 8-24-18.)

22 (105 ILCS 5/27-23.12)

23 Sec. 27-23.12 ~~27-23.11~~. Emotional Intelligence and Social
24 and Emotional Learning Task Force. The Emotional Intelligence

1 and Social and Emotional Learning Task Force is created to
2 develop curriculum and assessment guidelines and best
3 practices on emotional intelligence and social and emotional
4 learning. The Task Force shall consist of the State
5 Superintendent of Education or his or her designee and all of
6 the following members, appointed by the State Superintendent:

7 (1) A representative of a school district organized
8 under Article 34 of this Code.

9 (2) A representative of a statewide organization
10 representing school boards.

11 (3) A representative of a statewide organization
12 representing individuals holding professional educator
13 licenses with school support personnel endorsements under
14 Article 21B of this Code, including school social workers,
15 school psychologists, and school nurses.

16 (4) A representative of a statewide organization
17 representing children's mental health experts.

18 (5) A representative of a statewide organization
19 representing school principals.

20 (6) An employee of a school under Article 13A of this
21 Code.

22 (7) A school psychologist employed by a school district
23 in Cook County.

24 (8) Representatives of other appropriate State
25 agencies, as determined by the State Superintendent.

26 Members appointed by the State Superintendent shall serve

1 without compensation but shall be reimbursed for their
2 reasonable and necessary expenses from funds appropriated to
3 the State Board of Education for that purpose, including
4 travel, subject to the rules of the appropriate travel control
5 board. The Task Force shall meet at the call of the State
6 Superintendent. The State Board of Education shall provide
7 administrative and other support to the Task Force.

8 The Task Force shall develop age-appropriate, emotional
9 intelligence and social and emotional learning curriculum and
10 assessment guidelines and best practices for elementary
11 schools and high schools. The guidelines shall, at a minimum,
12 include teaching how to recognize, direct, and positively
13 express emotions. The Task Force shall complete the guidelines
14 on or before January 1, 2019. Upon completion of the guidelines
15 the Task Force is dissolved.

16 (Source: P.A. 100-1139, eff. 11-28-18; revised 12-19-18.)

17 (105 ILCS 5/27A-5)

18 Sec. 27A-5. Charter school; legal entity; requirements.

19 (a) A charter school shall be a public, nonsectarian,
20 nonreligious, non-home based, and non-profit school. A charter
21 school shall be organized and operated as a nonprofit
22 corporation or other discrete, legal, nonprofit entity
23 authorized under the laws of the State of Illinois.

24 (b) A charter school may be established under this Article
25 by creating a new school or by converting an existing public

1 school or attendance center to charter school status. Beginning
2 on April 16, 2003 (the effective date of Public Act 93-3), in
3 all new applications to establish a charter school in a city
4 having a population exceeding 500,000, operation of the charter
5 school shall be limited to one campus. The changes made to this
6 Section by Public Act 93-3 do not apply to charter schools
7 existing or approved on or before April 16, 2003 (the effective
8 date of Public Act 93-3).

9 (b-5) In this subsection (b-5), "virtual-schooling" means
10 a cyber school where students engage in online curriculum and
11 instruction via the Internet and electronic communication with
12 their teachers at remote locations and with students
13 participating at different times.

14 From April 1, 2013 through December 31, 2016, there is a
15 moratorium on the establishment of charter schools with
16 virtual-schooling components in school districts other than a
17 school district organized under Article 34 of this Code. This
18 moratorium does not apply to a charter school with
19 virtual-schooling components existing or approved prior to
20 April 1, 2013 or to the renewal of the charter of a charter
21 school with virtual-schooling components already approved
22 prior to April 1, 2013.

23 On or before March 1, 2014, the Commission shall submit to
24 the General Assembly a report on the effect of
25 virtual-schooling, including without limitation the effect on
26 student performance, the costs associated with

1 virtual-schooling, and issues with oversight. The report shall
2 include policy recommendations for virtual-schooling.

3 (c) A charter school shall be administered and governed by
4 its board of directors or other governing body in the manner
5 provided in its charter. The governing body of a charter school
6 shall be subject to the Freedom of Information Act and the Open
7 Meetings Act.

8 (d) For purposes of this subsection (d), "non-curricular
9 health and safety requirement" means any health and safety
10 requirement created by statute or rule to provide, maintain,
11 preserve, or safeguard safe or healthful conditions for
12 students and school personnel or to eliminate, reduce, or
13 prevent threats to the health and safety of students and school
14 personnel. "Non-curricular health and safety requirement" does
15 not include any course of study or specialized instructional
16 requirement for which the State Board has established goals and
17 learning standards or which is designed primarily to impart
18 knowledge and skills for students to master and apply as an
19 outcome of their education.

20 A charter school shall comply with all non-curricular
21 health and safety requirements applicable to public schools
22 under the laws of the State of Illinois. On or before September
23 1, 2015, the State Board shall promulgate and post on its
24 Internet website a list of non-curricular health and safety
25 requirements that a charter school must meet. The list shall be
26 updated annually no later than September 1. Any charter

1 contract between a charter school and its authorizer must
2 contain a provision that requires the charter school to follow
3 the list of all non-curricular health and safety requirements
4 promulgated by the State Board and any non-curricular health
5 and safety requirements added by the State Board to such list
6 during the term of the charter. Nothing in this subsection (d)
7 precludes an authorizer from including non-curricular health
8 and safety requirements in a charter school contract that are
9 not contained in the list promulgated by the State Board,
10 including non-curricular health and safety requirements of the
11 authorizing local school board.

12 (e) Except as otherwise provided in the School Code, a
13 charter school shall not charge tuition; provided that a
14 charter school may charge reasonable fees for textbooks,
15 instructional materials, and student activities.

16 (f) A charter school shall be responsible for the
17 management and operation of its fiscal affairs including, but
18 not limited to, the preparation of its budget. An audit of each
19 charter school's finances shall be conducted annually by an
20 outside, independent contractor retained by the charter
21 school. To ensure financial accountability for the use of
22 public funds, on or before December 1 of every year of
23 operation, each charter school shall submit to its authorizer
24 and the State Board a copy of its audit and a copy of the Form
25 990 the charter school filed that year with the federal
26 Internal Revenue Service. In addition, if deemed necessary for

1 proper financial oversight of the charter school, an authorizer
2 may require quarterly financial statements from each charter
3 school.

4 (g) A charter school shall comply with all provisions of
5 this Article, the Illinois Educational Labor Relations Act, all
6 federal and State laws and rules applicable to public schools
7 that pertain to special education and the instruction of
8 English learners, and its charter. A charter school is exempt
9 from all other State laws and regulations in this Code
10 governing public schools and local school board policies;
11 however, a charter school is not exempt from the following:

12 (1) Sections 10-21.9 and 34-18.5 of this Code regarding
13 criminal history records checks and checks of the Statewide
14 Sex Offender Database and Statewide Murderer and Violent
15 Offender Against Youth Database of applicants for
16 employment;

17 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
18 34-84a of this Code regarding discipline of students;

19 (3) the Local Governmental and Governmental Employees
20 Tort Immunity Act;

21 (4) Section 108.75 of the General Not For Profit
22 Corporation Act of 1986 regarding indemnification of
23 officers, directors, employees, and agents;

24 (5) the Abused and Neglected Child Reporting Act;

25 (5.5) subsection (b) of Section 10-23.12 and
26 subsection (b) of Section 34-18.6 of this Code;

- 1 (6) the Illinois School Student Records Act;
- 2 (7) Section 10-17a of this Code regarding school report
3 cards;
- 4 (8) the P-20 Longitudinal Education Data System Act;
- 5 (9) Section 27-23.7 of this Code regarding bullying
6 prevention;
- 7 (10) Section 2-3.162 of this Code regarding student
8 discipline reporting;
- 9 (11) Sections 22-80 and 27-8.1 of this Code;
- 10 (12) Sections 10-20.60 and 34-18.53 of this Code;
- 11 (13) Sections 10-20.63 and 34-18.56 of this Code; ~~and~~
- 12 (14) Section 26-18 of this Code; and
- 13 (15) Section 22-30 of this Code.

14 The change made by Public Act 96-104 to this subsection (g)
15 is declaratory of existing law.

16 (h) A charter school may negotiate and contract with a
17 school district, the governing body of a State college or
18 university or public community college, or any other public or
19 for-profit or nonprofit private entity for: (i) the use of a
20 school building and grounds or any other real property or
21 facilities that the charter school desires to use or convert
22 for use as a charter school site, (ii) the operation and
23 maintenance thereof, and (iii) the provision of any service,
24 activity, or undertaking that the charter school is required to
25 perform in order to carry out the terms of its charter.
26 However, a charter school that is established on or after April

1 16, 2003 (the effective date of Public Act 93-3) and that
2 operates in a city having a population exceeding 500,000 may
3 not contract with a for-profit entity to manage or operate the
4 school during the period that commences on April 16, 2003 (the
5 effective date of Public Act 93-3) and concludes at the end of
6 the 2004-2005 school year. Except as provided in subsection (i)
7 of this Section, a school district may charge a charter school
8 reasonable rent for the use of the district's buildings,
9 grounds, and facilities. Any services for which a charter
10 school contracts with a school district shall be provided by
11 the district at cost. Any services for which a charter school
12 contracts with a local school board or with the governing body
13 of a State college or university or public community college
14 shall be provided by the public entity at cost.

15 (i) In no event shall a charter school that is established
16 by converting an existing school or attendance center to
17 charter school status be required to pay rent for space that is
18 deemed available, as negotiated and provided in the charter
19 agreement, in school district facilities. However, all other
20 costs for the operation and maintenance of school district
21 facilities that are used by the charter school shall be subject
22 to negotiation between the charter school and the local school
23 board and shall be set forth in the charter.

24 (j) A charter school may limit student enrollment by age or
25 grade level.

26 (k) If the charter school is approved by the Commission,

1 then the Commission charter school is its own local education
2 agency.

3 (Source: P.A. 99-30, eff. 7-10-15; 99-78, eff. 7-20-15; 99-245,
4 eff. 8-3-15; 99-325, eff. 8-10-15; 99-456, eff. 9-15-16;
5 99-642, eff. 7-28-16; 99-927, eff. 6-1-17; 100-29, eff. 1-1-18;
6 100-156, eff. 1-1-18; 100-163, eff. 1-1-18; 100-413, eff.
7 1-1-18; 100-468, eff. 6-1-18; 100-726, eff. 1-1-19; 100-863,
8 eff. 8-14-18; revised 10-5-18.)

9 Section 390. The Illinois Mathematics and Science Academy
10 Law is amended by changing Section 4 as follows:

11 (105 ILCS 305/4) (from Ch. 122, par. 1503-4)

12 Sec. 4. Powers of the Board. The board is hereby authorized
13 to:

14 (a) Accept donations, bequests, or other forms of
15 financial assistance for educational purposes from any
16 public or private person or agency and comply with rules
17 and regulations governing grants from the federal
18 government or from any other person or agency, which are
19 not in contravention of the Illinois Constitution or the
20 laws of the State of Illinois.

21 (b) Purchase equipment and make improvements to
22 facilities necessary for the use of the school, in
23 accordance with applicable law.

24 (c) Adopt, amend, or repeal rules, regulations, and

1 policies necessary or proper for the conduct of the
2 business of the board.

3 (d) Award certificates and issue diplomas for
4 successful completion of programs of study requirements.

5 (e) Select a Director who shall be the chief
6 administrative officer of the Academy and who shall
7 administer the rules, regulations, and policies adopted by
8 the Board pursuant hereto. The Director shall also be the
9 chief administrative officer of the Board and shall be
10 responsible for all the administrative functions, duties,
11 and needs of the Board.

12 (f) Determine faculty and staff positions necessary
13 for the efficient operation of the school and select
14 personnel for such positions.

15 (g) Prepare and adopt an annual budget necessary for
16 the continued operation of the school.

17 (h) Enter into contracts and agreements which have been
18 recommended by the Director, in accordance with applicable
19 law, and to the extent that funds are specifically
20 appropriated therefor, with other public agencies with
21 respect to cooperative enterprises and undertaking related
22 to or associated with an educational purpose or program
23 affecting education in the school. This shall not preclude
24 the Board from entering into other such contracts and
25 agreements that it may deem necessary to carry out its
26 duties and functions.

1 (i) Perform such other functions as are necessary to
2 the supervision and control of those phases of education
3 under its supervision and control.

4 ~~(j)~~ The Board shall delegate to the Director such of its
5 administrative powers and duties as it deems appropriate to aid
6 the Director in the efficient administration of his
7 responsibility for the implementation of the policies of the
8 Board.

9 ~~(k)~~ The Academy shall be empowered to lease or purchase
10 real and personal property on commercially reasonable terms for
11 the use of the Academy. After July 1, 1988, any leases or
12 purchases of real or personal property and any disposition
13 thereof by the Academy must be in compliance with the
14 provisions of The Civil Administrative Code of Illinois and the
15 State Property Control Act. Personal property acquired for the
16 use of the Academy shall be inventoried and disposed of in
17 accordance with the State Property Control Act.

18 In addition to the authorities granted herein and any
19 powers, duties, and responsibilities vested by any other
20 applicable laws, the Board shall:

21 (1) Adopt rules, regulations, and policies necessary
22 for the efficient operation of the school.

23 (2) Establish criteria to be used in determining
24 eligibility of applicants for enrollment. Such criteria
25 shall ensure adequate geographic representation of this
26 State and adequate sexual and ethnic representation.

1 (3) Determine subjects and extracurricular activities
2 to be offered.

3 (4) Pay salaries and expenses, including but not
4 necessarily restricted to facilities, equipment, and
5 supplies of the faculty and staff of the Academy out of
6 funds appropriated or otherwise made available for the
7 operating and administrative expenses of the Board and the
8 Academy.

9 (5) Exercise budgetary responsibility and allocate for
10 expenditure by the Academy and programs under its
11 jurisdiction, all monies appropriated or otherwise made
12 available for purposes of the Board and of such Academy and
13 programs.

14 (6) Prescribe and select for use in the school free
15 school books and other materials of instruction for
16 children enrolled in the school and programs under its
17 jurisdiction for which the General Assembly provides
18 funds. However, free school books and other materials of
19 instruction need not be provided to students who are not
20 Illinois residents, and a fee may be charged to such
21 students for books and materials.

22 (7) Prepare and adopt or approve programs of study and
23 rules, bylaws, and regulations for the conduct of students
24 and for the government of the school and programs under its
25 jurisdiction.

26 (8) Employ such personnel as may be needed, establish

1 policies governing their employment and dismissal, and fix
2 the amount of their compensation. In the employment,
3 establishment of policies and fixing of compensation the
4 board may make no discrimination on account of sex, race,
5 creed, color or national origin.

6 The Academy, its board of trustees, and its employees shall
7 be represented and indemnified in certain civil law suits in
8 accordance with the State Employee Indemnification Act ~~"An Act~~
9 ~~to provide for representation and indemnification in certain~~
10 ~~civil law suits", approved December 3, 1977, as amended.~~

11 Neither the Academy, nor its officers, employees or board
12 members shall participate in the creation of any corporation,
13 joint venture, partnership, association, or other
14 organizational entity which exercises, expands, or enhances
15 the powers, duties, or responsibilities of the Academy unless
16 specifically authorized by the General Assembly by law.

17 This Section does not restrict the Academy from creating
18 any organization entity which is within or a part of the
19 Academy.

20 (Source: P.A. 100-937, eff. 1-1-19; revised 9-28-18.)

21 Section 395. The Behavioral Health Workforce Education
22 Center Task Force Act is amended by changing Section 5 as
23 follows:

24 (110 ILCS 165/5)

1 Sec. 5. Behavioral Health Workforce Education Center Task
2 Force.

3 (a) The Behavioral Health Education Center Task Force is
4 created.

5 (b) The Task Force shall be composed of the following
6 members:

7 (1) the Executive Director of the Board of Higher
8 Education, or his or her designee;

9 (2) a representative of Southern Illinois University
10 at Carbondale, appointed by the chancellor of Southern
11 Illinois University at Carbondale;

12 (3) a representative of Southern Illinois University
13 at Edwardsville, appointed by the chancellor of Southern
14 Illinois University at Edwardsville;

15 (4) a representative of Southern Illinois University
16 School of Medicine, appointed by the President of Southern
17 Illinois University;

18 (5) a representative of the University of Illinois at
19 Urbana-Champaign, appointed by the chancellor of the
20 University of Illinois at Urbana-Champaign;↵

21 (6) a representative of the University of Illinois at
22 Chicago, appointed by the chancellor of the University of
23 Illinois at Chicago;

24 (7) a representative of the University of Illinois at
25 Springfield, appointed by the chancellor of the University
26 of Illinois at Springfield;

1 (8) a representative of the University of Illinois
2 School of Medicine, appointed by the President of the
3 University of Illinois;

4 (9) a representative of the University of Illinois at
5 Chicago Hospital & Health Sciences System (UI Health),
6 appointed by the Vice Chancellor for Health Affairs of the
7 University of Illinois at Chicago;

8 (10) a representative of the Division of Mental Health
9 of the Department of Human Services, appointed by the
10 Secretary of Human Services;

11 (11) 2 representatives of a statewide organization
12 representing community behavioral healthcare, appointed by
13 the President of Southern Illinois University from
14 nominations made by the statewide organization; and

15 (12) one representative from a hospital located in a
16 municipality with more than 1,000,000 inhabitants that
17 principally provides services to children.

18 (c) The Task Force shall meet to organize and select a
19 chairperson from the non-governmental members of the Task Force
20 upon appointment of a majority of the members. The chairperson
21 shall be elected by a majority vote of the members of the Task
22 Force.

23 (d) The Task Force may consult with any persons or entities
24 it deems necessary to carry out its purposes.

25 (e) The members of the Task Force shall receive no
26 compensation for serving as members of the Task Force.

1 (f) The Task Force shall study the concepts presented in
2 House Bill 5111, as introduced, of the 100th General Assembly.
3 Additionally, the Task Force shall consider the fiscal means by
4 which the General Assembly might most effectively fund
5 implementation of the concepts presented in House Bill 5111, as
6 introduced, of the 100th General Assembly.

7 (g) The Task Force shall submit its findings and
8 recommendations to the General Assembly on or before September
9 28th, 2018. The report to the General Assembly shall be filed
10 with the Clerk of the House of Representatives and the
11 Secretary of the Senate in electronic form only, in the manner
12 that the Clerk and the Secretary shall direct.

13 (h) The Board of Higher Education shall provide technical
14 support and administrative assistance and support to the Task
15 Force and shall be responsible for administering its operations
16 and ensuring that the requirements of this Act are met.

17 (Source: P.A. 100-767, eff. 8-10-18; revised 10-9-18.)

18 Section 400. The Board of Higher Education Act is amended
19 by changing Section 7 and by setting forth and renumbering
20 multiple versions of Section 9.37 as follows:

21 (110 ILCS 205/7) (from Ch. 144, par. 187)

22 Sec. 7. The Board of Trustees of the University of
23 Illinois, the Board of Trustees of Southern Illinois
24 University, the Board of Trustees of Chicago State University,

1 the Board of Trustees of Eastern Illinois University, the Board
2 of Trustees of Governors State University, the Board of
3 Trustees of Illinois State University, the Board of Trustees of
4 Northeastern Illinois University, the Board of Trustees of
5 Northern Illinois University, the Board of Trustees of Western
6 Illinois University, the Illinois Community College Board and
7 the campuses under their governance or supervision shall not
8 hereafter undertake the establishment of any new unit of
9 instruction, research, or public service without the approval
10 of the Board. The term "new unit of instruction, research, or
11 public service" includes the establishment of a college,
12 school, division, institute, department, or other unit in any
13 field of instruction, research, or public service not
14 theretofore included in the program of the institution, and
15 includes the establishment of any new branch or campus. The
16 term does not include reasonable and moderate extensions of
17 existing curricula, research, or public service programs which
18 have a direct relationship to existing programs; and the Board
19 may, under its rulemaking ~~rule-making~~ power, define the
20 character of such reasonable and moderate extensions.

21 Such governing boards shall submit to the Board all
22 proposals for a new unit of instruction, research, or public
23 service. The Board may approve or disapprove the proposal in
24 whole or in part or approve modifications thereof whenever in
25 its judgment such action is consistent with the objectives of
26 an existing or proposed master plan of higher education.

1 The Board of Higher Education is authorized to review
2 periodically all existing programs of instruction, research,
3 and public service at the State universities and colleges and
4 to advise the appropriate board of control if the contribution
5 of each program is not educationally and economically
6 justified. Each State university shall report annually to the
7 Board on programs of instruction, research, or public service
8 that have been terminated, dissolved, reduced, or consolidated
9 by the university. Each State university shall also report to
10 the Board all programs of instruction, research, and public
11 service that exhibit a trend of low performance in enrollments,
12 degree completions, and high expense per degree. The Board
13 shall compile an annual report that shall contain information
14 on new programs created, existing programs that have been
15 closed or consolidated, and programs that exhibit low
16 performance or productivity. The report must be submitted to
17 the General Assembly. The Board shall have the authority to
18 define relevant terms and timelines by rule with respect to
19 this reporting.

20 (Source: P.A. 97-610, eff. 1-1-12; revised 10-9-18.)

21 (110 ILCS 205/9.37)

22 (Section scheduled to be repealed on July 1, 2019)

23 Sec. 9.37. The College and Career Interest Task Force.

24 (a) The College and Career Interest Task Force is created
25 to determine the process by which Illinois public high school

1 student college or career interest data may be collected and
2 shared amongst public institutions of higher education. The
3 Task Force shall consist of all of the following members:

4 (1) One member from each of the following public
5 institutions of higher education, appointed by the board of
6 trustees of the institution:

7 (A) Chicago State University;

8 (B) Eastern Illinois University;

9 (C) Governors State University;

10 (D) Illinois State University;

11 (E) Northeastern Illinois University;

12 (F) Northern Illinois University;

13 (G) Southern Illinois University at Carbondale;

14 (H) Southern Illinois University at Edwardsville;

15 (I) University of Illinois at Chicago;

16 (J) University of Illinois at Springfield;

17 (K) University of Illinois at Urbana-Champaign;

18 and

19 (L) Western Illinois University.

20 (2) One member from the Board, appointed by the Board.

21 (3) One member from the Illinois Community College
22 Board, appointed by the Illinois Community College Board.

23 (4) One member from the Illinois Student Assistance
24 Commission, appointed by the Illinois Student Assistance
25 Commission.

26 (5) The State Superintendent of Education, or his or

1 her designee.

2 (6) One member representing regional offices of
3 education, recommended by a statewide organization that
4 represents regional superintendents of schools.

5 (7) One member representing school boards, recommended
6 by a statewide organization that represents school boards.

7 (8) One member representing school principals,
8 recommended by a statewide organization that represents
9 principals.

10 (9) One member representing school administrators,
11 recommended by a statewide organization that represents
12 school administrators.

13 (10) One member representing teachers, recommended by
14 a statewide organization that represents teachers.

15 (11) One member representing teachers, recommended by
16 a different statewide organization that represents
17 teachers.

18 (12) One member representing teachers, recommended by
19 an organization representing teachers of a school
20 district.

21 (13) One member representing Chicago Public Schools.

22 (14) One member representing large unit school
23 districts.

24 (15) One member representing suburban school
25 districts.

26 (16) One member representing south suburban school

1 districts.

2 (17) One member representing a statewide organization
3 focused on research-based education policy to support a
4 school system that prepares all students for college, a
5 career, and democratic citizenship.

6 (18) One member representing an education advocacy
7 organization that works with parents or guardians.

8 (19) One member representing a high school district
9 organization in this State.

10 (b) Members of the Task Force shall serve without
11 compensation but may be reimbursed for their reasonable and
12 necessary expenses from funds appropriated to the Board for
13 that purpose, including travel, subject to the rules of the
14 appropriate travel control board. The Board shall provide
15 administrative and other support to the Task Force.

16 (c) The Task Force shall meet at the call of the Board and
17 shall study the feasible methods by which the college or career
18 interest data of a high school student in this State may be
19 collected and shared amongst public institutions of higher
20 education. The Task Force shall submit the findings of the
21 study to the General Assembly on or before January 30, 2019, at
22 which time the Task Force is dissolved. The report to the
23 General Assembly shall be filed with the Clerk of the House of
24 Representatives and the Secretary of the Senate in electronic
25 form only, in the manner that the Clerk and the Secretary shall
26 direct.

1 (d) This Section is repealed on July 1, 2019.

2 (Source: P.A. 100-1007, eff. 8-21-18.)

3 (110 ILCS 205/9.38)

4 Sec. 9.38 ~~9.37~~. Tuition waiver. The Board may not limit the
5 amount of tuition revenue that a public university may waive.

6 (Source: P.A. 100-824, eff. 8-13-18; revised 10-22-18.)

7 Section 405. The University of Illinois Act is amended by
8 changing Section 7b as follows:

9 (110 ILCS 305/7b) (from Ch. 144, par. 28b)

10 Sec. 7b. The Board of Trustees of the University of
11 Illinois shall have the power to acquire, own, construct,
12 enlarge, improve, and equip, and to operate, control and
13 manage, directly or through others, central heating, steam and
14 other energy generating and processing plants and distribution
15 facilities to serve University buildings, facilities and
16 activities. The Board of Trustees may contract for periods not
17 to exceed 10 years for delivery of coal, fuel oil and natural
18 gas, with payments to be made from appropriations for the year
19 in which the coal, fuel oil or natural gas is delivered;
20 provided that all such contracts for the delivery of fuel shall
21 recite that they are subject to termination and cancellation in
22 any year for which the General Assembly fails to make an
23 appropriation to make payments under the terms of such

1 contract. To the extent any such plant produces or processes
2 energy in excess of the University's requirements, the Board of
3 Trustees may at its discretion sell, transport and deliver to
4 others all or a part of said excess energy at such fees, rates
5 and charges as the Board of Trustees may determine from time to
6 time. No sale or other disposition of energy by the Board of
7 Trustees pursuant to this Section shall be deemed to constitute
8 the University of Illinois a public utility, nor shall the
9 University be otherwise deemed a public utility, that is
10 subject to the Public Utilities Act ~~"An Act concerning public~~
11 ~~utilities", approved June 29, 1921, as amended.~~

12 (Source: P.A. 88-494; revised 10-9-18.)

13 Section 410. The Public Community College Act is amended by
14 changing Sections 2-11, 2-12, and 3-25.1 as follows:

15 (110 ILCS 805/2-11) (from Ch. 122, par. 102-11)

16 Sec. 2-11. The State Board in cooperation with the
17 four-year colleges is empowered to develop articulation
18 procedures that maximize freedom of transfer among and between
19 community colleges and baccalaureate-granting ~~baccalaureate~~
20 ~~granting~~ institutions, consistent with minimum admission
21 policies established by the Board of Higher Education.

22 (Source: P.A. 100-884, eff. 1-1-19; revised 10-9-18.)

23 (110 ILCS 805/2-12) (from Ch. 122, par. 102-12)

1 Sec. 2-12. The State Board shall have the power and it
2 shall be its duty:

3 (a) To provide statewide planning for community
4 colleges as institutions of higher education and to
5 coordinate the programs, services and activities of all
6 community colleges in the State so as to encourage and
7 establish a system of locally initiated and administered
8 comprehensive community colleges.

9 (b) To organize and conduct feasibility surveys for new
10 community colleges or for the inclusion of existing
11 institutions as community colleges and the locating of new
12 institutions.

13 (c) (Blank).

14 (c-5) In collaboration with the community colleges, to
15 furnish information for State and federal accountability
16 purposes, promote student and institutional improvement,
17 and meet research needs.

18 (d) To cooperate with the community colleges in
19 collecting and maintaining student characteristics,
20 enrollment and completion data, faculty and staff
21 characteristics, financial data, admission standards,
22 qualification and certification of facilities, and any
23 other issues facing community colleges.

24 (e) To enter into contracts with other governmental
25 agencies and eligible providers, such as local educational
26 agencies, community-based organizations of demonstrated

1 effectiveness, volunteer literacy organizations of
2 demonstrated effectiveness, institutions of higher
3 education, public and private nonprofit agencies,
4 libraries, and public housing authorities; to accept
5 federal funds and to plan with other State agencies when
6 appropriate for the allocation of such federal funds for
7 instructional programs and student services including such
8 funds for adult education and literacy, vocational and
9 career and technical education, and retraining as may be
10 allocated by state and federal agencies for the aid of
11 community colleges. To receive, receipt for, hold in trust,
12 expend and administer, for all purposes of this Act, funds
13 and other aid made available by the federal government or
14 by other agencies public or private, subject to
15 appropriation by the General Assembly. The changes to this
16 subdivision (e) made by Public Act 91-830 ~~this amendatory~~
17 ~~Act of the 91st General Assembly~~ apply on and after July 1,
18 2001.

19 (f) To determine efficient and adequate standards for
20 community colleges for the physical plant, heating,
21 lighting, ventilation, sanitation, safety, equipment and
22 supplies, instruction and teaching, curriculum, library,
23 operation, maintenance, administration and supervision,
24 and to grant recognition certificates to community
25 colleges meeting such standards.

26 (g) To determine the standards for establishment of

1 community colleges and the proper location of the site in
2 relation to existing institutions of higher education
3 offering academic, occupational and technical training
4 curricula, possible enrollment, assessed valuation,
5 industrial, business, agricultural, and other conditions
6 reflecting educational needs in the area to be served;
7 however, no community college may be considered as being
8 recognized nor may the establishment of any community
9 college be authorized in any district which shall be deemed
10 inadequate for the maintenance, in accordance with the
11 desirable standards thus determined, of a community
12 college offering the basic subjects of general education
13 and suitable vocational and semiprofessional and technical
14 curricula.

15 (h) To approve or disapprove new units of instruction,
16 research or public service as defined in Section 3-25.1 of
17 this Act submitted by the boards of trustees of the
18 respective community college districts of this State. The
19 State Board may discontinue programs which fail to reflect
20 the educational needs of the area being served. The
21 community college district shall be granted 60 days
22 following the State Board staff recommendation and prior to
23 the State Board's action to respond to concerns regarding
24 the program in question. If the State Board acts to abolish
25 a community college program, the community college
26 district has a right to appeal the decision in accordance

1 with administrative rules promulgated by the State Board
2 under the provisions of the Illinois Administrative
3 Procedure Act.

4 (i) To review and approve or disapprove any contract or
5 agreement that community colleges enter into with any
6 organization, association, educational institution, or
7 government agency to provide educational services for
8 academic credit. The State Board is authorized to monitor
9 performance under any contract or agreement that is
10 approved by the State Board. If the State Board does not
11 approve a particular contract or agreement, the community
12 college district has a right to appeal the decision in
13 accordance with administrative rules promulgated by the
14 State Board under the provisions of the Illinois
15 Administrative Procedure Act. Nothing in this subdivision
16 ~~subsection~~ (i) shall be interpreted as applying to
17 collective bargaining agreements with any labor
18 organization.

19 (j) To establish guidelines regarding sabbatical
20 leaves.

21 (k) To establish guidelines for the admission into
22 special, appropriate programs conducted or created by
23 community colleges for elementary and secondary school
24 dropouts who have received truant status from the school
25 districts of this State in compliance with Section 26-14 of
26 the ~~The~~ School Code.

1 (l) (Blank).

2 (m) (Blank).

3 (n) To create and participate in the conduct and
4 operation of any corporation, joint venture, partnership,
5 association, or other organizational entity that has the
6 power: (i) to acquire land, buildings, and other capital
7 equipment for the use and benefit of the community colleges
8 or their students; (ii) to accept gifts and make grants for
9 the use and benefit of the community colleges or their
10 students; (iii) to aid in the instruction and education of
11 students of community colleges; and (iv) to promote
12 activities to acquaint members of the community with the
13 facilities of the various community colleges.

14 (o) On and after July 1, 2001, to ensure the effective
15 teaching of adults and to prepare them for success in
16 employment and lifelong learning by administering a
17 network of providers, programs, and services to provide
18 adult basic education, adult secondary and high school
19 equivalency testing education, English as a second
20 language, and any other instruction designed to prepare
21 adult students to function successfully in society and to
22 experience success in postsecondary education and
23 employment.

24 (p) On and after July 1, 2001, to supervise the
25 administration of adult education and literacy programs,
26 to establish the standards for such courses of instruction

1 and supervise the administration thereof, to contract with
2 other State and local agencies and eligible providers of
3 demonstrated effectiveness, such as local educational
4 agencies, community-based organizations, volunteer
5 literacy organizations, institutions of higher education,
6 public and private nonprofit agencies, libraries, public
7 housing authorities, and nonprofit ~~non-profit~~ institutions
8 for the purpose of promoting and establishing classes for
9 instruction under these programs, to contract with other
10 State and local agencies to accept and expend
11 appropriations for educational purposes to reimburse local
12 eligible providers for the cost of these programs, and to
13 establish an advisory council consisting of all categories
14 of eligible providers; agency partners, such as the State
15 Board of Education, the Department of Human Services, the
16 Department of Employment Security, the Department of
17 Commerce and Economic Opportunity, and the Secretary of
18 State literacy program; and other stakeholders to
19 identify, deliberate, and make recommendations to the
20 State Board on adult education policy and priorities. The
21 State Board shall support statewide geographic
22 distribution; diversity of eligible providers; and the
23 adequacy, stability, and predictability of funding so as
24 not to disrupt or diminish, but rather to enhance, adult
25 education and literacy services.

26 (Source: P.A. 99-655, eff. 7-28-16; 100-884, eff. 1-1-19;

1 revised 10-9-18.)

2 (110 ILCS 805/3-25.1) (from Ch. 122, par. 103-25.1)

3 Sec. 3-25.1. To authorize application to the State Board
4 for the approval of new units of instruction, research, or
5 public service as defined in this Section and to establish such
6 new units following approval in accordance with the provisions
7 of this Act and the Board of Higher Education Act.

8 The term "new unit of instruction, research, or public
9 service" includes the establishment of a college, school,
10 division, institute, department, or other unit including
11 majors and curricula in any field of instruction, research, or
12 public service not theretofore included in the program of the
13 community college, and includes the establishment of any new
14 branch or campus of the institution. The term shall not include
15 reasonable and moderate extensions of existing curricula,
16 research, or public service programs which have a direct
17 relationship to existing programs; and the State Board may,
18 under its rulemaking ~~rule-making~~ power, define the character of
19 reasonable and moderate extensions.

20 (Source: P.A. 100-884, eff. 1-1-19; revised 10-9-18.)

21 Section 415. The Higher Education Student Assistance Act is
22 amended by changing Sections 35, 55, 60, and 65.100 as follows:

23 (110 ILCS 947/35)

1 Sec. 35. Monetary award program.

2 (a) The Commission shall, each year, receive and consider
3 applications for grant assistance under this Section. Subject
4 to a separate appropriation for such purposes, an applicant is
5 eligible for a grant under this Section when the Commission
6 finds that the applicant:

7 (1) is a resident of this State and a citizen or
8 permanent resident of the United States; and

9 (2) in the absence of grant assistance, will be
10 deterred by financial considerations from completing an
11 educational program at the qualified institution of his or
12 her choice.

13 (b) The Commission shall award renewals only upon the
14 student's application and upon the Commission's finding that
15 the applicant:

16 (1) has remained a student in good standing;

17 (2) remains a resident of this State; and

18 (3) is in a financial situation that continues to
19 warrant assistance.

20 (c) All grants shall be applicable only to tuition and
21 necessary fee costs. The Commission shall determine the grant
22 amount for each student, which shall not exceed the smallest of
23 the following amounts:

24 (1) subject to appropriation, \$5,468 for fiscal year
25 2009, \$5,968 for fiscal year 2010, and \$6,468 for fiscal
26 year 2011 and each fiscal year thereafter, or such lesser

1 amount as the Commission finds to be available, during an
2 academic year;

3 (2) the amount which equals 2 semesters or 3 quarters
4 tuition and other necessary fees required generally by the
5 institution of all full-time undergraduate students; or

6 (3) such amount as the Commission finds to be
7 appropriate in view of the applicant's financial
8 resources.

9 Subject to appropriation, the maximum grant amount for
10 students not subject to subdivision (1) of this subsection (c)
11 must be increased by the same percentage as any increase made
12 by law to the maximum grant amount under subdivision (1) of
13 this subsection (c).

14 "Tuition and other necessary fees" as used in this Section
15 include the customary charge for instruction and use of
16 facilities in general, and the additional fixed fees charged
17 for specified purposes, which are required generally of
18 nongrant recipients for each academic period for which the
19 grant applicant actually enrolls, but do not include fees
20 payable only once or breakage fees and other contingent
21 deposits which are refundable in whole or in part. The
22 Commission may prescribe, by rule not inconsistent with this
23 Section, detailed provisions concerning the computation of
24 tuition and other necessary fees.

25 (d) No applicant, including those presently receiving
26 scholarship assistance under this Act, is eligible for monetary

1 award program consideration under this Act after receiving a
2 baccalaureate degree or the equivalent of 135 semester credit
3 hours of award payments.

4 (d-5) In this subsection (d-5), "renewing applicant" means
5 a student attending an institution of higher learning who
6 received a Monetary Award Program grant during the prior
7 academic year. Beginning with the processing of applications
8 for the 2020-2021 academic year, the Commission shall annually
9 publish a priority deadline date for renewing applicants.
10 Subject to appropriation, a renewing applicant who files by the
11 published priority deadline date shall receive a grant if he or
12 she continues to meet the eligibility requirements under this
13 Section. A renewing applicant's failure to apply by the
14 priority deadline date established under this subsection (d-5)
15 shall not disqualify him or her from receiving a grant if
16 sufficient funding is available to provide awards after that
17 date.

18 (e) The Commission, in determining the number of grants to
19 be offered, shall take into consideration past experience with
20 the rate of grant funds unclaimed by recipients. The Commission
21 shall notify applicants that grant assistance is contingent
22 upon the availability of appropriated funds.

23 (e-5) The General Assembly finds and declares that it is an
24 important purpose of the Monetary Award Program to facilitate
25 access to college both for students who pursue postsecondary
26 education immediately following high school and for those who

1 pursue postsecondary education later in life, particularly
2 Illinoisans who are dislocated workers with financial need and
3 who are seeking to improve their economic position through
4 education. For the 2015-2016 and 2016-2017 academic years, the
5 Commission shall give additional and specific consideration to
6 the needs of dislocated workers with the intent of allowing
7 applicants who are dislocated workers an opportunity to secure
8 financial assistance even if applying later than the general
9 pool of applicants. The Commission's consideration shall
10 include, in determining the number of grants to be offered, an
11 estimate of the resources needed to serve dislocated workers
12 who apply after the Commission initially suspends award
13 announcements for the upcoming regular academic year, but prior
14 to the beginning of that academic year. For the purposes of
15 this subsection (e-5), a dislocated worker is defined as in the
16 federal Workforce Innovation and Opportunity Act.

17 (f) (Blank).

18 (g) The Commission shall determine the eligibility of and
19 make grants to applicants enrolled at qualified for-profit
20 institutions in accordance with the criteria set forth in this
21 Section. The eligibility of applicants enrolled at such
22 for-profit institutions shall be limited as follows:

23 (1) Beginning with the academic year 1997, only to
24 eligible first-time freshmen and first-time transfer
25 students who have attained an associate degree.

26 (2) Beginning with the academic year 1998, only to

1 eligible freshmen students, transfer students who have
2 attained an associate degree, and students who receive a
3 grant under paragraph (1) for the academic year 1997 and
4 whose grants are being renewed for the academic year 1998.

5 (3) Beginning with the academic year 1999, to all
6 eligible students.

7 (h) The Commission may adopt rules to implement this
8 Section.

9 (Source: P.A. 100-477, eff. 9-8-17; 100-621, eff. 7-20-18;
10 100-823, eff. 8-13-18; revised 10-10-18.)

11 (110 ILCS 947/55)

12 Sec. 55. Police officer or fire officer survivor grant.
13 Grants shall be provided for any spouse, natural child, legally
14 adopted child, or child in the legal custody of police officers
15 and fire officers who are killed or who become a person with a
16 permanent disability with 90% to 100% disability in the line of
17 duty while employed by, or in the voluntary service of, this
18 State or any local public entity in this State. Beneficiaries
19 need not be Illinois residents at the time of enrollment in
20 order to receive this grant. With respect to disabled police
21 and fire officers, children need not ~~to~~ be born, legally
22 adopted, or in the legal custody of the officer before the
23 disability occurred in order to receive this grant.
24 Beneficiaries are entitled to 8 semesters or 12 quarters of
25 full payment of tuition and mandatory fees at any

1 State-sponsored Illinois institution of higher learning for
2 either full or part-time study, or the equivalent of 8
3 semesters or 12 quarters of payment of tuition and mandatory
4 fees at the rate established by the Commission for private
5 institutions in the State of Illinois, provided the recipient
6 is maintaining satisfactory academic progress. This benefit
7 may be used for undergraduate or graduate study. The benefits
8 of this Section shall be administered by and paid out of funds
9 available to the Commission and shall accrue to the bona fide
10 applicant without the requirement of demonstrating financial
11 need to qualify for those benefits.

12 (Source: P.A. 99-143, eff. 7-27-15; 100-673, eff. 8-3-18;
13 revised 10-10-18.)

14 (110 ILCS 947/60)

15 Sec. 60. Grants for dependents of Department of Corrections
16 employees who are killed or who become a person with a
17 permanent disability in the line of duty. Any spouse, natural
18 child, legally adopted child, or child in the legal custody of
19 an employee of the Department of Corrections who is assigned to
20 a security position with the Department with responsibility for
21 inmates of any correctional institution under the jurisdiction
22 of the Department and who is killed or who becomes a person
23 with a permanent disability with 90% to 100% disability in the
24 line of duty is entitled to 8 semesters or 12 quarters of full
25 payment of tuition and mandatory fees at any State-supported

1 Illinois institution of higher learning for either full or
2 part-time study, or the equivalent of 8 semesters or 12
3 quarters of payment of tuition and mandatory fees at the rate
4 established by the Commission for private institutions in the
5 State of Illinois, provided the recipient is maintaining
6 satisfactory academic progress. This benefit may be used for
7 undergraduate or graduate study. Beneficiaries need not be
8 Illinois residents at the time of enrollment in order to
9 receive this grant. With respect to disabled employees of the
10 Department of Corrections, children need not ~~to~~ be born,
11 legally adopted, or in the legal custody of the employee before
12 the disability occurred in order to receive this grant. The
13 benefits of this Section shall be administered by and paid out
14 of funds available to the Commission and shall accrue to the
15 bona fide applicant without the requirement of demonstrating
16 financial need to qualify for those benefits.

17 (Source: P.A. 99-143, eff. 7-27-15; 100-673, eff. 8-3-18;
18 revised 10-10-18.)

19 (110 ILCS 947/65.100)

20 (Section scheduled to be repealed on October 1, 2024)

21 Sec. 65.100. AIM HIGH Grant Pilot Program.

22 (a) The General Assembly makes all of the following
23 findings:

24 (1) Both access and affordability are important
25 aspects of the Illinois Public Agenda for College and

1 Career Success report.

2 (2) This State is in the top quartile with respect to
3 the percentage of family income needed to pay for college.

4 (3) Research suggests that as loan amounts increase,
5 rather than an increase in grant amounts, the probability
6 of college attendance decreases.

7 (4) There is further research indicating that
8 socioeconomic status may affect the willingness of
9 students to use loans to attend college.

10 (5) Strategic use of tuition discounting can decrease
11 the amount of loans that students must use to pay for
12 tuition.

13 (6) A modest, individually tailored tuition discount
14 can make the difference in a student choosing to attend
15 college and enhance college access for low-income and
16 middle-income families.

17 (7) Even if the federally calculated financial need for
18 college attendance is met, the federally determined
19 Expected Family Contribution can still be a daunting
20 amount.

21 (8) This State is the second largest exporter of
22 students in the country.

23 (9) When talented Illinois students attend
24 universities in this State, the State and those
25 universities benefit.

26 (10) State universities in other states have adopted

1 pricing and incentives that allow many Illinois residents
2 to pay less to attend an out-of-state university than to
3 remain in this State for college.

4 (11) Supporting Illinois student attendance at
5 Illinois public universities can assist in State efforts to
6 maintain and educate a highly trained workforce.

7 (12) Modest tuition discounts that are individually
8 targeted and tailored can result in enhanced revenue for
9 public universities.

10 (13) By increasing a public university's capacity to
11 strategically use tuition discounting, the public
12 university will be capable of creating enhanced tuition
13 revenue by increasing enrollment yields.

14 (b) In this Section:

15 "Eligible applicant" means a student from any high school
16 in this State, whether or not recognized by the State Board of
17 Education, who is engaged in a program of study that in due
18 course will be completed by the end of the school year and who
19 meets all of the qualifications and requirements under this
20 Section.

21 "Tuition and other necessary fees" includes the customary
22 charge for instruction and use of facilities in general and the
23 additional fixed fees charged for specified purposes that are
24 required generally of non-grant recipients for each academic
25 period for which the grant applicant actually enrolls, but does
26 not include fees payable only once or breakage fees and other

1 contingent deposits that are refundable in whole or in part.
2 The Commission may adopt, by rule not inconsistent with this
3 Section, detailed provisions concerning the computation of
4 tuition and other necessary fees.

5 (c) Beginning with the 2019-2020 academic year, each public
6 university may establish a merit-based scholarship pilot
7 program known as the AIM HIGH Grant Pilot Program. Each year,
8 the Commission shall receive and consider applications from
9 public universities under this Section. Subject to
10 appropriation and any tuition waiver limitation established by
11 the Board of Higher Education, a public university campus may
12 award a grant to a student under this Section if it finds that
13 the applicant meets all of the following criteria:

14 (1) He or she is a resident of this State and a citizen
15 or eligible noncitizen of the United States.

16 (2) He or she files a Free Application for Federal
17 Student Aid and demonstrates financial need with a
18 household income no greater than 6 times the poverty
19 guidelines updated periodically in the Federal Register by
20 the U.S. Department of Health and Human Services under the
21 authority of 42 U.S.C. 9902(2).

22 (3) He or she meets the minimum cumulative grade point
23 average or ACT or SAT college admissions test score, as
24 determined by the public university campus.

25 (4) He or she is enrolled in a public university as an
26 undergraduate student on a full-time basis.

1 (5) He or she has not yet received a baccalaureate
2 degree or the equivalent of 135 semester credit hours.

3 (6) He or she is not incarcerated.

4 (7) He or she is not in default on any student loan or
5 does not owe a refund or repayment on any State or federal
6 grant or scholarship.

7 (8) Any other reasonable criteria, as determined by the
8 public university campus.

9 (d) Each public university campus shall determine grant
10 renewal criteria consistent with the requirements under this
11 Section.

12 (e) Each participating public university campus shall post
13 on its Internet website criteria and eligibility requirements
14 for receiving awards that use funds under this Section that
15 include ~~includes~~ a range in the sizes of these individual
16 awards. The criteria and amounts must also be reported to the
17 Commission and the Board of Higher Education, who shall post
18 the information on their respective Internet websites.

19 (f) After enactment of an appropriation for this Program,
20 the Commission shall determine an allocation of funds to each
21 public university in an amount proportionate to the number of
22 undergraduate students who are residents of this State and
23 citizens or eligible noncitizens of the United States and who
24 were enrolled at each public university campus in the previous
25 academic year. All applications must be made to the Commission
26 on or before a date determined by the Commission and on forms

1 that the Commission shall provide to each public university
2 campus. The form of the application and the information
3 required shall be determined by the Commission and shall
4 include, without limitation, the total public university
5 campus funds used to match funds received from the Commission
6 in the previous academic year under this Section, if any, the
7 total enrollment of undergraduate students who are residents of
8 this State from the previous academic year, and any supporting
9 documents as the Commission deems necessary. Each public
10 university campus shall match the amount of funds received by
11 the Commission with financial aid for eligible students.

12 A public university campus is not required to claim its
13 entire allocation. The Commission shall make available to all
14 public universities, on a date determined by the Commission,
15 any unclaimed funds and the funds must be made available to
16 those public university campuses in the proportion determined
17 under this subsection (f), excluding from the calculation those
18 public university campuses not claiming their full
19 allocations.

20 Each public university campus may determine the award
21 amounts for eligible students on an individual or broad basis,
22 but, subject to renewal eligibility, each renewed award may not
23 be less than the amount awarded to the eligible student in his
24 or her first year attending the public university campus.
25 Notwithstanding this limitation, a renewal grant may be reduced
26 due to changes in the student's cost of attendance, including,

1 but not limited to, if a student reduces the number of credit
2 hours in which he or she is enrolled, but remains a full-time
3 student, or switches to a course of study with a lower tuition
4 rate.

5 An eligible applicant awarded grant assistance under this
6 Section is eligible to receive other financial aid. Total grant
7 aid to the student from all sources may not exceed the total
8 cost of attendance at the public university campus.

9 (g) All money allocated to a public university campus under
10 this Section may be used only for financial aid purposes for
11 students attending the public university campus during the
12 academic year, not including summer terms. Any funds received
13 by a public university campus under this Section that are not
14 granted to students in the academic year for which the funds
15 are received must be refunded to the Commission before any new
16 funds are received by the public university campus for the next
17 academic year.

18 (h) Each public university campus that establishes a
19 Program under this Section must annually report to the
20 Commission, on or before a date determined by the Commission,
21 the number of undergraduate students enrolled at that campus
22 who are residents of this State.

23 (i) Each public university campus must report to the
24 Commission the total non-loan financial aid amount given by the
25 public university campus to undergraduate students in fiscal
26 year 2018. To be eligible to receive funds under the Program, a

1 public university campus may not decrease the total amount of
2 non-loan financial aid for undergraduate students to an amount
3 lower than the total non-loan financial aid amount given by the
4 public university campus to undergraduate students in fiscal
5 year 2018, not including any funds received from the Commission
6 under this Section or any funds used to match grant awards
7 under this Section.

8 (j) On or before a date determined by the Commission, each
9 public university campus that participates in the Program under
10 this Section shall annually submit a report to the Commission
11 with all of the following information:

12 (1) The Program's impact on tuition revenue and
13 enrollment goals and increase in access and affordability
14 at the public university campus.

15 (2) Total funds received by the public university
16 campus under the Program.

17 (3) Total non-loan financial aid awarded to
18 undergraduate students attending the public university
19 campus.

20 (4) Total amount of funds matched by the public
21 university campus.

22 (5) Total amount of funds refunded to the Commission by
23 the public university campus.

24 (6) The percentage of total financial aid distributed
25 under the Program by the public university campus.

26 (7) The total number of students receiving grants from

1 the public university campus under the Program and those
2 students' grade level, race, gender, income level, family
3 size, Monetary Award Program eligibility, Pell Grant
4 eligibility, and zip code of residence and the amount of
5 each grant award. This information shall include unit
6 record data on those students regarding variables
7 associated with the parameters of the public university's
8 Program, including, but not limited to, a student's ACT or
9 SAT college admissions test score, high school or
10 university cumulative grade point average, or program of
11 study.

12 On or before October 1, 2020 and annually on or before
13 October 1 thereafter, the Commission shall submit a report with
14 the findings under this subsection (j) and any other
15 information regarding the AIM HIGH Grant Pilot Program to (i)
16 the Governor, (ii) the Speaker of the House of Representatives,
17 (iii) the Minority Leader of the House of Representatives, (iv)
18 the President of the Senate, and (v) the Minority Leader of the
19 Senate. The reports to the General Assembly shall be filed with
20 the Clerk of the House of Representatives and the Secretary of
21 the Senate in electronic form only, in the manner that the
22 Clerk and the Secretary shall direct. The Commission's report
23 may not disaggregate data to a level that may disclose
24 personally identifying information of individual students.

25 The sharing and reporting of student data under this
26 subsection (j) must be in accordance with the requirements

1 under the federal Family Educational Rights and Privacy Act of
2 1974 and the Illinois School Student Records Act. All parties
3 must preserve the confidentiality of the information as
4 required by law. The names of the grant recipients under this
5 Section are not subject to disclosure under the Freedom of
6 Information Act.

7 Public university campuses that fail to submit a report
8 under this subsection (j) or that fail to adhere to any other
9 requirements under this Section may not be eligible for
10 distribution of funds under the Program for the next academic
11 year, but may be eligible for distribution of funds for each
12 academic year thereafter.

13 (k) The Commission shall adopt rules to implement this
14 Section.

15 (l) This Section is repealed on October 1, 2024.

16 (Source: P.A. 100-587, eff. 6-4-18; 100-1015, eff. 8-21-18;
17 revised 10-22-18.)

18 Section 420. The Illinois Banking Act is amended by
19 changing Sections 18, 28, and 48.1 as follows:

20 (205 ILCS 5/18) (from Ch. 17, par. 325)

21 Sec. 18. Change in control.

22 (a) Before any person, whether acting directly or
23 indirectly or through or in concert with one or more persons,
24 may cause (i) a change to occur in the ownership of outstanding

1 stock of any State bank, whether by sale and purchase, gift,
2 bequest or inheritance, or any other means, including the
3 acquisition of stock of the State bank by any bank holding
4 company, which will result in control or a change in the
5 control of the bank, or (ii) a change to occur in the control
6 of a holding company having control of the outstanding stock of
7 a State bank whether by sale and purchase, gift, bequest or
8 inheritance, or any other means, including the acquisition of
9 stock of such holding company by any other bank holding
10 company, which will result in control or a change in control of
11 the bank or holding company, or (iii) a transfer of
12 substantially all the assets or liabilities of the State bank,
13 the Secretary shall be of the opinion and find:

14 (1) that the general character of proposed management
15 or of the person desiring to purchase substantially all the
16 assets or to assume substantially all the liabilities of
17 the State bank, after the change in control, is such as to
18 assure reasonable promise of successful, safe and sound
19 operation;

20 (1.1) that depositors' interests will not be
21 jeopardized by the purchase or assumption and that adequate
22 provision has been made for all liabilities as required for
23 a voluntary liquidation under Section 68 of this Act;

24 (2) that the future earnings prospects of the person
25 desiring to purchase substantially all assets or to assume
26 substantially all the liabilities of the State bank, after

1 the proposed change in control, are favorable;

2 (2.5) that the future prospects of the institution will
3 not jeopardize the financial stability of the bank or
4 prejudice the interests of the depositors of the bank;

5 (3) that any prior involvement by the persons proposing
6 to obtain control, to purchase substantially all the
7 assets, or to assume substantially all the liabilities of
8 the State bank or by the proposed management personnel with
9 any other financial institution, whether as stockholder,
10 director, officer or customer, was conducted in a safe and
11 sound manner; and

12 (4) that if the acquisition is being made by a bank
13 holding company, the acquisition is authorized under the
14 Illinois Bank Holding Company Act of 1957.

15 (b) Any person desiring to purchase control of an existing
16 State bank, to purchase substantially all the assets, or to
17 assume substantially all the liabilities of the State bank
18 shall, prior to that purchase, submit to the Secretary:

19 (1) a statement of financial worth;

20 (2) satisfactory evidence that any prior involvement
21 by the persons and the proposed management personnel with
22 any other financial institution, whether as stockholder,
23 director, officer or customer, was conducted in a safe and
24 sound manner; and

25 (3) such other relevant information as the Secretary
26 may request to substantiate the findings under subsection

1 (a) of this Section.

2 A person who has submitted information to the Secretary
3 pursuant to this subsection (b) is under a continuing
4 obligation until the Secretary takes action on the application
5 to immediately supplement that information if there are any
6 material changes in the information previously furnished or if
7 there are any material changes in any circumstances that may
8 affect the Secretary's opinion and findings. In addition, a
9 person submitting information under this subsection shall
10 notify the Secretary of the date when the change in control is
11 finally effected.

12 The Secretary may impose such terms and conditions on the
13 approval of the change in control application as he deems
14 necessary or appropriate.

15 If an applicant, whose application for a change in control
16 has been approved pursuant to subsection (a) of this Section,
17 fails to effect the change in control within 180 days after the
18 date of the Secretary's approval, the Secretary shall revoke
19 that approval unless a request has been submitted, in writing,
20 to the Secretary for an extension and the request has been
21 approved.

22 (b-1) Any person, whether acting directly or indirectly or
23 through or in concert with one or more persons, who obtains
24 ownership of stock of an existing State bank or stock of a
25 holding company that controls the State bank by gift, bequest,
26 or inheritance such that ownership of the stock would

1 constitute control of the State bank or holding company may
2 obtain title and ownership of the stock, but may not exercise
3 management or control of the business and affairs of the bank
4 or vote his or her shares so as to exercise management or
5 control unless and until the Secretary approves an application
6 for the change of control as provided in subsection (b) of this
7 Section.

8 (b-3) The provisions of this Section do not apply to an
9 established holding company acquiring control of a State bank
10 if the transaction is subject to approval under Section 3 of
11 the federal Bank Holding Company Act, the Federal Deposit
12 Insurance Act, or the federal Home Owners' Loan Act.

13 (c) Whenever a State bank makes a loan or loans, secured,
14 or to be secured, by 25% or more of the outstanding stock of a
15 State bank, the president or other chief executive officer of
16 the lending bank shall promptly report such fact to the
17 Secretary upon obtaining knowledge of such loan or loans,
18 except that no report need be made in those cases where the
19 borrower has been the owner of record of the stock for a period
20 of one year or more, or the stock is that of a newly organized
21 bank prior to its opening.

22 (d) The reports required by subsection ~~subsections~~ (b) of
23 this Section 18, other than those relating to a transfer of
24 assets or assumption of liabilities, shall contain the
25 following information to the extent that it is known by the
26 person making the report: (1) the number of shares involved;

1 (2) the names of the sellers (or transferors); (3) the names of
2 the purchasers (or transferees); (4) the names of the
3 beneficial owners if the shares are registered in another name:
4 (5) the purchase price, if applicable; (6) the total number of
5 shares owned by the sellers (or transferors), the purchasers
6 (or transferees) and the beneficial owners both immediately
7 before and after the transaction; and, (7) in the case of a
8 loan, the name of the borrower, the amount of the loan, the
9 name of the bank issuing the stock securing the loan and the
10 number of shares securing the loan. In addition to the
11 foregoing, such reports shall contain such other information
12 which is requested by the Secretary to inform the Secretary of
13 the effect of the transaction upon control of the bank whose
14 stock is involved.

15 (d-1) The reports required by subsection (b) of this
16 Section 18 that relate to purchase of assets and assumption of
17 liabilities shall contain the following information to the
18 extent that it is known by the person making the report: (1)
19 the value, amount, and description of the assets transferred;
20 (2) the amount, type, and to whom each type of liabilities are
21 owed; (3) the names of the purchasers (or transferees); (4) the
22 names of the beneficial owners if the shares of a purchaser or
23 transferee are registered in another name; (5) the purchase
24 price, if applicable; and, (6) in the case of a loan obtained
25 to effect a purchase, the name of the borrower, the amount and
26 terms of the loan, and the description of the assets securing

1 the loan. In addition to the foregoing, these reports shall
2 contain any other information that is requested by the
3 Secretary to inform the Secretary of the effect of the
4 transaction upon the bank from which assets are purchased or
5 liabilities are transferred.

6 (e) Whenever such a change as described in subsection (a)
7 of this Section 18 occurs, each State bank shall report
8 promptly to the Secretary any changes or replacement of its
9 chief executive officer or of any director occurring in the
10 next 12 month period, including in its report a statement of
11 the past and current business and professional affiliations of
12 the new chief executive officer or directors.

13 (f) (Blank).

14 (g) (1) Except as otherwise expressly provided in this
15 subsection (g), the Secretary shall not approve an application
16 for a change in control if upon consummation of the change in
17 control the persons applying for the change in control,
18 including any affiliates of the persons applying, would control
19 30% or more of the total amount of deposits which are located
20 in this State at insured depository institutions. For purposes
21 of this subsection (g), the words "insured depository
22 institution" shall mean State banks, national banks, and
23 insured savings associations. For purposes of this subsection
24 (g), the word "deposits" shall have the meaning ascribed to
25 that word in Section 3(1) ~~3(1)~~ of the Federal Deposit Insurance
26 Act. For purposes of this subsection (g), the total amount of

1 deposits which are considered to be located in this State at
2 insured depository institutions shall equal the sum of all
3 deposits held at the main banking premises and branches in the
4 State of Illinois of State banks, national banks, or insured
5 savings associations. For purposes of this subsection (g), the
6 word "affiliates" shall have the meaning ascribed to that word
7 in Section 35.2 of this Act.

8 (2) Notwithstanding the provisions of paragraph (1) of this
9 subsection, the Secretary may approve an application for a
10 change in control for a bank that is in default or in danger of
11 default. Except in those instances in which an application for
12 a change in control is for a bank that is in default or in
13 danger of default, the Secretary may not approve a change in
14 control which does not meet the requirements of paragraph (1)
15 of this subsection. The Secretary may not waive the provisions
16 of paragraph (1) of this subsection, whether pursuant to
17 Section 3(d) of the federal Bank Holding Company Act of 1956 or
18 Section 44(d) of the Federal Deposit Insurance Act, except as
19 expressly provided in this paragraph (2) of this subsection.

20 (h) As used in this Section:

21 "Control" means the power, directly or indirectly, to
22 direct the management or policies of the bank or to vote 25% or
23 more of the outstanding stock of the bank. If there is any
24 question as to whether a change in control application should
25 be filed, the question shall be resolved in favor of filing the
26 application with the Secretary.

1 "Substantially all" the assets or liabilities of a State
2 bank means that portion of the assets or liabilities of a State
3 bank such that their purchase or transfer will materially
4 impair the ability of the State bank to continue successful,
5 safe, and sound operations or to continue as a going concern or
6 would cause the bank to lose its federal deposit insurance.

7 "Purchase" includes a transfer by gift, bequest,
8 inheritance, or any other means.

9 As used in this Section, a person is acting in concert if
10 that person is acting in concert under federal laws or
11 regulations.

12 (Source: P.A. 100-888, eff. 8-14-18; revised 10-18-18.)

13 (205 ILCS 5/28) (from Ch. 17, par. 335)

14 Sec. 28. Continuation of corporate entity. A resulting
15 State bank, national bank or, after May 31, 1997, out-of-state
16 bank shall be considered the same business and corporate entity
17 as each merging bank or insured savings association or as the
18 converting bank or insured savings association with all the
19 property, rights, powers, duties, and obligations of each
20 merging bank or of the converting bank or insured savings
21 association except as affected by the State law in the case of
22 a resulting State bank or out-of-state bank or by the national
23 law in the case of a resulting national bank, and by the
24 charter and by-laws of the resulting bank. A resulting bank
25 shall be liable for all liabilities of the merging banks,

1 insured savings association, or converting bank or insured
2 savings association, and all the rights, franchises and
3 interests of the merging banks, insured savings association, or
4 converting bank or insured savings association in and to every
5 species of property, real, personal, and mixed, and choses
6 ~~chooses~~ in action thereunto belonging, shall be deemed to be
7 transferred to and vested in the resulting bank without any
8 deed or other transfer, and the resulting bank, without any
9 order or other action on the part of any court or otherwise,
10 shall hold and enjoy the same and all rights of property,
11 franchises, and interests, including appointments,
12 designations, and nominations and all other rights and
13 interests as trustee, executor, administrator, registrar or
14 transfer agent of stocks and bonds, guardian, assignee,
15 receiver, and in every other fiduciary capacity, in the same
16 manner and to the same extent as was held and enjoyed by the
17 merging banks, insured savings association, or the converting
18 bank or insured savings association. Any reference to a merging
19 or converting bank or a merging or converting insured savings
20 association in any writing, whether executed or taking effect
21 before or after the merger or conversion, shall be deemed a
22 reference to the resulting bank if not inconsistent with the
23 other provisions of the writing.

24 (Source: P.A. 89-208, eff. 9-29-95; 89-567, eff. 7-26-96;
25 revised 10-18-18.)

1 (205 ILCS 5/48.1) (from Ch. 17, par. 360)

2 Sec. 48.1. Customer financial records; confidentiality.

3 (a) For the purpose of this Section, the term "financial
4 records" means any original, any copy, or any summary of:

5 (1) a document granting signature authority over a
6 deposit or account;

7 (2) a statement, ledger card or other record on any
8 deposit or account, which shows each transaction in or with
9 respect to that account;

10 (3) a check, draft or money order drawn on a bank or
11 issued and payable by a bank; or

12 (4) any other item containing information pertaining
13 to any relationship established in the ordinary course of a
14 bank's business between a bank and its customer, including
15 financial statements or other financial information
16 provided by the customer.

17 (b) This Section does not prohibit:

18 (1) The preparation, examination, handling or
19 maintenance of any financial records by any officer,
20 employee or agent of a bank having custody of the records,
21 or the examination of the records by a certified public
22 accountant engaged by the bank to perform an independent
23 audit.

24 (2) The examination of any financial records by, or the
25 furnishing of financial records by a bank to, any officer,
26 employee or agent of (i) the Commissioner of Banks and Real

1 Estate, (ii) after May 31, 1997, a state regulatory
2 authority authorized to examine a branch of a State bank
3 located in another state, (iii) the Comptroller of the
4 Currency, (iv) the Federal Reserve Board, or (v) the
5 Federal Deposit Insurance Corporation for use solely in the
6 exercise of his duties as an officer, employee, or agent.

7 (3) The publication of data furnished from financial
8 records relating to customers where the data cannot be
9 identified to any particular customer or account.

10 (4) The making of reports or returns required under
11 Chapter 61 of the Internal Revenue Code of 1986.

12 (5) Furnishing information concerning the dishonor of
13 any negotiable instrument permitted to be disclosed under
14 the Uniform Commercial Code.

15 (6) The exchange in the regular course of business of
16 (i) credit information between a bank and other banks or
17 financial institutions or commercial enterprises, directly
18 or through a consumer reporting agency or (ii) financial
19 records or information derived from financial records
20 between a bank and other banks or financial institutions or
21 commercial enterprises for the purpose of conducting due
22 diligence pursuant to a purchase or sale involving the bank
23 or assets or liabilities of the bank.

24 (7) The furnishing of information to the appropriate
25 law enforcement authorities where the bank reasonably
26 believes it has been the victim of a crime.

1 (8) The furnishing of information under the Revised
2 Uniform Unclaimed Property Act.

3 (9) The furnishing of information under the Illinois
4 Income Tax Act and the Illinois Estate and
5 Generation-Skipping Transfer Tax Act.

6 (10) The furnishing of information under the federal
7 Currency and Foreign Transactions Reporting Act Title 31,
8 United States Code, Section 1051 et seq.

9 (11) The furnishing of information under any other
10 statute that by its terms or by regulations promulgated
11 thereunder requires the disclosure of financial records
12 other than by subpoena, summons, warrant, or court order.

13 (12) The furnishing of information about the existence
14 of an account of a person to a judgment creditor of that
15 person who has made a written request for that information.

16 (13) The exchange in the regular course of business of
17 information between commonly owned banks in connection
18 with a transaction authorized under paragraph (23) of
19 Section 5 and conducted at an affiliate facility.

20 (14) The furnishing of information in accordance with
21 the federal Personal Responsibility and Work Opportunity
22 Reconciliation Act of 1996. Any bank governed by this Act
23 shall enter into an agreement for data exchanges with a
24 State agency provided the State agency pays to the bank a
25 reasonable fee not to exceed its actual cost incurred. A
26 bank providing information in accordance with this item

1 shall not be liable to any account holder or other person
2 for any disclosure of information to a State agency, for
3 encumbering or surrendering any assets held by the bank in
4 response to a lien or order to withhold and deliver issued
5 by a State agency, or for any other action taken pursuant
6 to this item, including individual or mechanical errors,
7 provided the action does not constitute gross negligence or
8 willful misconduct. A bank shall have no obligation to
9 hold, encumber, or surrender assets until it has been
10 served with a subpoena, summons, warrant, court or
11 administrative order, lien, or levy.

12 (15) The exchange in the regular course of business of
13 information between a bank and any commonly owned affiliate
14 of the bank, subject to the provisions of the Financial
15 Institutions Insurance Sales Law.

16 (16) The furnishing of information to law enforcement
17 authorities, the Illinois Department on Aging and its
18 regional administrative and provider agencies, the
19 Department of Human Services Office of Inspector General,
20 or public guardians: (i) upon subpoena by the investigatory
21 entity or the guardian, or (ii) if there is suspicion by
22 the bank that a customer who is an elderly person or person
23 with a disability has been or may become the victim of
24 financial exploitation. For the purposes of this item (16),
25 the term: (i) "elderly person" means a person who is 60 or
26 more years of age, (ii) "disabled person" means a person

1 who has or reasonably appears to the bank to have a
2 physical or mental disability that impairs his or her
3 ability to seek or obtain protection from or prevent
4 financial exploitation, and (iii) "financial exploitation"
5 means tortious or illegal use of the assets or resources of
6 an elderly or disabled person, and includes, without
7 limitation, misappropriation of the elderly or disabled
8 person's assets or resources by undue influence, breach of
9 fiduciary relationship, intimidation, fraud, deception,
10 extortion, or the use of assets or resources in any manner
11 contrary to law. A bank or person furnishing information
12 pursuant to this item (16) shall be entitled to the same
13 rights and protections as a person furnishing information
14 under the Adult Protective Services Act and the Illinois
15 Domestic Violence Act of 1986.

16 (17) The disclosure of financial records or
17 information as necessary to effect, administer, or enforce
18 a transaction requested or authorized by the customer, or
19 in connection with:

20 (A) servicing or processing a financial product or
21 service requested or authorized by the customer;

22 (B) maintaining or servicing a customer's account
23 with the bank; or

24 (C) a proposed or actual securitization or
25 secondary market sale (including sales of servicing
26 rights) related to a transaction of a customer.

1 Nothing in this item (17), however, authorizes the sale
2 of the financial records or information of a customer
3 without the consent of the customer.

4 (18) The disclosure of financial records or
5 information as necessary to protect against actual or
6 potential fraud, unauthorized transactions, claims, or
7 other liability.

8 (19) ~~(A) (a)~~ The disclosure of financial records or
9 information related to a private label credit program
10 between a financial institution and a private label party
11 in connection with that private label credit program. Such
12 information is limited to outstanding balance, available
13 credit, payment and performance and account history,
14 product references, purchase information, and information
15 related to the identity of the customer.

16 (B) (1) For purposes of this paragraph (19) of
17 subsection (b) of Section 48.1, a "private label credit
18 program" means a credit program involving a financial
19 institution and a private label party that is used by a
20 customer of the financial institution and the private label
21 party primarily for payment for goods or services sold,
22 manufactured, or distributed by a private label party.

23 (2) For purposes of this paragraph (19) of subsection
24 (b) of Section 48.1, a "private label party" means, with
25 respect to a private label credit program, any of the
26 following: a retailer, a merchant, a manufacturer, a trade

1 group, or any such person's affiliate, subsidiary, member,
2 agent, or service provider.

3 (20) ~~(A)(a)~~ The furnishing of financial records of a
4 customer to the Department to aid the Department's initial
5 determination or subsequent re-determination of the
6 customer's eligibility for Medicaid and Medicaid long-term
7 care benefits for long-term care services, provided that
8 the bank receives the written consent and authorization of
9 the customer, which shall:

10 (1) have the customer's signature notarized;

11 (2) be signed by at least one witness who certifies
12 that he or she believes the customer to be of sound
13 mind and memory;

14 (3) be tendered to the bank at the earliest
15 practicable time following its execution,
16 certification, and notarization;

17 (4) specifically limit the disclosure of the
18 customer's financial records to the Department; and

19 (5) be in substantially the following form:

20 CUSTOMER CONSENT AND AUTHORIZATION
21 FOR RELEASE OF FINANCIAL RECORDS

22 I, , hereby authorize
23 (Name of Customer)

1
2

(Name of Financial Institution)

3
4

(Address of Financial Institution)

5 to disclose the following financial records:

6 any and all information concerning my deposit, savings, money
7 market, certificate of deposit, individual retirement,
8 retirement plan, 401(k) plan, incentive plan, employee benefit
9 plan, mutual fund and loan accounts (including, but not limited
10 to, any indebtedness or obligation for which I am a
11 co-borrower, co-obligor, guarantor, or surety), and any and all
12 other accounts in which I have an interest and any other
13 information regarding me in the possession of the Financial
14 Institution,

15 to the Illinois Department of Human Services or the Illinois
16 Department of Healthcare and Family Services, or both ("the
17 Department"), for the following purpose(s):

18 to aid in the initial determination or re-determination by the
19 State of Illinois of my eligibility for Medicaid long-term care
20 benefits, pursuant to applicable law.

1 I understand that this Consent and Authorization may be revoked
2 by me in writing at any time before my financial records, as
3 described above, are disclosed, and that this Consent and
4 Authorization is valid until the Financial Institution
5 receives my written revocation. This Consent and Authorization
6 shall constitute valid authorization for the Department
7 identified above to inspect all such financial records set
8 forth above, and to request and receive copies of such
9 financial records from the Financial Institution (subject to
10 such records search and reproduction reimbursement policies as
11 the Financial Institution may have in place). An executed copy
12 of this Consent and Authorization shall be sufficient and as
13 good as the original and permission is hereby granted to honor
14 a photostatic or electronic copy of this Consent and
15 Authorization. Disclosure is strictly limited to the
16 Department identified above and no other person or entity shall
17 receive my financial records pursuant to this Consent and
18 Authorization. By signing this form, I agree to indemnify and
19 hold the Financial Institution harmless from any and all
20 claims, demands, and losses, including reasonable attorneys
21 fees and expenses, arising from or incurred in its reliance on
22 this Consent and Authorization. As used herein, "Customer"
23 shall mean "Member" if the Financial Institution is a credit
24 union.

25

1 (Date) (Signature of Customer)

2

3

4 (Address of Customer)

5

6 (Customer's birth date)

7 (month/day/year)

8 The undersigned witness certifies that,
9 known to me to be the same person whose name is subscribed as
10 the customer to the foregoing Consent and Authorization,
11 appeared before me and the notary public and acknowledged
12 signing and delivering the instrument as his or her free and
13 voluntary act for the uses and purposes therein set forth. I
14 believe him or her to be of sound mind and memory. The
15 undersigned witness also certifies that the witness is not an
16 owner, operator, or relative of an owner or operator of a
17 long-term care facility in which the customer is a patient or
18 resident.

19 Dated:

20 (Signature of Witness)

21

1 (Print Name of Witness)

2

3

4 (Address of Witness)

5 State of Illinois)

6) ss.

7 County of

8 The undersigned, a notary public in and for the above county
9 and state, certifies that, known to me to be the
10 same person whose name is subscribed as the customer to the
11 foregoing Consent and Authorization, appeared before me
12 together with the witness,, in person and
13 acknowledged signing and delivering the instrument as the free
14 and voluntary act of the customer for the uses and purposes
15 therein set forth.

16 Dated:

17 Notary Public:

18 My commission expires:

19 (B) ~~(b)~~ In no event shall the bank distribute the
20 customer's financial records to the long-term care
21 facility from which the customer seeks initial or

1 continuing residency or long-term care services.

2 (C) ~~(e)~~ A bank providing financial records of a
3 customer in good faith relying on a consent and
4 authorization executed and tendered in accordance with
5 this paragraph (20) shall not be liable to the customer or
6 any other person in relation to the bank's disclosure of
7 the customer's financial records to the Department. The
8 customer signing the consent and authorization shall
9 indemnify and hold the bank harmless that relies in good
10 faith upon the consent and authorization and incurs a loss
11 because of such reliance. The bank recovering under this
12 indemnification provision shall also be entitled to
13 reasonable attorney's fees and the expenses of recovery.

14 (D) ~~(d)~~ A bank shall be reimbursed by the customer for
15 all costs reasonably necessary and directly incurred in
16 searching for, reproducing, and disclosing a customer's
17 financial records required or requested to be produced
18 pursuant to any consent and authorization executed under
19 this paragraph (20). The requested financial records shall
20 be delivered to the Department within 10 days after
21 receiving a properly executed consent and authorization or
22 at the earliest practicable time thereafter if the
23 requested records cannot be delivered within 10 days, but
24 delivery may be delayed until the final reimbursement of
25 all costs is received by the bank. The bank may honor a
26 photostatic or electronic copy of a properly executed

1 consent and authorization.

2 (E) ~~(e)~~ Nothing in this paragraph (20) shall impair,
3 abridge, or abrogate the right of a customer to:

4 (1) directly disclose his or her financial records
5 to the Department or any other person; or

6 (2) authorize his or her attorney or duly appointed
7 agent to request and obtain the customer's financial
8 records and disclose those financial records to the
9 Department.

10 (F) ~~(f)~~ For purposes of this paragraph (20),
11 "Department" means the Department of Human Services and the
12 Department of Healthcare and Family Services or any
13 successor administrative agency of either agency.

14 ~~(b) (1) For purposes of this paragraph (19) of~~
15 ~~subsection (b) of Section 48.1, a "private label credit~~
16 ~~program" means a credit program involving a financial~~
17 ~~institution and a private label party that is used by a~~
18 ~~customer of the financial institution and the private label~~
19 ~~party primarily for payment for goods or services sold,~~
20 ~~manufactured, or distributed by a private label party.~~

21 ~~(2) For purposes of this paragraph (19) of subsection~~
22 ~~(b) of Section 48.1, a "private label party" means, with~~
23 ~~respect to a private label credit program, any of the~~
24 ~~following: a retailer, a merchant, a manufacturer, a trade~~
25 ~~group, or any such person's affiliate, subsidiary, member,~~
26 ~~agent, or service provider.~~

1 (c) Except as otherwise provided by this Act, a bank may
2 not disclose to any person, except to the customer or his duly
3 authorized agent, any financial records or financial
4 information obtained from financial records relating to that
5 customer of that bank unless:

6 (1) the customer has authorized disclosure to the
7 person;

8 (2) the financial records are disclosed in response to
9 a lawful subpoena, summons, warrant, citation to discover
10 assets, or court order which meets the requirements of
11 subsection (d) of this Section; or

12 (3) the bank is attempting to collect an obligation
13 owed to the bank and the bank complies with the provisions
14 of Section 2I of the Consumer Fraud and Deceptive Business
15 Practices Act.

16 (d) A bank shall disclose financial records under paragraph
17 (2) of subsection (c) of this Section under a lawful subpoena,
18 summons, warrant, citation to discover assets, or court order
19 only after the bank mails a copy of the subpoena, summons,
20 warrant, citation to discover assets, or court order to the
21 person establishing the relationship with the bank, if living,
22 and, otherwise his personal representative, if known, at his
23 last known address by first class mail, postage prepaid, unless
24 the bank is specifically prohibited from notifying the person
25 by order of court or by applicable State or federal law. A bank
26 shall not mail a copy of a subpoena to any person pursuant to

1 this subsection if the subpoena was issued by a grand jury
2 under the Statewide Grand Jury Act.

3 (e) Any officer or employee of a bank who knowingly and
4 willfully furnishes financial records in violation of this
5 Section is guilty of a business offense and, upon conviction,
6 shall be fined not more than \$1,000.

7 (f) Any person who knowingly and willfully induces or
8 attempts to induce any officer or employee of a bank to
9 disclose financial records in violation of this Section is
10 guilty of a business offense and, upon conviction, shall be
11 fined not more than \$1,000.

12 (g) A bank shall be reimbursed for costs that are
13 reasonably necessary and that have been directly incurred in
14 searching for, reproducing, or transporting books, papers,
15 records, or other data required or requested to be produced
16 pursuant to a lawful subpoena, summons, warrant, citation to
17 discover assets, or court order. The Commissioner shall
18 determine the rates and conditions under which payment may be
19 made.

20 (Source: P.A. 99-143, eff. 7-27-15; 100-22, eff. 1-1-18;
21 100-664, eff. 1-1-19; 100-888, eff. 8-14-18; revised
22 10-22-18.)

23 Section 425. The Illinois Credit Union Act is amended by
24 changing Sections 10 and 34 as follows:

1 (205 ILCS 305/10) (from Ch. 17, par. 4411)

2 Sec. 10. Credit union records; member financial records.

3 (1) A credit union shall establish and maintain books,
4 records, accounting systems and procedures which accurately
5 reflect its operations and which enable the Department to
6 readily ascertain the true financial condition of the credit
7 union and whether it is complying with this Act.

8 (2) A photostatic or photographic reproduction of any
9 credit union records shall be admissible as evidence of
10 transactions with the credit union.

11 (3) (a) For the purpose of this Section, the term "financial
12 records" means any original, any copy, or any summary of (1) a
13 document granting signature authority over an account, (2) a
14 statement, ledger card or other record on any account which
15 shows each transaction in or with respect to that account, (3)
16 a check, draft or money order drawn on a financial institution
17 or other entity or issued and payable by or through a financial
18 institution or other entity, or (4) any other item containing
19 information pertaining to any relationship established in the
20 ordinary course of business between a credit union and its
21 member, including financial statements or other financial
22 information provided by the member.

23 (b) This Section does not prohibit:

24 (1) The preparation, examination, handling or
25 maintenance of any financial records by any officer,
26 employee or agent of a credit union having custody of such

1 records, or the examination of such records by a certified
2 public accountant engaged by the credit union to perform an
3 independent audit.

4 (2) The examination of any financial records by or the
5 furnishing of financial records by a credit union to any
6 officer, employee or agent of the Department, the National
7 Credit Union Administration, Federal Reserve board or any
8 insurer of share accounts for use solely in the exercise of
9 his duties as an officer, employee or agent.

10 (3) The publication of data furnished from financial
11 records relating to members where the data cannot be
12 identified to any particular customer of account.

13 (4) The making of reports or returns required under
14 Chapter 61 of the Internal Revenue Code of 1954.

15 (5) Furnishing information concerning the dishonor of
16 any negotiable instrument permitted to be disclosed under
17 the Uniform Commercial Code.

18 (6) The exchange in the regular course of business of
19 (i) credit information between a credit union and other
20 credit unions or financial institutions or commercial
21 enterprises, directly or through a consumer reporting
22 agency or (ii) financial records or information derived
23 from financial records between a credit union and other
24 credit unions or financial institutions or commercial
25 enterprises for the purpose of conducting due diligence
26 pursuant to a merger or a purchase or sale of assets or

1 liabilities of the credit union.

2 (7) The furnishing of information to the appropriate
3 law enforcement authorities where the credit union
4 reasonably believes it has been the victim of a crime.

5 (8) The furnishing of information pursuant to the
6 Revised Uniform Unclaimed Property Act.

7 (9) The furnishing of information pursuant to the
8 Illinois Income Tax Act and the Illinois Estate and
9 Generation-Skipping Transfer Tax Act.

10 (10) The furnishing of information pursuant to the
11 federal "Currency and Foreign Transactions Reporting Act",
12 Title 31, United States Code, Section 1051 et sequentia.

13 (11) The furnishing of information pursuant to any
14 other statute which by its terms or by regulations
15 promulgated thereunder requires the disclosure of
16 financial records other than by subpoena, summons, warrant
17 or court order.

18 (12) The furnishing of information in accordance with
19 the federal Personal Responsibility and Work Opportunity
20 Reconciliation Act of 1996. Any credit union governed by
21 this Act shall enter into an agreement for data exchanges
22 with a State agency provided the State agency pays to the
23 credit union a reasonable fee not to exceed its actual cost
24 incurred. A credit union providing information in
25 accordance with this item shall not be liable to any
26 account holder or other person for any disclosure of

1 information to a State agency, for encumbering or
2 surrendering any assets held by the credit union in
3 response to a lien or order to withhold and deliver issued
4 by a State agency, or for any other action taken pursuant
5 to this item, including individual or mechanical errors,
6 provided the action does not constitute gross negligence or
7 willful misconduct. A credit union shall have no obligation
8 to hold, encumber, or surrender assets until it has been
9 served with a subpoena, summons, warrant, court or
10 administrative order, lien, or levy.

11 (13) The furnishing of information to law enforcement
12 authorities, the Illinois Department on Aging and its
13 regional administrative and provider agencies, the
14 Department of Human Services Office of Inspector General,
15 or public guardians: (i) upon subpoena by the investigatory
16 entity or the guardian, or (ii) if there is suspicion by
17 the credit union that a member who is an elderly person or
18 person with a disability has been or may become the victim
19 of financial exploitation. For the purposes of this item
20 (13), the term: (i) "elderly person" means a person who is
21 60 or more years of age, (ii) "person with a disability"
22 means a person who has or reasonably appears to the credit
23 union to have a physical or mental disability that impairs
24 his or her ability to seek or obtain protection from or
25 prevent financial exploitation, and (iii) "financial
26 exploitation" means tortious or illegal use of the assets

1 or resources of an elderly person or person with a
2 disability, and includes, without limitation,
3 misappropriation of the elderly or disabled person's
4 assets or resources by undue influence, breach of fiduciary
5 relationship, intimidation, fraud, deception, extortion,
6 or the use of assets or resources in any manner contrary to
7 law. A credit union or person furnishing information
8 pursuant to this item (13) shall be entitled to the same
9 rights and protections as a person furnishing information
10 under the Adult Protective Services Act and the Illinois
11 Domestic Violence Act of 1986.

12 (14) The disclosure of financial records or
13 information as necessary to effect, administer, or enforce
14 a transaction requested or authorized by the member, or in
15 connection with:

16 (A) servicing or processing a financial product or
17 service requested or authorized by the member;

18 (B) maintaining or servicing a member's account
19 with the credit union; or

20 (C) a proposed or actual securitization or
21 secondary market sale (including sales of servicing
22 rights) related to a transaction of a member.

23 Nothing in this item (14), however, authorizes the sale
24 of the financial records or information of a member without
25 the consent of the member.

26 (15) The disclosure of financial records or

1 information as necessary to protect against or prevent
2 actual or potential fraud, unauthorized transactions,
3 claims, or other liability.

4 (16) (a) The disclosure of financial records or
5 information related to a private label credit program
6 between a financial institution and a private label party
7 in connection with that private label credit program. Such
8 information is limited to outstanding balance, available
9 credit, payment and performance and account history,
10 product references, purchase information, and information
11 related to the identity of the customer.

12 (b) (1) For purposes of this ~~item paragraph~~ (16) ~~of~~
13 ~~subsection (b) of Section 10~~, a "private label credit
14 program" means a credit program involving a financial
15 institution and a private label party that is used by a
16 customer of the financial institution and the private label
17 party primarily for payment for goods or services sold,
18 manufactured, or distributed by a private label party.

19 (2) For purposes of this ~~item paragraph~~ (16) ~~of~~
20 ~~subsection (b) of Section 10~~, a "private label party"
21 means, with respect to a private label credit program, any
22 of the following: a retailer, a merchant, a manufacturer, a
23 trade group, or any such person's affiliate, subsidiary,
24 member, agent, or service provider.

25 (17) (a) The furnishing of financial records of a member
26 to the Department to aid the Department's initial

1 determination or subsequent re-determination of the
 2 member's eligibility for Medicaid and Medicaid long-term
 3 care benefits for long-term care services, provided that
 4 the credit union receives the written consent and
 5 authorization of the member, which shall:

6 (1) have the member's signature notarized;

7 (2) be signed by at least one witness who certifies
 8 that he or she believes the member to be of sound mind
 9 and memory;

10 (3) be tendered to the credit union at the earliest
 11 practicable time following its execution,
 12 certification, and notarization;

13 (4) specifically limit the disclosure of the
 14 member's financial records to the Department; and

15 (5) be in substantially the following form:

16 CUSTOMER CONSENT AND AUTHORIZATION
 17 FOR RELEASE OF FINANCIAL RECORDS

18 I, , hereby authorize
 19 (Name of Customer)

20
 21 (Name of Financial Institution)

22

1 (Address of Financial Institution)

2 to disclose the following financial records:

3 any and all information concerning my deposit, savings, money
4 market, certificate of deposit, individual retirement,
5 retirement plan, 401(k) plan, incentive plan, employee benefit
6 plan, mutual fund and loan accounts (including, but not limited
7 to, any indebtedness or obligation for which I am a
8 co-borrower, co-obligor, guarantor, or surety), and any and all
9 other accounts in which I have an interest and any other
10 information regarding me in the possession of the Financial
11 Institution,

12 to the Illinois Department of Human Services or the Illinois
13 Department of Healthcare and Family Services, or both ("the
14 Department"), for the following purpose(s):

15 to aid in the initial determination or re-determination by the
16 State of Illinois of my eligibility for Medicaid long-term care
17 benefits, pursuant to applicable law.

18 I understand that this Consent and Authorization may be revoked
19 by me in writing at any time before my financial records, as
20 described above, are disclosed, and that this Consent and
21 Authorization is valid until the Financial Institution

1 receives my written revocation. This Consent and Authorization
 2 shall constitute valid authorization for the Department
 3 identified above to inspect all such financial records set
 4 forth above, and to request and receive copies of such
 5 financial records from the Financial Institution (subject to
 6 such records search and reproduction reimbursement policies as
 7 the Financial Institution may have in place). An executed copy
 8 of this Consent and Authorization shall be sufficient and as
 9 good as the original and permission is hereby granted to honor
 10 a photostatic or electronic copy of this Consent and
 11 Authorization. Disclosure is strictly limited to the
 12 Department identified above and no other person or entity shall
 13 receive my financial records pursuant to this Consent and
 14 Authorization. By signing this form, I agree to indemnify and
 15 hold the Financial Institution harmless from any and all
 16 claims, demands, and losses, including reasonable attorneys
 17 fees and expenses, arising from or incurred in its reliance on
 18 this Consent and Authorization. As used herein, "Customer"
 19 shall mean "Member" if the Financial Institution is a credit
 20 union.

21

22 (Date)

(Signature of Customer)

23

24

1 (Address of Customer)

2

3 (Customer's birth date)

4 (month/day/year)

5 The undersigned witness certifies that,
6 known to me to be the same person whose name is subscribed as
7 the customer to the foregoing Consent and Authorization,
8 appeared before me and the notary public and acknowledged
9 signing and delivering the instrument as his or her free and
10 voluntary act for the uses and purposes therein set forth. I
11 believe him or her to be of sound mind and memory. The
12 undersigned witness also certifies that the witness is not an
13 owner, operator, or relative of an owner or operator of a
14 long-term care facility in which the customer is a patient or
15 resident.

16 Dated:

17 (Signature of Witness)

18

19 (Print Name of Witness)

20

21

1 (Address of Witness)

2 State of Illinois)

3) ss.

4 County of)

5 The undersigned, a notary public in and for the above county
6 and state, certifies that, known to me to be the
7 same person whose name is subscribed as the customer to the
8 foregoing Consent and Authorization, appeared before me
9 together with the witness,, in person and
10 acknowledged signing and delivering the instrument as the free
11 and voluntary act of the customer for the uses and purposes
12 therein set forth.

13 Dated:

14 Notary Public:

15 My commission expires:

16 (b) In no event shall the credit union distribute the
17 member's financial records to the long-term care facility
18 from which the member seeks initial or continuing residency
19 or long-term care services.

20 (c) A credit union providing financial records of a
21 member in good faith relying on a consent and authorization
22 executed and tendered in accordance with this item

1 ~~subparagraph~~ (17) shall not be liable to the member or any
2 other person in relation to the credit union's disclosure
3 of the member's financial records to the Department. The
4 member signing the consent and authorization shall
5 indemnify and hold the credit union harmless that relies in
6 good faith upon the consent and authorization and incurs a
7 loss because of such reliance. The credit union recovering
8 under this indemnification provision shall also be
9 entitled to reasonable attorney's fees and the expenses of
10 recovery.

11 (d) A credit union shall be reimbursed by the member
12 for all costs reasonably necessary and directly incurred in
13 searching for, reproducing, and disclosing a member's
14 financial records required or requested to be produced
15 pursuant to any consent and authorization executed under
16 this item ~~subparagraph~~ (17). The requested financial
17 records shall be delivered to the Department within 10 days
18 after receiving a properly executed consent and
19 authorization or at the earliest practicable time
20 thereafter if the requested records cannot be delivered
21 within 10 days, but delivery may be delayed until the final
22 reimbursement of all costs is received by the credit union.
23 The credit union may honor a photostatic or electronic copy
24 of a properly executed consent and authorization.

25 (e) Nothing in this item ~~subparagraph~~ (17) shall
26 impair, abridge, or abrogate the right of a member to:

1 (1) directly disclose his or her financial records
2 to the Department or any other person; or

3 (2) authorize his or her attorney or duly appointed
4 agent to request and obtain the member's financial
5 records and disclose those financial records to the
6 Department.

7 (f) For purposes of this item ~~subparagraph~~ (17),
8 "Department" means the Department of Human Services and the
9 Department of Healthcare and Family Services or any
10 successor administrative agency of either agency.

11 (18) ~~(17)~~ The furnishing of the financial records of a
12 member to an appropriate law enforcement authority,
13 without prior notice to or consent of the member, upon
14 written request of the law enforcement authority, when
15 reasonable suspicion of an imminent threat to the personal
16 security and safety of the member exists that necessitates
17 an expedited release of the member's financial records, as
18 determined by the law enforcement authority. The law
19 enforcement authority shall include a brief explanation of
20 the imminent threat to the member in its written request to
21 the credit union. The written request shall reflect that it
22 has been authorized by a supervisory or managerial official
23 of the law enforcement authority. The decision to furnish
24 the financial records of a member to a law enforcement
25 authority shall be made by a supervisory or managerial
26 official of the credit union. A credit union providing

1 information in accordance with this item (18) ~~(17)~~ shall
2 not be liable to the member or any other person for the
3 disclosure of the information to the law enforcement
4 authority.

5 (c) Except as otherwise provided by this Act, a credit
6 union may not disclose to any person, except to the member or
7 his duly authorized agent, any financial records relating to
8 that member of the credit union unless:

9 (1) the member has authorized disclosure to the person;

10 (2) the financial records are disclosed in response to
11 a lawful subpoena, summons, warrant, citation to discover
12 assets, or court order that meets the requirements of
13 subparagraph (3) (d) ~~(d)~~ of this Section; or

14 (3) the credit union is attempting to collect an
15 obligation owed to the credit union and the credit union
16 complies with the provisions of Section 2I of the Consumer
17 Fraud and Deceptive Business Practices Act.

18 (d) A credit union shall disclose financial records under
19 item (3) (c) (2) ~~subparagraph (c) (2)~~ of this Section pursuant to
20 a lawful subpoena, summons, warrant, citation to discover
21 assets, or court order only after the credit union mails a copy
22 of the subpoena, summons, warrant, citation to discover assets,
23 or court order to the person establishing the relationship with
24 the credit union, if living, and otherwise his personal
25 representative, if known, at his last known address by first
26 class mail, postage prepaid unless the credit union is

1 specifically prohibited from notifying the person by order of
2 court or by applicable State or federal law. In the case of a
3 grand jury subpoena, a credit union shall not mail a copy of a
4 subpoena to any person pursuant to this subsection if the
5 subpoena was issued by a grand jury under the Statewide Grand
6 Jury Act or notifying the person would constitute a violation
7 of the federal Right to Financial Privacy Act of 1978.

8 (e)(1) Any officer or employee of a credit union who
9 knowingly and willfully ~~wilfully~~ furnishes financial records
10 in violation of this Section is guilty of a business offense
11 and upon conviction thereof shall be fined not more than
12 \$1,000.

13 (2) Any person who knowingly and willfully ~~wilfully~~ induces
14 or attempts to induce any officer or employee of a credit union
15 to disclose financial records in violation of this Section is
16 guilty of a business offense and upon conviction thereof shall
17 be fined not more than \$1,000.

18 (f) A credit union shall be reimbursed for costs which are
19 reasonably necessary and which have been directly incurred in
20 searching for, reproducing or transporting books, papers,
21 records or other data of a member required or requested to be
22 produced pursuant to a lawful subpoena, summons, warrant,
23 citation to discover assets, or court order. The Secretary and
24 the Director may determine, by rule, the rates and conditions
25 under which payment shall be made. Delivery of requested
26 documents may be delayed until final reimbursement of all costs

1 is received.

2 (Source: P.A. 99-143, eff. 7-27-15; 100-22, eff. 1-1-18;
3 100-664, eff. 1-1-19; 100-778, eff. 8-10-18; revised
4 10-18-18.)

5 (205 ILCS 305/34) (from Ch. 17, par. 4435)

6 Sec. 34. Duties of supervisory committee.

7 (1) The supervisory committee shall make or cause to be
8 made an annual internal audit of the books and affairs of the
9 credit union to determine that the credit union's accounting
10 records and reports are prepared promptly and accurately
11 reflect operations and results, that internal controls are
12 established and effectively maintained to safeguard the assets
13 of the credit union, and that the policies, procedures and
14 practices established by the board of directors and management
15 of the credit union are being properly administered. The
16 supervisory committee shall submit a report of that audit to
17 the board of directors and a summary of that report to the
18 members at the next annual meeting of the credit union. It
19 shall make or cause to be made such supplementary audits as it
20 deems necessary or as are required by the Secretary or by the
21 board of directors, and submit reports of these supplementary
22 audits to the Secretary or board of directors as applicable. If
23 the supervisory committee has not engaged a licensed certified
24 public accountant or licensed certified public accounting firm
25 to make the internal audit, the supervisory committee or other

1 officials of the credit union shall not indicate or in any
2 manner imply that such audit has been performed by a licensed
3 certified public accountant or licensed certified public
4 accounting firm or that the audit represents the independent
5 opinion of a licensed certified public accountant or licensed
6 certified public accounting firm. The supervisory committee
7 must retain its tapes and working papers of each internal audit
8 for inspection by the Department. The report of this audit must
9 be made on a form approved by the Secretary. A copy of the
10 report must be promptly delivered to the Secretary.

11 (2) The supervisory committee shall make or cause to be
12 made at least once each year a reasonable percentage
13 verification of members' share and loan accounts, consistent
14 with rules promulgated by the Secretary.

15 (3) (A) The supervisory committee of a credit union with
16 assets of \$10,000,000 or more shall engage a licensed certified
17 public accountant or licensed certified public accounting firm
18 to perform an annual external independent audit of the credit
19 union's financial statements in accordance with generally
20 accepted auditing standards and the financial statements shall
21 be issued in accordance with accounting principles generally
22 accepted in the United States of America.

23 (B) The supervisory committee of a credit union with assets
24 of \$5,000,000 or more, but less than \$10,000,000, shall engage
25 a licensed certified public accountant or licensed certified
26 public accounting firm to perform on an annual basis: (i) an

1 agreed-upon procedures engagement under attestation standards
2 established by the American Institute of Certified Public
3 Accountants to minimally satisfy the supervisory committee
4 internal audit standards set forth in subsection (1); or (ii)
5 an external independent audit of the credit union's financial
6 statements pursuant to the standards set forth in paragraph (A)
7 of subsection (3).

8 (C) The external independent audit report or agreed-upon
9 ~~agreed-upon~~ procedures report shall be completed and a copy
10 thereof delivered to the Secretary no later than 120 days after
11 the end of the calendar or fiscal year under audit or fiscal
12 period for which the agreed-upon ~~agreed-upon~~ procedures are
13 performed. A credit union or group of credit unions may obtain
14 an extension of the due date upon application to and receipt of
15 written approval from the Secretary.

16 (D) If the credit union engages a licensed certified public
17 accountant or licensed certified public accounting firm to
18 perform an annual external independent audit of the credit
19 union's financial statements pursuant to the standards in
20 paragraph (A) of subsection (3) or an annual agreed-upon ~~agreed~~
21 ~~upon~~ procedures engagement pursuant to the standards in
22 paragraph (B) of subsection (3), then the annual internal audit
23 requirements of subsection (1) shall be deemed satisfied and
24 met in all respects.

25 (4) In determining the appropriate balance in the allowance
26 for loan losses account, a credit union may determine its

1 historical loss rate using a defined period of time of less
2 than 5 years, provided that:

3 (A) the methodology used to determine the defined
4 period of time is formally documented in the credit union's
5 policies and procedures and is appropriate to the credit
6 union's size, business strategy, and loan portfolio
7 characteristics and the economic environment of the areas
8 and employers served by the credit union;

9 (B) supporting documentation is maintained for the
10 technique used to develop the credit union loss rates,
11 including the period of time used to accumulate historical
12 loss data and the factors considered in establishing the
13 time frames; and

14 (C) the external auditor conducting the credit union's
15 financial statement audit has analyzed the methodology
16 employed by the credit union and concludes that the
17 financial statements, including the allowance for loan
18 losses, are fairly stated in all material respects in
19 accordance with U.S. Generally Accepted Accounting
20 Principles, as promulgated by the Financial Accounting
21 Standards Board.

22 (5) A majority of the members of the supervisory committee
23 shall constitute a quorum.

24 (6) On an annual basis commencing January 1, 2015, the
25 members of the supervisory committee shall receive training
26 related to their statutory duties. Supervisory committee

1 members may receive the training through internal credit union
2 training, external training offered by the credit union's
3 retained auditors, trade associations, vendors, regulatory
4 agencies, or any other sources or on-the-job experience, or a
5 combination of those activities. The training may be received
6 through any medium, including, but not limited to, conferences,
7 workshops, audit closing meetings, seminars, teleconferences,
8 webinars, and other Internet-based delivery channels.

9 (Source: P.A. 100-778, eff. 8-10-18; revised 10-18-18.)

10 Section 430. The Corporate Fiduciary Act is amended by
11 changing Section 6-10 as follows:

12 (205 ILCS 620/6-10) (from Ch. 17, par. 1556-10)

13 Sec. 6-10. The receiver for a corporate fiduciary, under
14 the direction of the Commissioner, shall have the power and
15 authority and is charged with the duties and responsibilities
16 as follows:

17 (1) To take possession of, and for the purpose of the
18 receivership, the title to the books, records and assets of
19 every description of the corporate fiduciary.

20 (2) To proceed to collect all debts, dues and claims
21 belonging to the corporate fiduciary.

22 (3) To file with the Commissioner a copy of each report
23 which he makes to the court, together with such other
24 reports and records as the Commissioner may require.

1 (4) The receiver shall have authority to sue and defend
2 in the receiver's own name and with respect to the affairs,
3 assets, claims, debts and choses ~~chooses~~ in action of the
4 corporate fiduciary.

5 (5) The receiver shall have authority, and it shall be
6 the receiver's duty, to surrender to the customers of such
7 corporate fiduciary, when requested in writing directed to
8 the receiver by such customers, the assets, private papers
9 and valuables left with the corporate fiduciary for
10 safekeeping, under a custodial or agency agreement, upon
11 satisfactory proof of ownership.

12 (6) As soon as can reasonably be done, the receiver
13 shall resign on behalf of the corporate fiduciary, all
14 trusteeships, guardianships, and all appointments as
15 executor and administrator, or as custodian under the
16 Illinois Uniform Transfers to Minors Act, as now or
17 hereafter amended, or as fiduciary under custodial or
18 agency agreements or under the terms of any other written
19 agreement or court order whereunder the corporate
20 fiduciary is holding property in a fiduciary capacity for
21 the benefit of another person, making in each case, from
22 the records and documents available to the receiver, a
23 proper accounting, in the manner and scope as determined by
24 the Commissioner to be practical and advisable under the
25 circumstances, on behalf of the corporate fiduciary. The
26 receiver, prior to resigning, shall cause a successor

1 trustee or fiduciary to be appointed pursuant to the terms
2 set forth in the governing instrument or pursuant to the
3 provisions of the Trusts and Trustees Act, as now or
4 hereafter amended, if applicable, then the receiver shall
5 make application to the court having jurisdiction over the
6 liquidation or winding up of the corporate fiduciary, for
7 the appointment of a successor. The receiver, if a
8 corporate fiduciary, shall not be disqualified from acting
9 as successor trustee or fiduciary if appointed under the
10 terms of the governing instrument, by court order or by the
11 customer of the corporate fiduciary whose affairs are being
12 liquidated or wound up and, in such case, no guardian ad
13 litem need be appointed to review the accounting of the
14 receiver unless the beneficiaries or customers of the
15 corporate fiduciary so request in writing.

16 (7) The receiver shall have authority to redeem or take
17 down collateral hypothecated by the corporate fiduciary to
18 secure its notes and other evidence of indebtedness
19 whenever the Commissioner deems it to be in the best
20 interest of the creditors of the corporate fiduciary and
21 directs the receiver so to do.

22 (8) Whenever the receiver shall find it necessary in
23 the receiver's opinion to use and employ money of the
24 corporate fiduciary, in order to protect fully and benefit
25 the corporate fiduciary, by the purchase or redemption of
26 any property, real or personal, in which the corporate

1 fiduciary may have any rights by reason of any bond,
2 mortgage, assignment, or other claim thereto, the receiver
3 may certify the facts together with the receiver's opinions
4 as to the value of the property involved, and the value of
5 the equity the corporate fiduciary may have in the property
6 to the Commissioner, together with a request for the right
7 and authority to use and employ so much of the money of the
8 corporate fiduciary as may be necessary to purchase the
9 property, or to redeem the same from a sale if there was a
10 sale, and if such request is granted, the receiver may use
11 so much of the money of the corporate fiduciary as the
12 Commissioner may have authorized to purchase said property
13 at such sale.

14 (9) The receiver shall deposit daily all monies
15 collected by the receiver in any State or national bank
16 selected by the Commissioner, who may require (and the bank
17 so selected may furnish) of such depository satisfactory
18 securities or satisfactory surety bond for the safekeeping
19 and prompt payment of the money so deposited. The deposits
20 shall be made in the name of the Commissioner in trust for
21 the receiver and be subject to withdrawal upon the
22 receiver's order or upon the order of such persons as the
23 Commissioner may designate. Such monies may be deposited
24 without interest, unless otherwise agreed. However, if any
25 interest was paid by such depository, it shall accrue to
26 the benefit of the particular trust or fiduciary account to

1 which the deposit belongs. Except as otherwise directed by
2 the Commissioner, notwithstanding any other provision of
3 this paragraph, the receiver's investment and other powers
4 shall be those under the governing instrument or under the
5 Trusts and Trustees Act, as now or hereafter amended, and
6 shall include the power to pay out income and principal in
7 accordance with the terms of the governing instrument.

8 (10) The receiver shall do such things and take such
9 steps from time to time under the direction and approval of
10 the Commissioner as may reasonably appear to be necessary
11 to conserve the corporate fiduciary's assets and secure the
12 best interests of the creditors of the corporate fiduciary.

13 (11) The receiver shall record any judgment of
14 dissolution entered in a dissolution proceeding and
15 thereupon turn over to the Commissioner a certified copy
16 thereof, together with all books of accounts and ledgers of
17 such corporate fiduciary for preservation, as
18 distinguished from the books of accounts and ledgers of the
19 corporate fiduciary relating to the assets of the
20 beneficiaries of such fiduciary relations, all of which
21 books of accounts and ledgers shall be turned over by the
22 receiver to the successor trustee or fiduciary.

23 (12) The receiver may cause all assets of the
24 beneficiaries of such fiduciary relations to be registered
25 in the name of the receiver or in the name of the
26 receiver's nominee.

1 (13) The receiver shall have a reasonable period of
2 time in which to review all of the trust accounts,
3 executorships, administrations, guardianships, or
4 other fiduciary relationships, in order to ascertain that
5 the investments by the corporate fiduciary of the assets of
6 such trust accounts, executorships, administrations,
7 guardianships or other fiduciary relationships comply with
8 the terms of the governing instrument, the prudent person
9 rule governing the investment of such funds, or any other
10 law regulating the investment of such funds.

11 (14) For its services in administering the trusts and
12 other fiduciary accounts of the corporate fiduciary during
13 the period of winding up the affairs of the corporate
14 fiduciary, the receiver shall be entitled to be reimbursed
15 for all costs and expenses incurred by the receiver and
16 shall also be entitled to receive out of the assets of the
17 individual fiduciary accounts being administered by the
18 receiver during the period of winding up the affairs of the
19 corporate fiduciary and prior to the appointment of a
20 successor trustee or fiduciary, the usual and customary
21 fees charged by the receiver in the administration of its
22 own fiduciary accounts or reasonable fees approved by the
23 Commissioner.

24 (15) The receiver, during its administration of the
25 trusts and other fiduciary accounts of the corporate
26 fiduciary during the winding up of the affairs of the

1 corporate fiduciary, shall have all of the powers which are
2 vested in trustees under the terms and provisions of the
3 Trusts and Trustees Act, as now or hereafter amended.

4 (16) Upon the appointment of a successor trustee or
5 fiduciary, the receiver shall deliver to such successor
6 trustee or fiduciary all of the assets belonging to the
7 individual trust or fiduciary account as to which the
8 successor trustee or fiduciary succeeds, and the receiver
9 shall thereupon be relieved of any further duties or
10 obligations with respect thereto.

11 (Source: P.A. 90-655, eff. 7-30-98; revised 10-18-18.)

12 Section 435. The Residential Mortgage License Act of 1987
13 is amended by changing Sections 1-3, 1-4, 4-1, and 4-8 as
14 follows:

15 (205 ILCS 635/1-3) (from Ch. 17, par. 2321-3)

16 Sec. 1-3. Necessity for license; scope of Act.

17 (a) No person, partnership, association, corporation or
18 other entity shall engage in the business of brokering,
19 funding, originating, servicing or purchasing of residential
20 mortgage loans without first obtaining a license from the
21 Secretary in accordance with the licensing procedure provided
22 in this Article I and such regulations as may be promulgated by
23 the Secretary. The licensing provisions of this Section shall
24 not apply to any entity engaged solely in commercial mortgage

1 lending or to any person, partnership association, corporation
2 or other entity exempted pursuant to Section 1-4, subsection
3 (d), of this Act or in accordance with regulations promulgated
4 by the Secretary hereunder. No provision of this Act shall
5 apply to an exempt person or entity as defined in items (1) and
6 (1.5) of subsection (d) of Section 1-4 of this Act.
7 Notwithstanding anything to the contrary in the preceding
8 sentence, an individual acting as a mortgage loan originator
9 who is not employed by and acting for an entity described in
10 item (1) of subsection (tt) of Section 1-4 of this Act shall be
11 subject to the mortgage loan originator licensing requirements
12 of Article VII of this Act.

13 Effective January 1, 2011, no provision of this Act shall
14 apply to an exempt person or entity as defined in item (1.8) of
15 subsection (d) of Section 1-4 of this Act. Notwithstanding
16 anything to the contrary in the preceding sentence, an
17 individual acting as a mortgage loan originator who is not
18 employed by and acting for an entity described in item (1) of
19 subsection (tt) of Section 1-4 of this Act shall be subject to
20 the mortgage loan originator licensing requirements of Article
21 VII of this Act, and provided that an individual acting as a
22 mortgage loan originator under item (1.8) of subsection (d) of
23 Section 1-4 of this Act shall be further subject to a
24 determination by the U.S. Department of Housing and Urban
25 Development through final rulemaking or other authorized
26 agency determination under the federal Secure and Fair

1 Enforcement for Mortgage Licensing Act of 2008.

2 (a-1) A person who is exempt from licensure pursuant to
3 paragraph (ii) of item (1) of subsection (d) of Section 1-4 of
4 this Act as a federally chartered savings bank that is
5 registered with the Nationwide Multistate Licensing System and
6 Registry may apply to the Secretary for an exempt company
7 registration for the purpose of sponsoring one or more
8 individuals subject to the mortgage loan originator licensing
9 requirements of Article VII of this Act. Registration with the
10 Division of Banking of the Department shall not affect the
11 exempt status of the applicant.

12 (1) A mortgage loan originator eligible for licensure
13 under this subsection shall (A) be covered under an
14 exclusive written contract with, and originate residential
15 mortgage loans solely on behalf of, that exempt person; and
16 (B) hold a current, valid insurance producer license under
17 Article XXXI of the Illinois Insurance Code.

18 (2) An exempt person shall: (A) fulfill any reporting
19 requirements required by the Nationwide Multistate
20 Licensing System and Registry or the Secretary; (B) provide
21 a blanket surety bond pursuant to Section 7-12 of this Act
22 covering the activities of all its sponsored mortgage loan
23 originators; (C) reasonably supervise the activities of
24 all its sponsored mortgage loan originators; (D) comply
25 with all rules and orders (including the averments
26 contained in Section 2-4 of this Act as applicable to a

1 non-licensed exempt entity provided for in this Section)
2 that the Secretary deems necessary to ensure compliance
3 with the federal SAFE Act; and (E) pay an annual
4 registration fee established by the Director.

5 (3) The Secretary may deny an exempt company
6 registration to an exempt person or fine, suspend, or
7 revoke an exempt company registration if the Secretary
8 finds one of the following:

9 (A) that the exempt person is not a person of
10 honesty, truthfulness, or good character;

11 (B) that the exempt person violated any applicable
12 law, rule, or order;

13 (C) that the exempt person refused or failed to
14 furnish, within a reasonable time, any information or
15 make any report that may be required by the Secretary;

16 (D) that the exempt person had a final judgment
17 entered against him or her in a civil action on grounds
18 of fraud, deceit, or misrepresentation, and the
19 conduct on which the judgment is based indicates that
20 it would be contrary to the interest of the public to
21 permit the exempt person to manage a loan originator;

22 (E) that the exempt person had an order entered
23 against him or her involving fraud, deceit, or
24 misrepresentation by an administrative agency of this
25 State, the federal government, or any other state or
26 territory of the United States, and the facts relating

1 to the order indicate that it would be contrary to the
2 interest of the public to permit the exempt person to
3 manage a loan originator;

4 (F) that the exempt person made a material
5 misstatement or suppressed or withheld information on
6 the application for an exempt company registration or
7 any document required to be filed with the Secretary;
8 or

9 (G) that the exempt person violated Section 4-5 of
10 this Act.

11 (a-5) An entity that is exempt from licensure pursuant to
12 item (7) of subsection (d) of Section 1-4 of this Act as an
13 independent loan processing entity shall annually apply to the
14 Secretary through the Nationwide Multistate Licensing System
15 and Registry for an exempt company registration for the purpose
16 of sponsoring one or more individuals subject to the mortgage
17 loan originator licensing requirements of Article VII of this
18 Act. A loan processor who performs clerical or support duties
19 at the direction of and subject to the supervision and
20 instruction of a licensed mortgage loan originator sponsored by
21 an independent loan processing entity shall be exempt from his
22 or her own licensing as a mortgage loan originator. An
23 independent loan processing entity shall not be subject to
24 examination by the Secretary. The Secretary may adopt rules to
25 implement any provisions necessary for the administration of
26 this subsection.

1 (b) No person, partnership, association, corporation, or
2 other entity except a licensee under this Act or an entity
3 exempt from licensing pursuant to Section 1-4, subsection (d),
4 of this Act shall do any business under any name or title, or
5 circulate or use any advertising or make any representation or
6 give any information to any person, which indicates or
7 reasonably implies activity within the scope of this Act.

8 (c) The Secretary may, through the Attorney General,
9 request the circuit court of either Cook or Sangamon County to
10 issue an injunction to restrain any person from violating or
11 continuing to violate any of the foregoing provisions of this
12 Section.

13 (d) When the Secretary has reasonable cause to believe that
14 any entity which has not submitted an application for licensure
15 is conducting any of the activities described in subsection (a)
16 hereof, the Secretary shall have the power to examine all books
17 and records of the entity and any additional documentation
18 necessary in order to determine whether such entity should
19 become licensed under this Act.

20 (d-1) The Secretary may issue orders against any person if
21 the Secretary has reasonable cause to believe that an unsafe,
22 unsound, or unlawful practice has occurred, is occurring, or is
23 about to occur, if any person has violated, is violating, or is
24 about to violate any law, rule, or written agreement with the
25 Secretary, or for the purposes of administering the provisions
26 of this Act and any rule adopted in accordance with this Act.

1 (e) Any person, partnership, association, corporation or
2 other entity who violates any provision of this Section commits
3 a business offense and shall be fined an amount not to exceed
4 \$25,000. A mortgage loan brokered, funded, originated,
5 serviced, or purchased by a party who is not licensed under
6 this Section shall not be held to be invalid solely on the
7 basis of a violation under this Section. The changes made to
8 this Section by Public Act 99-113 ~~this amendatory Act of the~~
9 ~~99th General Assembly~~ are declarative of existing law.

10 (f) Each person, partnership, association, corporation or
11 other entity conducting activities regulated by this Act shall
12 be issued one license. Each office, place of business or
13 location at which a residential mortgage licensee conducts any
14 part of his or her business must be recorded with the Secretary
15 pursuant to Section 2-8 of this Act.

16 (g) Licensees under this Act shall solicit, broker, fund,
17 originate, service and purchase residential mortgage loans
18 only in conformity with the provisions of this Act and such
19 rules and regulations as may be promulgated by the Secretary.

20 (h) This Act applies to all entities doing business in
21 Illinois as residential mortgage bankers, as defined by "An Act
22 to provide for the regulation of mortgage bankers", approved
23 September 15, 1977, as amended, regardless of whether licensed
24 under that or any prior Act. Any existing residential mortgage
25 lender or residential mortgage broker in Illinois whether or
26 not previously licensed, must operate in accordance with this

1 Act.

2 (i) This Act is a successor Act to and a continuance of the
3 regulation of residential mortgage bankers provided in ~~7~~ "An Act
4 to provide for the regulation of mortgage bankers", approved
5 September 15, 1977, as amended.

6 Entities and persons subject to the predecessor Act shall
7 be subject to this Act from and after its effective date.

8 (Source: P.A. 99-113, eff. 7-23-15; 100-851, eff. 8-14-18;
9 100-1153, eff. 12-19-18; revised 1-13-19.)

10 (205 ILCS 635/1-4)

11 Sec. 1-4. Definitions. The following words and phrases have
12 the meanings given to them in this Section:

13 (a) "Residential real property" or "residential real
14 estate" shall mean any real property located in Illinois,
15 upon which is constructed or intended to be constructed a
16 dwelling. Those terms include a manufactured home as
17 defined in subdivision (53) of Section 9-102 of the Uniform
18 Commercial Code which is real property as defined in
19 Section 5-35 of the Conveyance and Encumbrance of
20 Manufactured Homes as Real Property and Severance Act.

21 (b) "Making a residential mortgage loan" or "funding a
22 residential mortgage loan" shall mean for compensation or
23 gain, either directly or indirectly, advancing funds or
24 making a commitment to advance funds to a loan applicant
25 for a residential mortgage loan.

1 (c) "Soliciting, processing, placing, or negotiating a
2 residential mortgage loan" shall mean for compensation or
3 gain, either directly or indirectly, accepting or offering
4 to accept an application for a residential mortgage loan,
5 assisting or offering to assist in the processing of an
6 application for a residential mortgage loan on behalf of a
7 borrower, or negotiating or offering to negotiate the terms
8 or conditions of a residential mortgage loan with a lender
9 on behalf of a borrower including, but not limited to, the
10 submission of credit packages for the approval of lenders,
11 the preparation of residential mortgage loan closing
12 documents, including a closing in the name of a broker.

13 (d) "Exempt person or entity" shall mean the following:

14 (1) (i) Any banking organization or foreign
15 banking corporation licensed by the Illinois
16 Commissioner of Banks and Real Estate or the United
17 States Comptroller of the Currency to transact
18 business in this State; (ii) any national bank,
19 federally chartered savings and loan association,
20 federal savings bank, federal credit union; (iii)
21 (blank); (iv) any bank, savings and loan association,
22 savings bank, or credit union organized under the laws
23 of this or any other state; (v) any Illinois Consumer
24 Installment Loan Act licensee; (vi) any insurance
25 company authorized to transact business in this State;
26 (vii) any entity engaged solely in commercial mortgage

1 lending; (viii) any service corporation of a savings
2 and loan association or savings bank organized under
3 the laws of this State or the service corporation of a
4 federally chartered savings and loan association or
5 savings bank having its principal place of business in
6 this State, other than a service corporation licensed
7 or entitled to reciprocity under the Real Estate
8 License Act of 2000; or (ix) any first tier subsidiary
9 of a bank, the charter of which is issued under the
10 Illinois Banking Act by the Illinois Commissioner of
11 Banks and Real Estate, or the first tier subsidiary of
12 a bank chartered by the United States Comptroller of
13 the Currency and that has its principal place of
14 business in this State, provided that the first tier
15 subsidiary is regularly examined by the Illinois
16 Commissioner of Banks and Real Estate or the
17 Comptroller of the Currency, or a consumer compliance
18 examination is regularly conducted by the Federal
19 Reserve Board.

20 (1.5) Any employee of a person or entity mentioned
21 in item (1) of this subsection, when acting for such
22 person or entity, or any registered mortgage loan
23 originator when acting for an entity described in
24 subsection (tt) of this Section.

25 (1.8) Any person or entity that does not originate
26 mortgage loans in the ordinary course of business, but

1 makes or acquires residential mortgage loans with his
2 or her own funds for his or her or its own investment
3 without intent to make, acquire, or resell more than 3
4 residential mortgage loans in any one calendar year.

5 (2) (Blank).

6 (2.1) A bona fide nonprofit organization.

7 (2.2) An employee of a bona fide nonprofit
8 organization when acting on behalf of that
9 organization.

10 (3) Any person employed by a licensee to assist in
11 the performance of the residential mortgage licensee's
12 activities regulated by this Act who is compensated in
13 any manner by only one licensee.

14 (4) (Blank).

15 (5) Any individual, corporation, partnership, or
16 other entity that originates, services, or brokers
17 residential mortgage loans, as these activities are
18 defined in this Act, and who or which receives no
19 compensation for those activities, subject to the
20 Commissioner's regulations and the federal Secure and
21 Fair Enforcement for Mortgage Licensing Act of 2008 and
22 the rules promulgated under that Act with regard to the
23 nature and amount of compensation.

24 (6) (Blank).

25 (7) Any entity engaged solely in providing loan
26 processing services through the sponsoring of

1 individuals acting pursuant to subsection (d) of
2 Section 7-1A of this Act.

3 (e) "Licensee" or "residential mortgage licensee"
4 shall mean a person, partnership, association,
5 corporation, or any other entity who or which is licensed
6 pursuant to this Act to engage in the activities regulated
7 by this Act.

8 (f) "Mortgage loan" "residential mortgage loan" or
9 "home mortgage loan" shall mean any loan primarily for
10 personal, family, or household use that is secured by a
11 mortgage, deed of trust, or other equivalent consensual
12 security interest on a dwelling as defined in Section
13 103(v) of the federal Truth in Lending Act, or residential
14 real estate upon which is constructed or intended to be
15 constructed a dwelling.

16 (g) "Lender" shall mean any person, partnership,
17 association, corporation, or any other entity who either
18 lends or invests money in residential mortgage loans.

19 (h) "Ultimate equitable owner" shall mean a person who,
20 directly or indirectly, owns or controls an ownership
21 interest in a corporation, foreign corporation, alien
22 business organization, trust, or any other form of business
23 organization regardless of whether the person owns or
24 controls the ownership interest through one or more persons
25 or one or more proxies, powers of attorney, nominees,
26 corporations, associations, partnerships, trusts, joint

1 stock companies, or other entities or devices, or any
2 combination thereof.

3 (i) "Residential mortgage financing transaction" shall
4 mean the negotiation, acquisition, sale, or arrangement
5 for or the offer to negotiate, acquire, sell, or arrange
6 for, a residential mortgage loan or residential mortgage
7 loan commitment.

8 (j) "Personal residence address" shall mean a street
9 address and shall not include a post office box number.

10 (k) "Residential mortgage loan commitment" shall mean
11 a contract for residential mortgage loan financing.

12 (l) "Party to a residential mortgage financing
13 transaction" shall mean a borrower, lender, or loan broker
14 in a residential mortgage financing transaction.

15 (m) "Payments" shall mean payment of all or any of the
16 following: principal, interest and escrow reserves for
17 taxes, insurance and other related reserves, and
18 reimbursement for lender advances.

19 (n) "Commissioner" shall mean the Commissioner of
20 Banks and Real Estate, except that, beginning on April 6,
21 2009 (the effective date of Public Act 95-1047), all
22 references in this Act to the Commissioner of Banks and
23 Real Estate are deemed, in appropriate contexts, to be
24 references to the Secretary of Financial and Professional
25 Regulation, or his or her designee, including the Director
26 of the Division of Banking of the Department of Financial

1 and Professional Regulation.

2 (n-1) "Director" shall mean the Director of the
3 Division of Banking of the Department of Financial and
4 Professional Regulation, except that, beginning on July
5 31, 2009 (the effective date of Public Act 96-112), all
6 references in this Act to the Director are deemed, in
7 appropriate contexts, to be the Secretary of Financial and
8 Professional Regulation, or his or her designee, including
9 the Director of the Division of Banking of the Department
10 of Financial and Professional Regulation.

11 (o) "Loan brokering", "brokering", or "brokerage
12 service" shall mean the act of helping to obtain from
13 another entity, for a borrower, a loan secured by
14 residential real estate situated in Illinois or assisting a
15 borrower in obtaining a loan secured by residential real
16 estate situated in Illinois in return for consideration to
17 be paid by either the borrower or the lender including, but
18 not limited to, contracting for the delivery of residential
19 mortgage loans to a third party lender and soliciting,
20 processing, placing, or negotiating residential mortgage
21 loans.

22 (p) "Loan broker" or "broker" shall mean a person,
23 partnership, association, corporation, or limited
24 liability company, other than those persons, partnerships,
25 associations, corporations, or limited liability companies
26 exempted from licensing pursuant to Section 1-4,

1 subsection (d), of this Act, who performs the activities
2 described in subsections (c), (o), and (yy) of this
3 Section.

4 (q) "Servicing" shall mean the collection or
5 remittance for or the right or obligation to collect or
6 remit for any lender, noteowner, noteholder, or for a
7 licensee's own account, of payments, interests, principal,
8 and trust items such as hazard insurance and taxes on a
9 residential mortgage loan in accordance with the terms of
10 the residential mortgage loan; and includes loan payment
11 follow-up, delinquency loan follow-up, loan analysis and
12 any notifications to the borrower that are necessary to
13 enable the borrower to keep the loan current and in good
14 standing. "Servicing" includes management of third-party
15 entities acting on behalf of a residential mortgage
16 licensee for the collection of delinquent payments and the
17 use by such third-party entities of said licensee's
18 servicing records or information, including their use in
19 foreclosure.

20 (r) "Full service office" shall mean an office,
21 provided by the licensee and not subleased from the
22 licensee's employees, and staff in Illinois reasonably
23 adequate to handle efficiently communications, questions,
24 and other matters relating to any application for, or an
25 existing home mortgage secured by residential real estate
26 situated in Illinois with respect to which the licensee is

1 brokering, funding originating, purchasing, or servicing.
2 The management and operation of each full service office
3 must include observance of good business practices such as
4 proper signage; adequate, organized, and accurate books
5 and records; ample phone lines, hours of business, staff
6 training and supervision, and provision for a mechanism to
7 resolve consumer inquiries, complaints, and problems. The
8 Commissioner shall issue regulations with regard to these
9 requirements and shall include an evaluation of compliance
10 with this Section in his or her periodic examination of
11 each licensee.

12 (s) "Purchasing" shall mean the purchase of
13 conventional or government-insured mortgage loans secured
14 by residential real estate situated in Illinois from either
15 the lender or from the secondary market.

16 (t) "Borrower" shall mean the person or persons who
17 seek the services of a loan broker, originator, or lender.

18 (u) "Originating" shall mean the issuing of
19 commitments for and funding of residential mortgage loans.

20 (v) "Loan brokerage agreement" shall mean a written
21 agreement in which a broker or loan broker agrees to do
22 either of the following:

23 (1) obtain a residential mortgage loan for the
24 borrower or assist the borrower in obtaining a
25 residential mortgage loan; or

26 (2) consider making a residential mortgage loan to

1 the borrower.

2 (w) "Advertisement" shall mean the attempt by
3 publication, dissemination, or circulation to induce,
4 directly or indirectly, any person to enter into a
5 residential mortgage loan agreement or residential
6 mortgage loan brokerage agreement relative to a mortgage
7 secured by residential real estate situated in Illinois.

8 (x) (Blank).

9 (y) "Government-insured mortgage loan" shall mean any
10 mortgage loan made on the security of residential real
11 estate insured by the Department of Housing and Urban
12 Development or Farmers Home Loan Administration, or
13 guaranteed by the Veterans Administration.

14 (z) "Annual audit" shall mean a certified audit of the
15 licensee's books and records and systems of internal
16 control performed by a certified public accountant in
17 accordance with generally accepted accounting principles
18 and generally accepted auditing standards.

19 (aa) "Financial institution" shall mean a savings and
20 loan association, savings bank, credit union, or a bank
21 organized under the laws of Illinois or a savings and loan
22 association, savings bank, credit union or a bank organized
23 under the laws of the United States and headquartered in
24 Illinois.

25 (bb) "Escrow agent" shall mean a third party,
26 individual or entity charged with the fiduciary obligation

1 for holding escrow funds on a residential mortgage loan
2 pending final payout of those funds in accordance with the
3 terms of the residential mortgage loan.

4 (cc) "Net worth" shall have the meaning ascribed
5 thereto in Section 3-5 of this Act.

6 (dd) "Affiliate" shall mean:

7 (1) any entity that directly controls or is
8 controlled by the licensee and any other company that
9 is directly affecting activities regulated by this Act
10 that is controlled by the company that controls the
11 licensee;

12 (2) any entity:

13 (A) that is controlled, directly or
14 indirectly, by a trust or otherwise, by or for the
15 benefit of shareholders who beneficially or
16 otherwise control, directly or indirectly, by
17 trust or otherwise, the licensee or any company
18 that controls the licensee; or

19 (B) a majority of the directors or trustees of
20 which constitute a majority of the persons holding
21 any such office with the licensee or any company
22 that controls the licensee;

23 (3) any company, including a real estate
24 investment trust, that is sponsored and advised on a
25 contractual basis by the licensee or any subsidiary or
26 affiliate of the licensee.

1 (ee) "First tier subsidiary" shall be defined by
2 regulation incorporating the comparable definitions used
3 by the Office of the Comptroller of the Currency and the
4 Illinois Commissioner of Banks and Real Estate.

5 (ff) "Gross delinquency rate" means the quotient
6 determined by dividing (1) the sum of (i) the number of
7 government-insured residential mortgage loans funded or
8 purchased by a licensee in the preceding calendar year that
9 are delinquent and (ii) the number of conventional
10 residential mortgage loans funded or purchased by the
11 licensee in the preceding calendar year that are delinquent
12 by (2) the sum of (i) the number of government-insured
13 residential mortgage loans funded or purchased by the
14 licensee in the preceding calendar year and (ii) the number
15 of conventional residential mortgage loans funded or
16 purchased by the licensee in the preceding calendar year.

17 (gg) "Delinquency rate factor" means the factor set by
18 rule of the Commissioner that is multiplied by the average
19 gross delinquency rate of licensees, determined annually
20 for the immediately preceding calendar year, for the
21 purpose of determining which licensees shall be examined by
22 the Commissioner pursuant to subsection (b) of Section 4-8
23 of this Act.

24 (hh) (Blank).

25 (ii) "Confidential supervisory information" means any
26 report of examination, visitation, or investigation

1 prepared by the Commissioner under this Act, any report of
2 examination visitation, or investigation prepared by the
3 state regulatory authority of another state that examines a
4 licensee, any document or record prepared or obtained in
5 connection with or relating to any examination,
6 visitation, or investigation, and any record prepared or
7 obtained by the Commissioner to the extent that the record
8 summarizes or contains information derived from any
9 report, document, or record described in this subsection.

10 "Confidential supervisory information" does not include
11 any information or record routinely prepared by a licensee
12 and maintained in the ordinary course of business or any
13 information or record that is required to be made publicly
14 available pursuant to State or federal law or rule.

15 (jj) "Mortgage loan originator" means an individual
16 who for compensation or gain or in the expectation of
17 compensation or gain:

18 (i) takes a residential mortgage loan application;

19 or

20 (ii) offers or negotiates terms of a residential
21 mortgage loan.

22 "Mortgage loan originator" includes an individual
23 engaged in loan modification activities as defined in
24 subsection (yy) of this Section. A mortgage loan originator
25 engaged in loan modification activities shall report those
26 activities to the Department of Financial and Professional

1 Regulation in the manner provided by the Department;
2 however, the Department shall not impose a fee for
3 reporting, nor require any additional qualifications to
4 engage in those activities beyond those provided pursuant
5 to this Act for mortgage loan originators.

6 "Mortgage loan originator" does not include an
7 individual engaged solely as a loan processor or
8 underwriter except as otherwise provided in subsection (d)
9 of Section 7-1A of this Act.

10 "Mortgage loan originator" does not include a person or
11 entity that only performs real estate brokerage activities
12 and is licensed in accordance with the Real Estate License
13 Act of 2000, unless the person or entity is compensated by
14 a lender, a mortgage broker, or other mortgage loan
15 originator, or by any agent of that lender, mortgage
16 broker, or other mortgage loan originator.

17 "Mortgage loan originator" does not include a person or
18 entity solely involved in extensions of credit relating to
19 timeshare plans, as that term is defined in Section
20 101(53D) of Title 11, United States Code.

21 (kk) "Depository institution" has the same meaning as
22 in Section 3 of the Federal Deposit Insurance Act, and
23 includes any credit union.

24 (ll) "Dwelling" means a residential structure or
25 mobile home which contains one to 4 family housing units,
26 or individual units of condominiums or cooperatives.

1 (mm) "Immediate family member" means a spouse, child,
2 sibling, parent, grandparent, or grandchild, and includes
3 step-parents, step-children, step-siblings, or adoptive
4 relationships.

5 (nn) "Individual" means a natural person.

6 (oo) "Loan processor or underwriter" means an
7 individual who performs clerical or support duties as an
8 employee at the direction of and subject to the supervision
9 and instruction of a person licensed, or exempt from
10 licensing, under this Act. "Clerical or support duties"
11 includes subsequent to the receipt of an application:

12 (i) the receipt, collection, distribution, and
13 analysis of information common for the processing or
14 underwriting of a residential mortgage loan; and

15 (ii) communicating with a consumer to obtain the
16 information necessary for the processing or
17 underwriting of a loan, to the extent that the
18 communication does not include offering or negotiating
19 loan rates or terms, or counseling consumers about
20 residential mortgage loan rates or terms. An
21 individual engaging solely in loan processor or
22 underwriter activities shall not represent to the
23 public, through advertising or other means of
24 communicating or providing information, including the
25 use of business cards, stationery, brochures, signs,
26 rate lists, or other promotional items, that the

1 individual can or will perform any of the activities of
2 a mortgage loan originator.

3 (pp) "Nationwide Multistate Licensing System and
4 Registry" means a mortgage licensing system developed and
5 maintained by the Conference of State Bank Supervisors and
6 the American Association of Residential Mortgage
7 Regulators for the licensing and registration of licensed
8 mortgage loan originators.

9 (qq) "Nontraditional mortgage product" means any
10 mortgage product other than a 30-year fixed rate mortgage.

11 (rr) "Person" means a natural person, corporation,
12 company, limited liability company, partnership, or
13 association.

14 (ss) "Real estate brokerage activity" means any
15 activity that involves offering or providing real estate
16 brokerage services to the public, including:

17 (1) acting as a real estate agent or real estate
18 broker for a buyer, seller, lessor, or lessee of real
19 property;

20 (2) bringing together parties interested in the
21 sale, purchase, lease, rental, or exchange of real
22 property;

23 (3) negotiating, on behalf of any party, any
24 portion of a contract relating to the sale, purchase,
25 lease, rental, or exchange of real property, other than
26 in connection with providing financing with respect to

1 any such transaction;

2 (4) engaging in any activity for which a person
3 engaged in the activity is required to be registered or
4 licensed as a real estate agent or real estate broker
5 under any applicable law; or

6 (5) offering to engage in any activity, or act in
7 any capacity, described in this subsection (ss).

8 (tt) "Registered mortgage loan originator" means any
9 individual that:

10 (1) meets the definition of mortgage loan
11 originator and is an employee of:

12 (A) a depository institution;

13 (B) a subsidiary that is:

14 (i) owned and controlled by a depository
15 institution; and

16 (ii) regulated by a federal banking
17 agency; or

18 (C) an institution regulated by the Farm
19 Credit Administration; and

20 (2) is registered with, and maintains a unique
21 identifier through, the Nationwide Multistate
22 Licensing System and Registry.

23 (uu) "Unique identifier" means a number or other
24 identifier assigned by protocols established by the
25 Nationwide Multistate Licensing System and Registry.

26 (vv) "Residential mortgage license" means a license

1 issued pursuant to Section 1-3, 2-2, or 2-6 of this Act.

2 (ww) "Mortgage loan originator license" means a
3 license issued pursuant to Section 7-1A, 7-3, or 7-6 of
4 this Act.

5 (xx) "Secretary" means the Secretary of the Department
6 of Financial and Professional Regulation, or a person
7 authorized by the Secretary or by this Act to act in the
8 Secretary's stead.

9 (yy) "Loan modification" means, for compensation or
10 gain, either directly or indirectly offering or
11 negotiating on behalf of a borrower or homeowner to adjust
12 the terms of a residential mortgage loan in a manner not
13 provided for in the original or previously modified
14 mortgage loan.

15 (zz) "Short sale facilitation" means, for compensation
16 or gain, either directly or indirectly offering or
17 negotiating on behalf of a borrower or homeowner to
18 facilitate the sale of residential real estate subject to
19 one or more residential mortgage loans or debts
20 constituting liens on the property in which the proceeds
21 from selling the residential real estate will fall short of
22 the amount owed and the lien holders are contacted to agree
23 to release their lien on the residential real estate and
24 accept less than the full amount owed on the debt.

25 (aaa) "Bona fide nonprofit organization" means an
26 organization that is described in Section 501(c)(3) of the

1 Internal Revenue Code, is exempt from federal income tax
2 under Section 501(a) of the Internal Revenue Code, does not
3 operate in a commercial context, and does all of the
4 following:

5 (1) Promotes affordable housing or provides home
6 ownership education or similar services.

7 (2) Conducts its activities in a manner that serves
8 public or charitable purposes.

9 (3) Receives funding and revenue and charges fees
10 in a manner that does not create an incentive for
11 itself or its employees to act other than in the best
12 interests of its clients.

13 (4) Compensates its employees in a manner that does
14 not create an incentive for its employees to act other
15 than in the best interests of its clients.

16 (5) Provides to, or identifies for, the borrower
17 residential mortgage loans with terms favorable to the
18 borrower and comparable to residential mortgage loans
19 and housing assistance provided under government
20 housing assistance programs.

21 The Commissioner may define by rule and regulation any
22 terms used in this Act for the efficient and clear
23 administration of this Act.

24 (Source: P.A. 99-78, eff. 7-20-15; 100-783, eff. 8-10-18;
25 100-851, eff. 8-14-18; 100-1153, eff. 12-19-18; revised
26 1-13-19.)

1 (205 ILCS 635/4-1) (from Ch. 17, par. 2324-1)

2 Sec. 4-1. Commissioner of Banks and Real Estate; functions,
3 powers, and duties. The functions, powers, and duties of the
4 Commissioner of Banks and Real Estate shall include the
5 following:

6 (a) to issue or refuse to issue any license as provided
7 by this Act;

8 (b) to revoke or suspend for cause any license issued
9 under this Act;

10 (c) to keep records of all licenses issued under this
11 Act;

12 (d) to receive, consider, investigate, and act upon
13 complaints made by any person in connection with any
14 residential mortgage licensee in this State;

15 (e) (blank);

16 (f) to prescribe the forms of and receive:

17 (1) applications for licenses; and

18 (2) all reports and all books and records required
19 to be made by any licensee under this Act, including
20 annual audited financial statements and annual reports
21 of mortgage activity;

22 (g) to adopt rules and regulations necessary and proper
23 for the administration of this Act;

24 (h) to subpoena documents and witnesses and compel
25 their attendance and production, to administer oaths, and

1 to require the production of any books, papers, or other
2 materials relevant to any inquiry authorized by this Act;

3 (h-1) to issue orders against any person, if the
4 Commissioner has reasonable cause to believe that an
5 unsafe, unsound, or unlawful practice has occurred, is
6 occurring, or is about to occur, if any person has
7 violated, is violating, or is about to violate any law,
8 rule, or written agreement with the Commissioner, or for
9 the purpose of administering the provisions of this Act and
10 any rule adopted in accordance with the Act;

11 (h-2) to address any inquiries to any licensee, or the
12 officers thereof, in relation to its activities and
13 conditions, or any other matter connected with its affairs,
14 and it shall be the duty of any licensee or person so
15 addressed, to promptly reply in writing to such inquiries.
16 The Commissioner may also require reports from any licensee
17 at any time the Commissioner may deem desirable;

18 (i) to require information with regard to any license
19 applicant as he or she may deem desirable, with due regard
20 to the paramount interests of the public as to the
21 experience, background, honesty, truthfulness, integrity,
22 and competency of the license applicant as to financial
23 transactions involving primary or subordinate mortgage
24 financing, and where the license applicant is an entity
25 other than an individual, as to the honesty, truthfulness,
26 integrity, and competency of any officer or director of the

1 corporation, association, or other entity, or the members
2 of a partnership;

3 (j) to examine the books and records of every licensee
4 under this Act at intervals as specified in Section 4-2;

5 (k) to enforce provisions of this Act;

6 (l) to levy fees, fines, and charges for services
7 performed in administering this Act; the aggregate of all
8 fees collected by the Commissioner on and after the
9 effective date of this Act shall be paid promptly after
10 receipt of the same, accompanied by a detailed statement
11 thereof, into the Residential Finance Regulatory Fund
12 under Section 4-1.5 of this Act; the amounts deposited into
13 that Fund shall be used for the ordinary and contingent
14 expenses of the Office of Banks and Real Estate. Nothing in
15 this Act shall prevent continuing the practice of paying
16 expenses involving salaries, retirement, social security,
17 and State-paid insurance of State officers by
18 appropriation from the General Revenue Fund.

19 (m) to appoint examiners, supervisors, experts, and
20 special assistants as needed to effectively and
21 efficiently administer this Act;

22 (n) to conduct hearings for the purpose of:

23 (1) appeals of orders of the Commissioner;

24 (2) suspensions or revocations of licenses, or
25 fining of licensees;

26 (3) investigating;

- 1 (i) complaints against licensees; or
2 (ii) annual gross delinquency rates; and
3 (4) carrying out the purposes of this Act;
- 4 (o) to exercise exclusive visitorial power over a
5 licensee unless otherwise authorized by this Act or as
6 vested in the courts, or upon prior consultation with the
7 Commissioner, a foreign residential mortgage regulator
8 with an appropriate supervisory interest in the parent or
9 affiliate of a licensee;
- 10 (p) to enter into cooperative agreements with state
11 regulatory authorities of other states to provide for
12 examination of corporate offices or branches of those
13 states and to accept reports of such examinations;
- 14 (q) to assign an examiner or examiners to monitor the
15 affairs of a licensee with whatever frequency the
16 Commissioner determines appropriate and to charge the
17 licensee for reasonable and necessary expenses of the
18 Commissioner, if in the opinion of the Commissioner an
19 emergency exists or appears likely to occur;
- 20 (r) to impose civil penalties of up to \$50 per day
21 against a licensee for failing to respond to a regulatory
22 request or reporting requirement; and
- 23 (s) to enter into agreements in connection with the
24 Nationwide Multistate Licensing System and Registry.

25 (Source: P.A. 100-783, eff. 8-10-18; 100-1153, eff. 12-19-18;
26 revised 1-13-19.)

1 (205 ILCS 635/4-8) (from Ch. 17, par. 2324-8)

2 Sec. 4-8. Delinquency; examination.

3 (a) (Blank).

4 (b) The Secretary shall conduct as part of an examination
5 of each licensee a review of the licensee's loan delinquency
6 data.

7 This subsection shall not be construed as a limitation of
8 the Secretary's examination authority under Section 4-2 of this
9 Act or as otherwise provided in this Act. The Secretary may
10 require a licensee to provide loan delinquency data as the
11 Secretary deems necessary for the proper enforcement of the
12 Act.

13 (c) The purpose of the examination under subsection (b)
14 shall be to determine whether the loan delinquency data of the
15 licensee has resulted from practices which deviate from sound
16 and accepted mortgage underwriting practices, including, but
17 not limited to, credit fraud, appraisal fraud, and property
18 inspection fraud. For the purpose of conducting this
19 examination, the Secretary may accept materials prepared for
20 the U.S. Department of Housing and Urban Development. ~~Secretary~~

21 (d) The Secretary, at his or her discretion, may hold
22 public hearings. Such testimony shall be by a homeowner or
23 mortgagor or his agent, whose residential interest is affected
24 by the activities of the residential mortgage licensee subject
25 to such hearing. At such public hearing, a witness may present

1 testimony on his or her behalf concerning only his or her home⁷
2 or home mortgage, or a witness may authorize a third party to
3 appear on his or her behalf. The testimony shall be restricted
4 to information and comments related to a specific residence or
5 specific residential mortgage application or applications for
6 a residential mortgage or residential loan transaction. The
7 testimony must be preceded by either a letter of complaint or a
8 completed consumer complaint form prescribed by the Secretary.

9 (e) The Secretary shall, at the conclusion of the public
10 hearings, release his or her findings and shall also make
11 public any action taken with respect to the licensee. The
12 Secretary shall also give full consideration to the findings of
13 this examination whenever reapplication is made by the licensee
14 for a new license under this Act.

15 (f) A licensee that is examined pursuant to subsection (b)
16 shall submit to the Secretary a plan which shall be designed to
17 reduce that licensee's loan delinquencies. The plan shall be
18 implemented by the licensee as approved by the Secretary. A
19 licensee that is examined pursuant to subsection (b) shall
20 report monthly, for a one year period, one, 2, and 3 month loan
21 delinquencies.

22 (g) Whenever the Secretary finds that a licensee's loan
23 delinquencies on insured mortgages is unusually high within a
24 particular geographic area, he or she shall require that
25 licensee to submit such information as is necessary to
26 determine whether that licensee's practices have constituted

1 credit fraud, appraisal fraud or property inspection fraud. The
2 Secretary shall promulgate such rules as are necessary to
3 determine whether any licensee's loan delinquencies are
4 unusually high within a particular area.

5 (Source: P.A. 99-15, eff. 1-1-16; 100-783, eff. 8-10-18;
6 100-1153, eff. 12-19-18; revised 1-13-19.)

7 Section 440. The Specialized Mental Health Rehabilitation
8 Act of 2013 is amended by setting forth, renumbering, and
9 changing multiple versions of Sections 5-104 as follows:

10 (210 ILCS 49/5-104)

11 Sec. 5-104. Medicaid rates. Notwithstanding any provision
12 of law to the contrary, the Medicaid rates for Specialized
13 Mental Health Rehabilitation Facilities effective on July 1,
14 2018 must be equal to the rates in effect for Specialized
15 Mental Health Rehabilitation Facilities on June 30, 2018,
16 increased by 4%. The Department shall adopt rules, including
17 emergency rules under subsection (bb) of Section 5-45 of the
18 Illinois Administrative Procedure Act, to implement the
19 provisions of this Section.

20 (Source: P.A. 100-587, eff. 6-4-18.)

21 (210 ILCS 49/5-106)

22 Sec. 5-106 ~~5-104~~. Therapeutic visit rates. For a facility
23 licensed under this Act by June 1, 2018 or provisionally

1 licensed under this Act by June 1, 2018, a payment shall be
2 made for therapeutic visits that have been indicated by an
3 interdisciplinary team as therapeutically beneficial. Payment
4 under this Section shall be at a rate of 75% of the facility's
5 rate on July 27, 2018 (the effective date of Public Act
6 100-646) ~~this amendatory Act of the 100th General Assembly~~ and
7 may not exceed 20 days in a fiscal year and shall not exceed 10
8 days consecutively.

9 (Source: P.A. 100-646, eff. 7-27-18; revised 10-22-18.)

10 Section 445. The Emergency Medical Services (EMS) Systems
11 Act is amended by changing Sections 3.5 and 3.50 as follows:

12 (210 ILCS 50/3.5)

13 (Text of Section before amendment by P.A. 100-1082)

14 Sec. 3.5. Definitions. As used in this Act:

15 "Clinical observation" means the ongoing ~~on-going~~
16 observation of a patient's condition by a licensed health care
17 professional utilizing a medical skill set while continuing
18 assessment and care.

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

21 "Director" means the Director of the Illinois Department of
22 Public Health.

23 "Emergency" means a medical condition of recent onset and
24 severity that would lead a prudent layperson, possessing an

1 average knowledge of medicine and health, to believe that
2 urgent or unscheduled medical care is required.

3 "Emergency Medical Services personnel" or "EMS personnel"
4 means persons licensed as an Emergency Medical Responder (EMR)
5 (First Responder), Emergency Medical Dispatcher (EMD),
6 Emergency Medical Technician (EMT), Emergency Medical
7 Technician-Intermediate (EMT-I), Advanced Emergency Medical
8 Technician (A-EMT), Paramedic (EMT-P), Emergency
9 Communications Registered Nurse (ECRN), or Pre-Hospital
10 Registered Nurse (PHRN).

11 "Health care facility" means a hospital, nursing home,
12 physician's office or other fixed location at which medical and
13 health care services are performed. It does not include
14 "pre-hospital emergency care settings" which utilize EMS
15 personnel to render pre-hospital emergency care prior to the
16 arrival of a transport vehicle, as defined in this Act.

17 "Hospital" has the meaning ascribed to that term in the
18 Hospital Licensing Act.

19 "Medical monitoring" means the performance of medical
20 tests and physical exams to evaluate an individual's ongoing
21 ~~on-going~~ exposure to a factor that could negatively impact that
22 person's health. "Medical monitoring" includes close
23 surveillance or supervision of patients liable to suffer
24 deterioration in physical or mental health and checks of
25 various parameters such as pulse rate, temperature,
26 respiration rate, the condition of the pupils, the level of

1 consciousness and awareness, the degree of appreciation of
2 pain, and blood gas concentrations such as oxygen and carbon
3 dioxide.

4 "Trauma" means any significant injury which involves
5 single or multiple organ systems.

6 (Source: P.A. 98-973, eff. 8-15-14; 99-661, eff. 1-1-17;
7 revised 10-4-18.)

8 (Text of Section after amendment by P.A. 100-1082)

9 Sec. 3.5. Definitions. As used in this Act:

10 "Clinical observation" means the ongoing ~~on-going~~
11 observation of a patient's condition by a licensed health care
12 professional utilizing a medical skill set while continuing
13 assessment and care.

14 "Department" means the Illinois Department of Public
15 Health.

16 "Director" means the Director of the Illinois Department of
17 Public Health.

18 "Emergency" means a medical condition of recent onset and
19 severity that would lead a prudent layperson, possessing an
20 average knowledge of medicine and health, to believe that
21 urgent or unscheduled medical care is required.

22 "Emergency Medical Services personnel" or "EMS personnel"
23 means persons licensed as an Emergency Medical Responder (EMR)
24 (First Responder), Emergency Medical Dispatcher (EMD),
25 Emergency Medical Technician (EMT), Emergency Medical

1 Technician-Intermediate (EMT-I), Advanced Emergency Medical
2 Technician (A-EMT), Paramedic (EMT-P), Emergency
3 Communications Registered Nurse (ECRN), ~~or~~ Pre-Hospital
4 Registered Nurse (PHRN), Pre-Hospital Advanced Practice
5 Registered Nurse (PHAPRN), or Pre-Hospital Physician Assistant
6 (PHPA).

7 "Health care facility" means a hospital, nursing home,
8 physician's office or other fixed location at which medical and
9 health care services are performed. It does not include
10 "pre-hospital emergency care settings" which utilize EMS
11 personnel to render pre-hospital emergency care prior to the
12 arrival of a transport vehicle, as defined in this Act.

13 "Hospital" has the meaning ascribed to that term in the
14 Hospital Licensing Act.

15 "Medical monitoring" means the performance of medical
16 tests and physical exams to evaluate an individual's ongoing
17 ~~on-going~~ exposure to a factor that could negatively impact that
18 person's health. "Medical monitoring" includes close
19 surveillance or supervision of patients liable to suffer
20 deterioration in physical or mental health and checks of
21 various parameters such as pulse rate, temperature,
22 respiration rate, the condition of the pupils, the level of
23 consciousness and awareness, the degree of appreciation of
24 pain, and blood gas concentrations such as oxygen and carbon
25 dioxide.

26 "Trauma" means any significant injury which involves

1 single or multiple organ systems.

2 (Source: P.A. 99-661, eff. 1-1-17; 100-1082, eff. 8-24-19;
3 revised 10-4-18.)

4 (210 ILCS 50/3.50)

5 (Text of Section before amendment by P.A. 100-1082)

6 Sec. 3.50. Emergency Medical Services personnel licensure
7 levels.

8 (a) "Emergency Medical Technician" or "EMT" means a person
9 who has successfully completed a course in basic life support
10 as approved by the Department, is currently licensed by the
11 Department in accordance with standards prescribed by this Act
12 and rules adopted by the Department pursuant to this Act, and
13 practices within an EMS System. A valid Emergency Medical
14 Technician-Basic (EMT-B) license issued under this Act shall
15 continue to be valid and shall be recognized as an Emergency
16 Medical Technician (EMT) license until the Emergency Medical
17 Technician-Basic (EMT-B) license expires.

18 (b) "Emergency Medical Technician-Intermediate" or "EMT-I"
19 means a person who has successfully completed a course in
20 intermediate life support as approved by the Department, is
21 currently licensed by the Department in accordance with
22 standards prescribed by this Act and rules adopted by the
23 Department pursuant to this Act, and practices within an
24 Intermediate or Advanced Life Support EMS System.

25 (b-5) "Advanced Emergency Medical Technician" or "A-EMT"

1 means a person who has successfully completed a course in basic
2 and limited advanced emergency medical care as approved by the
3 Department, is currently licensed by the Department in
4 accordance with standards prescribed by this Act and rules
5 adopted by the Department pursuant to this Act, and practices
6 within an Intermediate or Advanced Life Support EMS System.

7 (c) "Paramedic (EMT-P)" means a person who has successfully
8 completed a course in advanced life support care as approved by
9 the Department, is licensed by the Department in accordance
10 with standards prescribed by this Act and rules adopted by the
11 Department pursuant to this Act, and practices within an
12 Advanced Life Support EMS System. A valid Emergency Medical
13 Technician-Paramedic (EMT-P) license issued under this Act
14 shall continue to be valid and shall be recognized as a
15 Paramedic license until the Emergency Medical
16 Technician-Paramedic (EMT-P) license expires.

17 (c-5) "Emergency Medical Responder" or "EMR (First
18 Responder)" means a person who has successfully completed a
19 course in emergency medical response as approved by the
20 Department and provides emergency medical response services
21 prior to the arrival of an ambulance or specialized emergency
22 medical services vehicle, in accordance with the level of care
23 established by the National EMS Educational Standards
24 Emergency Medical Responder course as modified by the
25 Department. An Emergency Medical Responder who provides
26 services as part of an EMS System response plan shall comply

1 with the applicable sections of the Program Plan, as approved
2 by the Department, of that EMS System. The Department shall
3 have the authority to adopt rules governing the curriculum,
4 practice, and necessary equipment applicable to Emergency
5 Medical Responders.

6 On August 15, 2014 (the effective date of Public Act
7 98-973) ~~this amendatory Act of the 98th General Assembly~~, a
8 person who is licensed by the Department as a First Responder
9 and has completed a Department-approved course in first
10 responder defibrillator training based on, or equivalent to,
11 the National EMS Educational Standards or other standards
12 previously recognized by the Department shall be eligible for
13 licensure as an Emergency Medical Responder upon meeting the
14 licensure requirements and submitting an application to the
15 Department. A valid First Responder license issued under this
16 Act shall continue to be valid and shall be recognized as an
17 Emergency Medical Responder license until the First Responder
18 license expires.

19 (c-10) All EMS Systems and licensees shall be fully
20 compliant with the National EMS Education Standards, as
21 modified by the Department in administrative rules, within 24
22 months after the adoption of the administrative rules.

23 (d) The Department shall have the authority and
24 responsibility to:

25 (1) Prescribe education and training requirements,
26 which includes training in the use of epinephrine, for all

1 levels of EMS personnel except for EMRs, based on the
2 National EMS Educational Standards and any modifications
3 to those curricula specified by the Department through
4 rules adopted pursuant to this Act.

5 (2) Prescribe licensure testing requirements for all
6 levels of EMS personnel, which shall include a requirement
7 that all phases of instruction, training, and field
8 experience be completed before taking the appropriate
9 licensure examination. Candidates may elect to take the
10 appropriate National Registry examination in lieu of the
11 Department's examination, but are responsible for making
12 their own arrangements for taking the National Registry
13 examination. In prescribing licensure testing requirements
14 for honorably discharged members of the armed forces of the
15 United States under this paragraph (2), the Department
16 shall ensure that a candidate's military emergency medical
17 training, emergency medical curriculum completed, and
18 clinical experience, as described in paragraph (2.5), are
19 recognized.

20 (2.5) Review applications for EMS personnel licensure
21 from honorably discharged members of the armed forces of
22 the United States with military emergency medical
23 training. Applications shall be filed with the Department
24 within one year after military discharge and shall contain:
25 (i) proof of successful completion of military emergency
26 medical training; (ii) a detailed description of the

1 emergency medical curriculum completed; and (iii) a
2 detailed description of the applicant's clinical
3 experience. The Department may request additional and
4 clarifying information. The Department shall evaluate the
5 application, including the applicant's training and
6 experience, consistent with the standards set forth under
7 subsections (a), (b), (c), and (d) of Section 3.10. If the
8 application clearly demonstrates that the training and
9 experience meets such standards, the Department shall
10 offer the applicant the opportunity to successfully
11 complete a Department-approved EMS personnel examination
12 for the level of license for which the applicant is
13 qualified. Upon passage of an examination, the Department
14 shall issue a license, which shall be subject to all
15 provisions of this Act that are otherwise applicable to the
16 level of EMS personnel license issued.

17 (3) License individuals as an EMR, EMT, EMT-I, A-EMT,
18 or Paramedic who have met the Department's education,
19 training and examination requirements.

20 (4) Prescribe annual continuing education and
21 relicensure requirements for all EMS personnel licensure
22 levels.

23 (5) Relicense individuals as an EMD, EMR, EMT, EMT-I,
24 A-EMT, or Paramedic every 4 years, based on their
25 compliance with continuing education and relicensure
26 requirements as required by the Department pursuant to this

1 Act. Every 4 years, a Paramedic shall have 100 hours of
2 approved continuing education, an EMT-I and an advanced EMT
3 shall have 80 hours of approved continuing education, and
4 an EMT shall have 60 hours of approved continuing
5 education. An Illinois licensed EMR, EMD, EMT, EMT-I,
6 A-EMT, Paramedic, ECRN, or PHRN whose license has been
7 expired for less than 36 months may apply for reinstatement
8 by the Department. Reinstatement shall require that the
9 applicant (i) submit satisfactory proof of completion of
10 continuing medical education and clinical requirements to
11 be prescribed by the Department in an administrative rule;
12 (ii) submit a positive recommendation from an Illinois EMS
13 Medical Director attesting to the applicant's
14 qualifications for retesting; and (iii) pass a Department
15 approved test for the level of EMS personnel license sought
16 to be reinstated.

17 (6) Grant inactive status to any EMR, EMD, EMT, EMT-I,
18 A-EMT, Paramedic, ECRN, or PHRN who qualifies, based on
19 standards and procedures established by the Department in
20 rules adopted pursuant to this Act.

21 (7) Charge a fee for EMS personnel examination,
22 licensure, and license renewal.

23 (8) Suspend, revoke, or refuse to issue or renew the
24 license of any licensee, after an opportunity for an
25 impartial hearing before a neutral administrative law
26 judge appointed by the Director, where the preponderance of

1 the evidence shows one or more of the following:

2 (A) The licensee has not met continuing education
3 or relicensure requirements as prescribed by the
4 Department;

5 (B) The licensee has failed to maintain
6 proficiency in the level of skills for which he or she
7 is licensed;

8 (C) The licensee, during the provision of medical
9 services, engaged in dishonorable, unethical, or
10 unprofessional conduct of a character likely to
11 deceive, defraud, or harm the public;

12 (D) The licensee has failed to maintain or has
13 violated standards of performance and conduct as
14 prescribed by the Department in rules adopted pursuant
15 to this Act or his or her EMS System's Program Plan;

16 (E) The licensee is physically impaired to the
17 extent that he or she cannot physically perform the
18 skills and functions for which he or she is licensed,
19 as verified by a physician, unless the person is on
20 inactive status pursuant to Department regulations;

21 (F) The licensee is mentally impaired to the extent
22 that he or she cannot exercise the appropriate
23 judgment, skill and safety for performing the
24 functions for which he or she is licensed, as verified
25 by a physician, unless the person is on inactive status
26 pursuant to Department regulations;

1 (G) The licensee has violated this Act or any rule
2 adopted by the Department pursuant to this Act; or

3 (H) The licensee has been convicted (or entered a
4 plea of guilty or nolo-contendere) by a court of
5 competent jurisdiction of a Class X, Class 1, or Class
6 2 felony in this State or an out-of-state equivalent
7 offense.

8 (9) Prescribe education and training requirements in
9 the administration and use of opioid antagonists for all
10 levels of EMS personnel based on the National EMS
11 Educational Standards and any modifications to those
12 curricula specified by the Department through rules
13 adopted pursuant to this Act.

14 (d-5) An EMR, EMD, EMT, EMT-I, A-EMT, Paramedic, ECRN, or
15 PHRN who is a member of the Illinois National Guard or an
16 Illinois State Trooper or who exclusively serves as a volunteer
17 for units of local government with a population base of less
18 than 5,000 or as a volunteer for a not-for-profit organization
19 that serves a service area with a population base of less than
20 5,000 may submit an application to the Department for a waiver
21 of the fees described under paragraph (7) of subsection (d) of
22 this Section on a form prescribed by the Department.

23 The education requirements prescribed by the Department
24 under this Section must allow for the suspension of those
25 requirements in the case of a member of the armed services or
26 reserve forces of the United States or a member of the Illinois

1 National Guard who is on active duty pursuant to an executive
2 order of the President of the United States, an act of the
3 Congress of the United States, or an order of the Governor at
4 the time that the member would otherwise be required to fulfill
5 a particular education requirement. Such a person must fulfill
6 the education requirement within 6 months after his or her
7 release from active duty.

8 (e) In the event that any rule of the Department or an EMS
9 Medical Director that requires testing for drug use as a
10 condition of the applicable EMS personnel license conflicts
11 with or duplicates a provision of a collective bargaining
12 agreement that requires testing for drug use, that rule shall
13 not apply to any person covered by the collective bargaining
14 agreement.

15 (Source: P.A. 98-53, eff. 1-1-14; 98-463, eff. 8-16-13; 98-973,
16 eff. 8-15-14; 99-480, eff. 9-9-15; revised 10-4-18.)

17 (Text of Section after amendment by P.A. 100-1082)

18 Sec. 3.50. Emergency Medical Services personnel licensure
19 levels.

20 (a) "Emergency Medical Technician" or "EMT" means a person
21 who has successfully completed a course in basic life support
22 as approved by the Department, is currently licensed by the
23 Department in accordance with standards prescribed by this Act
24 and rules adopted by the Department pursuant to this Act, and
25 practices within an EMS System. A valid Emergency Medical

1 Technician-Basic (EMT-B) license issued under this Act shall
2 continue to be valid and shall be recognized as an Emergency
3 Medical Technician (EMT) license until the Emergency Medical
4 Technician-Basic (EMT-B) license expires.

5 (b) "Emergency Medical Technician-Intermediate" or "EMT-I"
6 means a person who has successfully completed a course in
7 intermediate life support as approved by the Department, is
8 currently licensed by the Department in accordance with
9 standards prescribed by this Act and rules adopted by the
10 Department pursuant to this Act, and practices within an
11 Intermediate or Advanced Life Support EMS System.

12 (b-5) "Advanced Emergency Medical Technician" or "A-EMT"
13 means a person who has successfully completed a course in basic
14 and limited advanced emergency medical care as approved by the
15 Department, is currently licensed by the Department in
16 accordance with standards prescribed by this Act and rules
17 adopted by the Department pursuant to this Act, and practices
18 within an Intermediate or Advanced Life Support EMS System.

19 (c) "Paramedic (EMT-P)" means a person who has successfully
20 completed a course in advanced life support care as approved by
21 the Department, is licensed by the Department in accordance
22 with standards prescribed by this Act and rules adopted by the
23 Department pursuant to this Act, and practices within an
24 Advanced Life Support EMS System. A valid Emergency Medical
25 Technician-Paramedic (EMT-P) license issued under this Act
26 shall continue to be valid and shall be recognized as a

1 Paramedic license until the Emergency Medical
2 Technician-Paramedic (EMT-P) license expires.

3 (c-5) "Emergency Medical Responder" or "EMR (First
4 Responder)" means a person who has successfully completed a
5 course in emergency medical response as approved by the
6 Department and provides emergency medical response services
7 prior to the arrival of an ambulance or specialized emergency
8 medical services vehicle, in accordance with the level of care
9 established by the National EMS Educational Standards
10 Emergency Medical Responder course as modified by the
11 Department. An Emergency Medical Responder who provides
12 services as part of an EMS System response plan shall comply
13 with the applicable sections of the Program Plan, as approved
14 by the Department, of that EMS System. The Department shall
15 have the authority to adopt rules governing the curriculum,
16 practice, and necessary equipment applicable to Emergency
17 Medical Responders.

18 On August 15, 2014 (the effective date of Public Act
19 98-973) ~~this amendatory Act of the 98th General Assembly~~, a
20 person who is licensed by the Department as a First Responder
21 and has completed a Department-approved course in first
22 responder defibrillator training based on, or equivalent to,
23 the National EMS Educational Standards or other standards
24 previously recognized by the Department shall be eligible for
25 licensure as an Emergency Medical Responder upon meeting the
26 licensure requirements and submitting an application to the

1 Department. A valid First Responder license issued under this
2 Act shall continue to be valid and shall be recognized as an
3 Emergency Medical Responder license until the First Responder
4 license expires.

5 (c-10) All EMS Systems and licensees shall be fully
6 compliant with the National EMS Education Standards, as
7 modified by the Department in administrative rules, within 24
8 months after the adoption of the administrative rules.

9 (d) The Department shall have the authority and
10 responsibility to:

11 (1) Prescribe education and training requirements,
12 which includes training in the use of epinephrine, for all
13 levels of EMS personnel except for EMRs, based on the
14 National EMS Educational Standards and any modifications
15 to those curricula specified by the Department through
16 rules adopted pursuant to this Act.

17 (2) Prescribe licensure testing requirements for all
18 levels of EMS personnel, which shall include a requirement
19 that all phases of instruction, training, and field
20 experience be completed before taking the appropriate
21 licensure examination. Candidates may elect to take the
22 appropriate National Registry examination in lieu of the
23 Department's examination, but are responsible for making
24 their own arrangements for taking the National Registry
25 examination. In prescribing licensure testing requirements
26 for honorably discharged members of the armed forces of the

1 United States under this paragraph (2), the Department
2 shall ensure that a candidate's military emergency medical
3 training, emergency medical curriculum completed, and
4 clinical experience, as described in paragraph (2.5), are
5 recognized.

6 (2.5) Review applications for EMS personnel licensure
7 from honorably discharged members of the armed forces of
8 the United States with military emergency medical
9 training. Applications shall be filed with the Department
10 within one year after military discharge and shall contain:
11 (i) proof of successful completion of military emergency
12 medical training; (ii) a detailed description of the
13 emergency medical curriculum completed; and (iii) a
14 detailed description of the applicant's clinical
15 experience. The Department may request additional and
16 clarifying information. The Department shall evaluate the
17 application, including the applicant's training and
18 experience, consistent with the standards set forth under
19 subsections (a), (b), (c), and (d) of Section 3.10. If the
20 application clearly demonstrates that the training and
21 experience meet ~~meets~~ such standards, the Department shall
22 offer the applicant the opportunity to successfully
23 complete a Department-approved EMS personnel examination
24 for the level of license for which the applicant is
25 qualified. Upon passage of an examination, the Department
26 shall issue a license, which shall be subject to all

1 provisions of this Act that are otherwise applicable to the
2 level of EMS personnel license issued.

3 (3) License individuals as an EMR, EMT, EMT-I, A-EMT,
4 or Paramedic who have met the Department's education,
5 training and examination requirements.

6 (4) Prescribe annual continuing education and
7 relicensure requirements for all EMS personnel licensure
8 levels.

9 (5) Relicense individuals as an EMD, EMR, EMT, EMT-I,
10 A-EMT, PHRN, PHAPRN, PHPA, or Paramedic every 4 years,
11 based on their compliance with continuing education and
12 relicensure requirements as required by the Department
13 pursuant to this Act. Every 4 years, a Paramedic shall have
14 100 hours of approved continuing education, an EMT-I and an
15 advanced EMT shall have 80 hours of approved continuing
16 education, and an EMT shall have 60 hours of approved
17 continuing education. An Illinois licensed EMR, EMD, EMT,
18 EMT-I, A-EMT, Paramedic, ECRN, PHPA, PHAPRN, or PHRN whose
19 license has been expired for less than 36 months may apply
20 for reinstatement by the Department. Reinstatement shall
21 require that the applicant (i) submit satisfactory proof of
22 completion of continuing medical education and clinical
23 requirements to be prescribed by the Department in an
24 administrative rule; (ii) submit a positive recommendation
25 from an Illinois EMS Medical Director attesting to the
26 applicant's qualifications for retesting; and (iii) pass a

1 Department approved test for the level of EMS personnel
2 license sought to be reinstated.

3 (6) Grant inactive status to any EMR, EMD, EMT, EMT-I,
4 A-EMT, Paramedic, ECRN, PHAPRN, PHPA, or PHRN who
5 qualifies, based on standards and procedures established
6 by the Department in rules adopted pursuant to this Act.

7 (7) Charge a fee for EMS personnel examination,
8 licensure, and license renewal.

9 (8) Suspend, revoke, or refuse to issue or renew the
10 license of any licensee, after an opportunity for an
11 impartial hearing before a neutral administrative law
12 judge appointed by the Director, where the preponderance of
13 the evidence shows one or more of the following:

14 (A) The licensee has not met continuing education
15 or relicensure requirements as prescribed by the
16 Department;

17 (B) The licensee has failed to maintain
18 proficiency in the level of skills for which he or she
19 is licensed;

20 (C) The licensee, during the provision of medical
21 services, engaged in dishonorable, unethical, or
22 unprofessional conduct of a character likely to
23 deceive, defraud, or harm the public;

24 (D) The licensee has failed to maintain or has
25 violated standards of performance and conduct as
26 prescribed by the Department in rules adopted pursuant

1 to this Act or his or her EMS System's Program Plan;

2 (E) The licensee is physically impaired to the
3 extent that he or she cannot physically perform the
4 skills and functions for which he or she is licensed,
5 as verified by a physician, unless the person is on
6 inactive status pursuant to Department regulations;

7 (F) The licensee is mentally impaired to the extent
8 that he or she cannot exercise the appropriate
9 judgment, skill and safety for performing the
10 functions for which he or she is licensed, as verified
11 by a physician, unless the person is on inactive status
12 pursuant to Department regulations;

13 (G) The licensee has violated this Act or any rule
14 adopted by the Department pursuant to this Act; or

15 (H) The licensee has been convicted (or entered a
16 plea of guilty or nolo-contendere) by a court of
17 competent jurisdiction of a Class X, Class 1, or Class
18 2 felony in this State or an out-of-state equivalent
19 offense.

20 (9) Prescribe education and training requirements in
21 the administration and use of opioid antagonists for all
22 levels of EMS personnel based on the National EMS
23 Educational Standards and any modifications to those
24 curricula specified by the Department through rules
25 adopted pursuant to this Act.

26 (d-5) An EMR, EMD, EMT, EMT-I, A-EMT, Paramedic, ECRN,

1 PHAPRN, PHPA, or PHRN who is a member of the Illinois National
2 Guard or an Illinois State Trooper or who exclusively serves as
3 a volunteer for units of local government with a population
4 base of less than 5,000 or as a volunteer for a not-for-profit
5 organization that serves a service area with a population base
6 of less than 5,000 may submit an application to the Department
7 for a waiver of the fees described under paragraph (7) of
8 subsection (d) of this Section on a form prescribed by the
9 Department.

10 The education requirements prescribed by the Department
11 under this Section must allow for the suspension of those
12 requirements in the case of a member of the armed services or
13 reserve forces of the United States or a member of the Illinois
14 National Guard who is on active duty pursuant to an executive
15 order of the President of the United States, an act of the
16 Congress of the United States, or an order of the Governor at
17 the time that the member would otherwise be required to fulfill
18 a particular education requirement. Such a person must fulfill
19 the education requirement within 6 months after his or her
20 release from active duty.

21 (e) In the event that any rule of the Department or an EMS
22 Medical Director that requires testing for drug use as a
23 condition of the applicable EMS personnel license conflicts
24 with or duplicates a provision of a collective bargaining
25 agreement that requires testing for drug use, that rule shall
26 not apply to any person covered by the collective bargaining

1 agreement.

2 (Source: P.A. 99-480, eff. 9-9-15; 100-1082, eff. 8-24-19;
3 revised 10-4-18.)

4 Section 450. The Health Care Violence Prevention Act is
5 amended by changing Section 20 as follows:

6 (210 ILCS 160/20)

7 Sec. 20. Workplace violence prevention program.

8 (a) A health care provider shall create a workplace
9 violence prevention program that complies with the
10 Occupational Safety and Health Administration guidelines for
11 preventing workplace violence for health care and social
12 service workers as amended or updated by the Occupational
13 Safety and Health Administration.

14 (a-5) In addition, the workplace violence prevention
15 program shall include:

16 (1) the following classifications of workplace
17 violence as one of 4 possible types:

18 (A) "Type 1 violence" means workplace violence
19 committed by a person who has no legitimate business at
20 the work site and includes violent acts by anyone who
21 enters the workplace with the intent to commit a crime.

22 (B) "Type 2 violence" means workplace violence
23 directed at employees by customers, clients, patients,
24 students, inmates, visitors, or other individuals

1 accompanying a patient.

2 (C) "Type 3 violence" means workplace violence
3 against an employee by a present or former employee,
4 supervisor, or manager.

5 (D) "Type 4 violence" means workplace violence
6 committed in the workplace by someone who does not work
7 there, but has or is known to have had a personal
8 relationship with an employee;~~;~~

9 (2) management commitment and worker participation,
10 including, but not limited to, nurses;

11 (3) worksite analysis and identification of potential
12 hazards;

13 (4) hazard prevention and control;

14 (5) safety and health training with required hours
15 determined by rule; and

16 (6) recordkeeping and evaluation of the violence
17 prevention program.

18 (b) The Department of Public Health may by rule adopt
19 additional criteria for workplace violence prevention
20 programs.

21 (Source: P.A. 100-1051, eff. 1-1-19; revised 10-4-18.)

22 Section 455. The Illinois Insurance Code is amended by
23 changing Sections 4, 154.8, 300.1, 370c, and 452 and by setting
24 forth, renumbering, and changing multiple versions of Section
25 356z.29 as follows:

1 (215 ILCS 5/4) (from Ch. 73, par. 616)

2 Sec. 4. Classes of insurance. Insurance and insurance
3 business shall be classified as follows:

4 Class 1. Life, Accident and Health.

5 (a) Life. Insurance on the lives of persons and every
6 insurance appertaining thereto or connected therewith and
7 granting, purchasing or disposing of annuities. Policies of
8 life or endowment insurance or annuity contracts or contracts
9 supplemental thereto which contain provisions for additional
10 benefits in case of death by accidental means and provisions
11 operating to safeguard such policies or contracts against
12 lapse, to give a special surrender value, or special benefit,
13 or an annuity, in the event, that the insured or annuitant
14 shall become a person with a total and permanent disability as
15 defined by the policy or contract, or which contain benefits
16 providing acceleration of life or endowment or annuity benefits
17 in advance of the time they would otherwise be payable, as an
18 indemnity for long term care which is certified or ordered by a
19 physician, including but not limited to, professional nursing
20 care, medical care expenses, custodial nursing care,
21 non-nursing custodial care provided in a nursing home or at a
22 residence of the insured, or which contain benefits providing
23 acceleration of life or endowment or annuity benefits in
24 advance of the time they would otherwise be payable, at any
25 time during the insured's lifetime, as an indemnity for a

1 terminal illness shall be deemed to be policies of life or
2 endowment insurance or annuity contracts within the intent of
3 this clause.

4 Also to be deemed as policies of life or endowment
5 insurance or annuity contracts within the intent of this clause
6 shall be those policies or riders that provide for the payment
7 of up to 75% of the face amount of benefits in advance of the
8 time they would otherwise be payable upon a diagnosis by a
9 physician licensed to practice medicine in all of its branches
10 that the insured has incurred a covered condition listed in the
11 policy or rider.

12 "Covered condition", as used in this clause, means: heart
13 attack, stroke, coronary artery surgery, life threatening
14 cancer, renal failure, Alzheimer's disease, paraplegia, major
15 organ transplantation, total and permanent disability, and any
16 other medical condition that the Department may approve for any
17 particular filing.

18 The Director may issue rules that specify prohibited policy
19 provisions, not otherwise specifically prohibited by law,
20 which in the opinion of the Director are unjust, unfair, or
21 unfairly discriminatory to the policyholder, any person
22 insured under the policy, or beneficiary.

23 (b) Accident and health. Insurance against bodily injury,
24 disablement or death by accident and against disablement
25 resulting from sickness or old age and every insurance
26 appertaining thereto, including stop-loss insurance. Stop-loss

1 insurance is insurance against the risk of economic loss issued
2 to a single employer self-funded employee disability benefit
3 plan or an employee welfare benefit plan as described in 29
4 U.S.C. 100 et seq. The insurance laws of this State, including
5 this Code, do not apply to arrangements between a religious
6 organization and the organization's members or participants
7 when the arrangement and organization meet all of the following
8 criteria:

9 (i) the organization is described in Section 501(c)(3)
10 of the Internal Revenue Code and is exempt from taxation
11 under Section 501(a) of the Internal Revenue Code;

12 (ii) members of the organization share a common set of
13 ethical or religious beliefs and share medical expenses
14 among members in accordance with those beliefs and without
15 regard to the state in which a member resides or is
16 employed;

17 (iii) no funds that have been given for the purpose of
18 the sharing of medical expenses among members described in
19 paragraph (ii) of this subsection (b) are held by the
20 organization in an off-shore trust or bank account;

21 (iv) the organization provides at least monthly to all
22 of its members a written statement listing the dollar
23 amount of qualified medical expenses that members have
24 submitted for sharing, as well as the amount of expenses
25 actually shared among the members;

26 (v) members of the organization retain membership even

1 after they develop a medical condition;

2 (vi) the organization or a predecessor organization
3 has been in existence at all times since December 31, 1999,
4 and medical expenses of its members have been shared
5 continuously and without interruption since at least
6 December 31, 1999;

7 (vii) the organization conducts an annual audit that is
8 performed by an independent certified public accounting
9 firm in accordance with generally accepted accounting
10 principles and is made available to the public upon
11 request;

12 (viii) the organization includes the following
13 statement, in writing, on or accompanying all applications
14 and guideline materials:

15 "Notice: The organization facilitating the sharing of
16 medical expenses is not an insurance company, and
17 neither its guidelines nor plan of operation
18 constitute or create an insurance policy. Any
19 assistance you receive with your medical bills will be
20 totally voluntary. As such, participation in the
21 organization or a subscription to any of its documents
22 should never be considered to be insurance. Whether or
23 not you receive any payments for medical expenses and
24 whether or not this organization continues to operate,
25 you are always personally responsible for the payment
26 of your own medical bills.";

1 (ix) any membership card or similar document issued by
2 the organization and any written communication sent by the
3 organization to a hospital, physician, or other health care
4 provider shall include a statement that the organization
5 does not issue health insurance and that the member or
6 participant is personally liable for payment of his or her
7 medical bills;

8 (x) the organization provides to a participant, within
9 30 days after the participant joins, a complete set of its
10 rules for the sharing of medical expenses, appeals of
11 decisions made by the organization, and the filing of
12 complaints;

13 (xi) the organization does not offer any other services
14 that are regulated under any provision of the Illinois
15 Insurance Code or other insurance laws of this State; and

16 (xii) the organization does not amass funds as reserves
17 intended for payment of medical services, rather the
18 organization facilitates the payments provided for in this
19 subsection (b) through payments made directly from one
20 participant to another.

21 (c) Legal Expense Insurance. Insurance which involves the
22 assumption of a contractual obligation to reimburse the
23 beneficiary against or pay on behalf of the beneficiary, all or
24 a portion of his fees, costs, or expenses related to or arising
25 out of services performed by or under the supervision of an
26 attorney licensed to practice in the jurisdiction wherein the

1 services are performed, regardless of whether the payment is
2 made by the beneficiaries individually or by a third person for
3 them, but does not include the provision of or reimbursement
4 for legal services incidental to other insurance coverages. The
5 insurance laws of this State, including this Act do not apply
6 to:

7 (i) retainer contracts made by attorneys at law with
8 individual clients with fees based on estimates of the
9 nature and amount of services to be provided to the
10 specific client, and similar contracts made with a group of
11 clients involved in the same or closely related legal
12 matters;

13 (ii) plans owned or operated by attorneys who are the
14 providers of legal services to the plan;

15 (iii) plans providing legal service benefits to groups
16 where such plans are owned or operated by authority of a
17 state, county, local or other bar association;

18 (iv) any lawyer referral service authorized or
19 operated by a state, county, local or other bar
20 association;

21 (v) the furnishing of legal assistance by labor unions
22 and other employee organizations to their members in
23 matters relating to employment or occupation;

24 (vi) the furnishing of legal assistance to members or
25 dependents, by churches, consumer organizations,
26 cooperatives, educational institutions, credit unions, or

1 organizations of employees, where such organizations
2 contract directly with lawyers or law firms for the
3 provision of legal services, and the administration and
4 marketing of such legal services is wholly conducted by the
5 organization or its subsidiary;

6 (vii) legal services provided by an employee welfare
7 benefit plan defined by the Employee Retirement Income
8 Security Act of 1974;

9 (viii) any collectively bargained plan for legal
10 services between a labor union and an employer negotiated
11 pursuant to Section 302 of the Labor Management Relations
12 Act as now or hereafter amended, under which plan legal
13 services will be provided for employees of the employer
14 whether or not payments for such services are funded to or
15 through an insurance company.

16 Class 2. Casualty, Fidelity and Surety.

17 (a) Accident and health. Insurance against bodily injury,
18 disablement or death by accident and against disablement
19 resulting from sickness or old age and every insurance
20 appertaining thereto, including stop-loss insurance. Stop-loss
21 insurance is insurance against the risk of economic loss issued
22 to a single employer self-funded employee disability benefit
23 plan or an employee welfare benefit plan as described in 29
24 U.S.C. 1001 et seq.

25 (b) Vehicle. Insurance against any loss or liability
26 resulting from or incident to the ownership, maintenance or use

1 of any vehicle (motor or otherwise), draft animal or aircraft.
2 Any policy insuring against any loss or liability on account of
3 the bodily injury or death of any person may contain a
4 provision for payment of disability benefits to injured persons
5 and death benefits to dependents, beneficiaries or personal
6 representatives of persons who are killed, including the named
7 insured, irrespective of legal liability of the insured, if the
8 injury or death for which benefits are provided is caused by
9 accident and sustained while in or upon or while entering into
10 or alighting from or through being struck by a vehicle (motor
11 or otherwise), draft animal or aircraft, and such provision
12 shall not be deemed to be accident insurance.

13 (c) Liability. Insurance against the liability of the
14 insured for the death, injury or disability of an employee or
15 other person, and insurance against the liability of the
16 insured for damage to or destruction of another person's
17 property.

18 (d) Workers' compensation. Insurance of the obligations
19 accepted by or imposed upon employers under laws for workers'
20 compensation.

21 (e) Burglary and forgery. Insurance against loss or damage
22 by burglary, theft, larceny, robbery, forgery, fraud or
23 otherwise; including all householders' personal property
24 floater risks.

25 (f) Glass. Insurance against loss or damage to glass
26 including lettering, ornamentation and fittings from any

1 cause.

2 (g) Fidelity and surety. Become surety or guarantor for any
3 person, copartnership or corporation in any position or place
4 of trust or as custodian of money or property, public or
5 private; or, becoming a surety or guarantor for the performance
6 of any person, copartnership or corporation of any lawful
7 obligation, undertaking, agreement or contract of any kind,
8 except contracts or policies of insurance; and underwriting
9 blanket bonds. Such obligations shall be known and treated as
10 suretyship obligations and such business shall be known as
11 surety business.

12 (h) Miscellaneous. Insurance against loss or damage to
13 property and any liability of the insured caused by accidents
14 to boilers, pipes, pressure containers, machinery and
15 apparatus of any kind and any apparatus connected thereto, or
16 used for creating, transmitting or applying power, light, heat,
17 steam or refrigeration, making inspection of and issuing
18 certificates of inspection upon elevators, boilers, machinery
19 and apparatus of any kind and all mechanical apparatus and
20 appliances appertaining thereto; insurance against loss or
21 damage by water entering through leaks or openings in
22 buildings, or from the breakage or leakage of a sprinkler,
23 pumps, water pipes, plumbing and all tanks, apparatus, conduits
24 and containers designed to bring water into buildings or for
25 its storage or utilization therein, or caused by the falling of
26 a tank, tank platform or supports, or against loss or damage

1 from any cause (other than causes specifically enumerated under
2 Class 3 of this Section) to such sprinkler, pumps, water pipes,
3 plumbing, tanks, apparatus, conduits or containers; insurance
4 against loss or damage which may result from the failure of
5 debtors to pay their obligations to the insured; and insurance
6 of the payment of money for personal services under contracts
7 of hiring.

8 (i) Other casualty risks. Insurance against any other
9 casualty risk not otherwise specified under Classes 1 or 3,
10 which may lawfully be the subject of insurance and may properly
11 be classified under Class 2.

12 (j) Contingent losses. Contingent, consequential and
13 indirect coverages wherein the proximate cause of the loss is
14 attributable to any one of the causes enumerated under Class 2.
15 Such coverages shall, for the purpose of classification, be
16 included in the specific grouping of the kinds of insurance
17 wherein such cause is specified.

18 (k) Livestock and domestic animals. Insurance against
19 mortality, accident and health of livestock and domestic
20 animals.

21 (l) Legal expense insurance. Insurance against risk
22 resulting from the cost of legal services as defined under
23 Class 1(c).

24 Class 3. Fire and Marine, etc.

25 (a) Fire. Insurance against loss or damage by fire, smoke
26 and smudge, lightning or other electrical disturbances.

1 (b) Elements. Insurance against loss or damage by
2 earthquake, windstorms, cyclone, tornado, tempests, hail,
3 frost, snow, ice, sleet, flood, rain, drought or other weather
4 or climatic conditions including excess or deficiency of
5 moisture, rising of the waters of the ocean or its tributaries.

6 (c) War, riot and explosion. Insurance against loss or
7 damage by bombardment, invasion, insurrection, riot, strikes,
8 civil war or commotion, military or usurped power, or explosion
9 (other than explosion of steam boilers and the breaking of fly
10 wheels on premises owned, controlled, managed, or maintained by
11 the insured-)..

12 (d) Marine and transportation. Insurance against loss or
13 damage to vessels, craft, aircraft, vehicles of every kind,
14 (excluding vehicles operating under their own power or while in
15 storage not incidental to transportation) as well as all goods,
16 freights, cargoes, merchandise, effects, disbursements,
17 profits, moneys, bullion, precious stones, securities, choses
18 ~~chooses~~ in action, evidences of debt, valuable papers, bottomry
19 and respondentia interests and all other kinds of property and
20 interests therein, in respect to, appertaining to or in
21 connection with any or all risks or perils of navigation,
22 transit, or transportation, including war risks, on or under
23 any seas or other waters, on land or in the air, or while being
24 assembled, packed, crated, baled, compressed or similarly
25 prepared for shipment or while awaiting the same or during any
26 delays, storage, transshipment, or reshipment incident

1 thereto, including marine builder's risks and all personal
2 property floater risks; and for loss or damage to persons or
3 property in connection with or appertaining to marine, inland
4 marine, transit or transportation insurance, including
5 liability for loss of or damage to either arising out of or in
6 connection with the construction, repair, operation,
7 maintenance, or use of the subject matter of such insurance,
8 (but not including life insurance or surety bonds); but, except
9 as herein specified, shall not mean insurances against loss by
10 reason of bodily injury to the person; and insurance against
11 loss or damage to precious stones, jewels, jewelry, gold,
12 silver and other precious metals whether used in business or
13 trade or otherwise and whether the same be in course of
14 transportation or otherwise, which shall include jewelers'
15 block insurance; and insurance against loss or damage to
16 bridges, tunnels and other instrumentalities of transportation
17 and communication (excluding buildings, their furniture and
18 furnishings, fixed contents and supplies held in storage)
19 unless fire, tornado, sprinkler leakage, hail, explosion,
20 earthquake, riot and civil commotion are the only hazards to be
21 covered; and to piers, wharves, docks and slips, excluding the
22 risks of fire, tornado, sprinkler leakage, hail, explosion,
23 earthquake, riot and civil commotion; and to other aids to
24 navigation and transportation, including dry docks and marine
25 railways, against all risk.

26 (e) Vehicle. Insurance against loss or liability resulting

1 from or incident to the ownership, maintenance or use of any
2 vehicle (motor or otherwise), draft animal or aircraft,
3 excluding the liability of the insured for the death, injury or
4 disability of another person.

5 (f) Property damage, sprinkler leakage and crop. Insurance
6 against the liability of the insured for loss or damage to
7 another person's property or property interests from any cause
8 enumerated in this class; insurance against loss or damage by
9 water entering through leaks or openings in buildings, or from
10 the breakage or leakage of a sprinkler, pumps, water pipes,
11 plumbing and all tanks, apparatus, conduits and containers
12 designed to bring water into buildings or for its storage or
13 utilization therein, or caused by the falling of a tank, tank
14 platform or supports or against loss or damage from any cause
15 to such sprinklers, pumps, water pipes, plumbing, tanks,
16 apparatus, conduits or containers; insurance against loss or
17 damage from insects, diseases or other causes to trees, crops
18 or other products of the soil.

19 (g) Other fire and marine risks. Insurance against any
20 other property risk not otherwise specified under Classes 1 or
21 2, which may lawfully be the subject of insurance and may
22 properly be classified under Class 3.

23 (h) Contingent losses. Contingent, consequential and
24 indirect coverages wherein the proximate cause of the loss is
25 attributable to any of the causes enumerated under Class 3.
26 Such coverages shall, for the purpose of classification, be

1 included in the specific grouping of the kinds of insurance
2 wherein such cause is specified.

3 (i) Legal expense insurance. Insurance against risk
4 resulting from the cost of legal services as defined under
5 Class 1(c).

6 (Source: P.A. 99-143, eff. 7-27-15; revised 10-18-18.)

7 (215 ILCS 5/154.8) (from Ch. 73, par. 766.8)

8 Sec. 154.8. Cease and desist order; suspension of
9 certificate; civil penalty; judicial review. ~~Cease and Desist~~
10 ~~Order - Suspension of Certificate - Civil penalty - Judicial~~
11 ~~Review.)~~

12 (1) If l, after a hearing pursuant to Section 154.7, l the
13 Director finds that company has engaged in an improper claims
14 practice, he shall order such company to cease and desist from
15 such practices and, in the exercise of reasonable discretion,
16 may suspend the company's certificate of authority for a period
17 not to exceed 6 months or impose a civil penalty of up to
18 \$250,000, or both. Pursuant to Section 401, the Director shall
19 adopt ~~promulgate~~ reasonable rules ~~and regulations~~ establishing
20 standards for the implementation of this Section.

21 (2) Any order of the Director pursuant to this Section is
22 subject to judicial review under Section 407 of this Code.

23 (Source: P.A. 86-846; revised 10-18-18.)

24 (215 ILCS 5/300.1) (from Ch. 73, par. 912.1)

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

2 Sec. 300.1. The benefit contract.

3 (a) Every society authorized to do business in this State
4 shall issue to each owner of a benefit contract a certificate
5 specifying the amount of benefits provided thereby. The
6 certificate, together with any riders or endorsements attached
7 thereto, the laws of the society, the application for
8 membership, the application for insurance and declaration of
9 insurability, if any, signed by the applicant and all
10 amendments to each thereof shall constitute the benefit
11 contract, as of the date of issuance, between the society and
12 the owner, and the certificate shall so state. A copy of the
13 application for insurance and declaration of insurability, if
14 any, shall be endorsed upon or attached to the certificate. All
15 statements on the application shall be representations and not
16 warranties. Any waiver of this provision shall be void.

17 (b) Any changes, additions or amendments to the laws of the
18 society duly made or enacted subsequent to the issuance of the
19 certificate shall bind the owner and the beneficiaries and
20 shall govern and control the benefit contract in all respects
21 the same as though such changes, additions or amendments had
22 been made prior to and were in force at the time of the
23 application for insurance, except that no change, addition or
24 amendment shall destroy or diminish benefits which the society
25 contracted to give the owner as of the date of issuance.

26 (c) Any person upon whose life a benefit contract is issued

1 prior to attaining the age of majority shall be bound by the
2 terms of the application and certificate and by all the laws
3 and rules of the society to the same extent as though the age
4 of majority had been attained at the time of application.

5 (d) A society shall provide in its laws and its
6 certificates that, if its reserves as to all or any class of
7 certificates become impaired, its board of directors or
8 corresponding body may require that there shall be paid by the
9 owner to the society an assessment in the amount of the owner's
10 equitable proportion of such deficiency as ascertained by its
11 board, and that, if the payment is not made, either (1) it
12 shall stand as an indebtedness against the certificate and draw
13 interest not to exceed the rate specified for certificate loans
14 under the certificates; or (2) in lieu of or in combination
15 with (1), the owner may accept a proportionate reduction in
16 benefits under the certificate. However, in no event may an
17 assessment obligation be forgiven, credited, or repaid by
18 whatever means or however labeled by the society in lieu of
19 collection or reduction in benefits, unless provided to all
20 society members and approved in writing by the Director, except
21 that the forgiveness or repayment of any assessments issued by
22 a society that remain outstanding as of January 1, 2015 (the
23 effective date of Public Act 98-814) ~~this amendatory Act of the~~
24 ~~98th General Assembly~~ may be forgiven or repaid by any manner
25 or plan certified by an independent actuary and filed with the
26 Director to make reasonable and adequate provision for the

1 forgiveness or repayment of the assessment to all society
2 members. Notwithstanding the foregoing, a society may fully
3 repay, credit, or forgive an assessment from the date of death
4 of any life insured under a certificate so long as the plan to
5 forgive or repay the assessment is certified by an independent
6 actuary and filed with the Director to make reasonable and
7 adequate provision for the forgiveness or repayment of the
8 assessment to all assessed society members as a result of the
9 death. The society may specify the manner of the election and
10 which alternative is to be presumed if no election is made. No
11 such assessment shall take effect unless a 30-day notification
12 has been provided to the Director, who shall have the ability
13 to disapprove the assessment only if the Director finds that
14 such assessment is not in the best interests of the benefit
15 members of the domestic society. Disapproval by the Director
16 shall be made within 30 days after receipt of notice and shall
17 be in writing and mailed to the domestic society. If the
18 Director disapproves the assessment, the reasons therefor
19 ~~therefore~~ shall be stated in the written notice.

20 (e) Copies of any of the documents mentioned in this
21 Section, certified by the secretary or corresponding officer of
22 the society, shall be received in evidence of the terms and
23 conditions thereof.

24 (f) No certificate shall be delivered or issued for
25 delivery in this State unless a copy of the form has been filed
26 with the Director in the manner provided for like policies

1 issued by life insurers in this State. Every life, accident,
2 health or disability insurance certificate and every annuity
3 certificate issued on or after one year from January 1, 1986
4 (the effective date of Public Act 84-303) ~~this amendatory Act~~
5 shall meet the standard contract provision requirements not
6 inconsistent with Public Act 84-303 ~~this amendatory Act~~ for
7 like policies issued by life insurers in this State except that
8 a society may provide for a grace period for payment of
9 premiums of one full month in its certificates. The certificate
10 shall also contain a provision stating the amount of premiums
11 which are payable under the certificate and a provision
12 reciting or setting forth the substance of any sections of the
13 society's laws or rules in force at the time of issuance of the
14 certificate which, if violated, will result in the termination
15 or reduction of benefits payable under the certificate. If the
16 laws of the society provide for expulsion or suspension of a
17 member, the certificate shall also contain a provision that any
18 member so expelled or suspended, except for nonpayment of a
19 premium or within the contestable period for material
20 misrepresentation in the application for membership or
21 insurance, shall have the privilege of maintaining the
22 certificate in force by continuing payment of the required
23 premium.

24 (g) Benefit contracts issued on the lives of persons below
25 the society's minimum age for adult membership may provide for
26 transfer of control or ownership to the insured at an age

1 specified in the certificate. A society may require approval of
2 an application for membership in order to effect this transfer
3 and may provide in all other respect for the regulation,
4 government and control of such certificates and all rights,
5 obligations and liabilities incident thereto and connected
6 therewith. Ownership rights prior to such transfer shall be
7 specified in the certificate.

8 (h) A society may specify the terms and conditions on which
9 benefit contracts may be assigned.

10 (Source: P.A. 98-814, eff. 1-1-15; revised 10-18-18.)

11 (215 ILCS 5/356z.29)

12 Sec. 356z.29. Stage 4 advanced, metastatic cancer.

13 (a) As used in this Section, "stage 4 advanced, metastatic
14 cancer" means cancer that has spread from the primary or
15 original site of the cancer to nearby tissues, lymph nodes, or
16 other areas or parts of the body.

17 (b) No individual or group policy of accident and health
18 insurance amended, issued, delivered, or renewed in this State
19 after January 1, 2019 (the effective date of Public Act
20 100-1057) ~~this amendatory Act of the 100th General Assembly~~
21 that, as a provision of hospital, medical, or surgical
22 services, directly or indirectly covers the treatment of stage
23 4 advanced, metastatic cancer shall limit or exclude coverage
24 for a drug approved by the United States Food and Drug
25 Administration by mandating that the insured shall first be

1 required to fail to successfully respond to a different drug or
2 prove a history of failure of the drug as long as the use of the
3 drug is consistent with best practices for the treatment of
4 stage 4 advanced, metastatic cancer and is supported by
5 peer-reviewed medical literature.

6 (c) If, at any time before or after January 1, 2019 (the
7 effective date of Public Act 100-1057) ~~this amendatory Act of~~
8 ~~the 100th General Assembly~~, the Secretary of the United States
9 Department of Health and Human Services, or its successor
10 agency, promulgates rules or regulations to be published in the
11 Federal Register, publishes a comment in the Federal Register,
12 or issues an opinion, guidance, or other action that would
13 require the State, pursuant to any provision of the Patient
14 Protection and Affordable Care Act (Pub. L. 111-148),
15 including, but not limited to, 42 U.S.C. 18031(d)(3)(B) or any
16 successor provision, to defray the cost of the prohibition of
17 coverage restrictions or exclusions contained in subsection
18 (b) of this Section for the treatment of stage 4 advanced,
19 metastatic cancer, then this Section is inoperative with
20 respect to all such coverage other than that authorized under
21 Section 1902 of the Social Security Act, 42 U.S.C. 1396a, and
22 the State shall not assume any obligation for the cost of the
23 prohibition of coverage restrictions or exclusions contained
24 in subsection (b) of this Section for the treatment of stage 4
25 advanced, metastatic cancer.

26 (Source: P.A. 100-1057, eff. 1-1-19; revised 10-3-18.)

1 (215 ILCS 5/356z.30)

2 Sec. 356z.30 ~~356z.29~~. Coverage for hearing aids for
3 individuals under the age of 18.

4 (a) As used in this Section:

5 "Hearing care professional" means a person who is a
6 licensed hearing instrument dispenser, licensed audiologist,
7 or licensed physician.

8 "Hearing instrument" or "hearing aid" means any wearable
9 non-disposable, non-experimental instrument or device designed
10 to aid or compensate for impaired human hearing and any parts,
11 attachments, or accessories for the instrument or device,
12 including an ear mold but excluding batteries and cords.

13 (b) An individual or group policy of accident and health
14 insurance or managed care plan that is amended, delivered,
15 issued, or renewed after August 22, 2018 (the effective date of
16 Public Act 100-1026) ~~this amendatory Act of the 100th General~~
17 ~~Assembly~~ must provide coverage for medically necessary hearing
18 instruments and related services for all individuals under the
19 age of 18 when a hearing care professional prescribes a hearing
20 instrument to augment communication.

21 (c) An insurer shall provide coverage, subject to all
22 applicable co-payments, co-insurance, deductibles, and
23 out-of-pocket limits, subject to the following restrictions:

24 (1) one hearing instrument shall be covered for each
25 ear every 36 months;

1 (2) related services, such as audiological exams and
2 selection, fitting, and adjustment of ear molds to maintain
3 optimal fit shall be covered when deemed medically
4 necessary by a hearing care professional; and

5 (3) hearing instrument repairs may be covered when
6 deemed medically necessary.

7 (d) If, at any time before or after August 22, 2018 (the
8 effective date of Public Act 100-1026) ~~this amendatory Act of~~
9 ~~the 100th General Assembly~~, the Secretary of the United States
10 Department of Health and Human Services, or its successor
11 agency, promulgates rules or regulations to be published in the
12 Federal Register, publishes a comment in the Federal Register,
13 or issues an opinion, guidance, or other action that would
14 require the State, pursuant to any provision of the Patient
15 Protection and Affordable Care Act (Pub. L. 111-148),
16 including, but not limited to, 42 U.S.C. 18031(d)(3)(B) or any
17 successor provision, to defray the cost of coverage for
18 medically necessary hearing instruments and related services
19 for individuals under the age of 18, then this Section is
20 inoperative with respect to all such coverage other than that
21 authorized under Section 1902 of the Social Security Act, 42
22 U.S.C. 1396a, and the State shall not assume any obligation for
23 the cost of coverage for medically necessary hearing
24 instruments and related services for individuals under the age
25 of 18.

26 (Source: P.A. 100-1026, eff. 8-22-18; revised 10-3-18.)

1 (215 ILCS 5/356z.31)

2 Sec. 356z.31 ~~356z.29~~. Recovery housing for persons with
3 substance use disorders.

4 (a) Definitions. As used in this Section:

5 "Substance use disorder" and "case management" have the
6 meanings ascribed to those terms in Section 1-10 of the
7 Substance Use Disorder Act.

8 "Hospital" means a facility licensed by the Department of
9 Public Health under the Hospital Licensing Act.

10 "Federally qualified health center" means a facility as
11 defined in Section 1905(1)(2)(B) of the federal Social Security
12 Act.

13 "Recovery housing" means a residential extended care
14 treatment facility or a recovery home as defined and licensed
15 in 77 Illinois Administrative Code, Part 2060, by the Illinois
16 Department of Human Services, Division of Substance Use
17 Prevention and Recovery.

18 (b) A group or individual policy of accident and health
19 insurance or managed care plan amended, delivered, issued, or
20 renewed on or after January 1, 2019 (the effective date of
21 Public Act 100-1065) ~~this amendatory Act of the 100th General~~
22 ~~Assembly~~ may provide coverage for residential extended care
23 services and supports for persons recovery housing for persons
24 with substance use disorders who are at risk of a relapse
25 following discharge from a health care clinic, federally

1 qualified health center, hospital withdrawal management
2 program or any other licensed withdrawal management program, or
3 hospital emergency department so long as all of the following
4 conditions are met:

5 (1) A health care clinic, federally qualified health
6 center, hospital withdrawal management program or any
7 other licensed withdrawal management program, or hospital
8 emergency department has conducted an individualized
9 assessment, using criteria established by the American
10 Society of Addiction Medicine, of the person's condition
11 prior to discharge and has identified the person as being
12 at risk of a relapse and in need of supportive services,
13 including employment and training and case management, to
14 maintain long-term recovery. A determination of whether a
15 person is in need of supportive services shall also be
16 based on whether the person has a history of poverty, job
17 insecurity, and lack of a safe and sober living
18 environment.

19 (2) The recovery housing is administered by a
20 community-based agency that is licensed by or under
21 contract with the Department of Human Services, Division of
22 Substance Use Prevention and Recovery.

23 (3) The recovery housing is administered by a
24 community-based agency as described in paragraph (2) upon
25 the referral of a health care clinic, federally qualified
26 health center, hospital withdrawal management program or

1 any other licensed withdrawal management program, or
2 hospital emergency department.

3 (c) Based on the individualized needs assessment, any
4 coverage provided in accordance with this Section may include,
5 but not be limited to, the following:

6 (1) Substance use disorder treatment services that are
7 in accordance with licensure standards promulgated by the
8 Department of Human Services, Division of Substance Use
9 Prevention and Recovery.

10 (2) Transitional housing services, including food or
11 meal plans.

12 (3) Individualized case management and referral
13 services, including case management and social services
14 for the families of persons who are seeking treatment for a
15 substance use disorder.

16 (4) Job training or placement services.

17 (d) The insurer may rate each community-based agency that
18 is licensed by or under contract with the Department of Human
19 Services, Division of Substance Use Prevention and Recovery to
20 provide recovery housing based on an evaluation of each
21 agency's ability to:

22 (1) reduce health care costs;

23 (2) reduce recidivism rates for persons suffering from
24 a substance use disorder;

25 (3) improve outcomes;

26 (4) track persons with substance use disorders; and

1 (5) improve the quality of life of persons with
2 substance use disorders through the utilization of
3 sustainable recovery, education, employment, and housing
4 services.

5 The insurer may publish the results of the ratings on its
6 official website and shall, on an annual basis, update the
7 posted results.

8 (e) The Department of Insurance may adopt any rules
9 necessary to implement the provisions of this Section in
10 accordance with the Illinois Administrative Procedure Act and
11 all rules and procedures of the Joint Committee on
12 Administrative Rules; any purported rule not so adopted, for
13 whatever reason, is unauthorized.

14 (Source: P.A. 100-1065, eff. 1-1-19; revised 10-3-18.)

15 (215 ILCS 5/356z.32)

16 Sec. 356z.32 ~~356z.29~~. Coverage for fertility preservation
17 services.

18 (a) As used in this Section:

19 "Iatrogenic infertility" means an ~~in~~ impairment of
20 fertility by surgery, radiation, chemotherapy, or other
21 medical treatment affecting reproductive organs or
22 processes.

23 "May directly or indirectly cause" means the likely
24 possibility that treatment will cause a side effect of
25 infertility, based upon current evidence-based standards

1 of care established by the American Society for
2 Reproductive Medicine, the American Society of Clinical
3 Oncology, or other national medical associations that
4 follow current evidence-based standards of care.

5 "Standard fertility preservation services" means
6 procedures based upon current evidence-based standards of
7 care established by the American Society for Reproductive
8 Medicine, the American Society of Clinical Oncology, or
9 other national medical associations that follow current
10 evidence-based standards of care.

11 (b) An individual or group policy of accident and health
12 insurance amended, delivered, issued, or renewed in this State
13 after January 1, 2019 (the effective date of Public Act
14 100-1102) ~~this amendatory Act of the 100th General Assembly~~
15 must provide coverage for medically necessary expenses for
16 standard fertility preservation services when a necessary
17 medical treatment may directly or indirectly cause iatrogenic
18 infertility to an enrollee.

19 (c) In determining coverage pursuant to this Section, an
20 insurer shall not discriminate based on an individual's
21 expected length of life, present or predicted disability,
22 degree of medical dependency, quality of life, or other health
23 conditions, nor based on personal characteristics, including
24 age, sex, sexual orientation, or marital status.

25 (d) If, at any time before or after January 1, 2019 (the
26 effective date of Public Act 100-1102) ~~this amendatory Act of~~

1 ~~the 100th General Assembly~~, the Secretary of the United States
2 Department of Health and Human Services, or its successor
3 agency, promulgates rules or regulations to be published in the
4 Federal Register, publishes a comment in the Federal Register,
5 or issues an opinion, guidance, or other action that would
6 require the State, pursuant to any provision of the Patient
7 Protection and Affordable Care Act (Pub. L. 111-148),
8 including, but not limited to, 42 U.S.C. 18031(d)(3)(B) or any
9 successor provision, to defray the cost of coverage for
10 fertility preservation services, then this Section is
11 inoperative with respect to all such coverage other than that
12 authorized under Section 1902 of the Social Security Act, 42
13 U.S.C. 1396a, and the State shall not assume any obligation for
14 the cost of coverage for fertility preservation services.

15 (Source: P.A. 100-1102, eff. 1-1-19; revised 10-3-18.)

16 (215 ILCS 5/370c) (from Ch. 73, par. 982c)

17 Sec. 370c. Mental and emotional disorders.

18 (a) (1) On and after January 1, 2019 (the effective date of
19 Public Act 100-1024) ~~this amendatory Act of the 100th General~~
20 ~~Assembly~~, every insurer that amends, delivers, issues, or
21 renews group accident and health policies providing coverage
22 for hospital or medical treatment or services for illness on an
23 expense-incurred basis shall provide coverage for reasonable
24 and necessary treatment and services for mental, emotional,
25 nervous, or substance use disorders or conditions consistent

1 with the parity requirements of Section 370c.1 of this Code.

2 (2) Each insured that is covered for mental, emotional,
3 nervous, or substance use disorders or conditions shall be free
4 to select the physician licensed to practice medicine in all
5 its branches, licensed clinical psychologist, licensed
6 clinical social worker, licensed clinical professional
7 counselor, licensed marriage and family therapist, licensed
8 speech-language pathologist, or other licensed or certified
9 professional at a program licensed pursuant to the Substance
10 Use Disorder ~~Illinois Alcoholism and Other Drug Abuse and~~
11 ~~Dependency~~ Act of his choice to treat such disorders, and the
12 insurer shall pay the covered charges of such physician
13 licensed to practice medicine in all its branches, licensed
14 clinical psychologist, licensed clinical social worker,
15 licensed clinical professional counselor, licensed marriage
16 and family therapist, licensed speech-language pathologist, or
17 other licensed or certified professional at a program licensed
18 pursuant to the Substance Use Disorder ~~Illinois Alcoholism and~~
19 ~~Other Drug Abuse and Dependency~~ Act up to the limits of
20 coverage, provided (i) the disorder or condition treated is
21 covered by the policy, and (ii) the physician, licensed
22 psychologist, licensed clinical social worker, licensed
23 clinical professional counselor, licensed marriage and family
24 therapist, licensed speech-language pathologist, or other
25 licensed or certified professional at a program licensed
26 pursuant to the Substance Use Disorder ~~Illinois Alcoholism and~~

1 ~~Other Drug Abuse and Dependency~~ Act is authorized to provide
2 said services under the statutes of this State and in
3 accordance with accepted principles of his profession.

4 (3) Insofar as this Section applies solely to licensed
5 clinical social workers, licensed clinical professional
6 counselors, licensed marriage and family therapists, licensed
7 speech-language pathologists, and other licensed or certified
8 professionals at programs licensed pursuant to the Substance
9 Use Disorder ~~Illinois Alcoholism and Other Drug Abuse and~~
10 ~~Dependency~~ Act, those persons who may provide services to
11 individuals shall do so after the licensed clinical social
12 worker, licensed clinical professional counselor, licensed
13 marriage and family therapist, licensed speech-language
14 pathologist, or other licensed or certified professional at a
15 program licensed pursuant to the Substance Use Disorder
16 ~~Illinois Alcoholism and Other Drug Abuse and Dependency~~ Act has
17 informed the patient of the desirability of the patient
18 conferring with the patient's primary care physician.

19 (4) "Mental, emotional, nervous, or substance use disorder
20 or condition" means a condition or disorder that involves a
21 mental health condition or substance use disorder that falls
22 under any of the diagnostic categories listed in the mental and
23 behavioral disorders chapter of the current edition of the
24 International Classification of Disease or that is listed in
25 the most recent version of the Diagnostic and Statistical
26 Manual of Mental Disorders.

1 (b) (1) (Blank).

2 (2) (Blank).

3 (2.5) (Blank).

4 (3) Unless otherwise prohibited by federal law and
5 consistent with the parity requirements of Section 370c.1 of
6 this Code, the reimbursing insurer that amends, delivers,
7 issues, or renews a group or individual policy of accident and
8 health insurance, a qualified health plan offered through the
9 health insurance marketplace, or a provider of treatment of
10 mental, emotional, nervous, or substance use disorders or
11 conditions shall furnish medical records or other necessary
12 data that substantiate that initial or continued treatment is
13 at all times medically necessary. An insurer shall provide a
14 mechanism for the timely review by a provider holding the same
15 license and practicing in the same specialty as the patient's
16 provider, who is unaffiliated with the insurer, jointly
17 selected by the patient (or the patient's next of kin or legal
18 representative if the patient is unable to act for himself or
19 herself), the patient's provider, and the insurer in the event
20 of a dispute between the insurer and patient's provider
21 regarding the medical necessity of a treatment proposed by a
22 patient's provider. If the reviewing provider determines the
23 treatment to be medically necessary, the insurer shall provide
24 reimbursement for the treatment. Future contractual or
25 employment actions by the insurer regarding the patient's
26 provider may not be based on the provider's participation in

1 this procedure. Nothing prevents the insured from agreeing in
2 writing to continue treatment at his or her expense. When
3 making a determination of the medical necessity for a treatment
4 modality for mental, emotional, nervous, or substance use
5 disorders or conditions, an insurer must make the determination
6 in a manner that is consistent with the manner used to make
7 that determination with respect to other diseases or illnesses
8 covered under the policy, including an appeals process. Medical
9 necessity determinations for substance use disorders shall be
10 made in accordance with appropriate patient placement criteria
11 established by the American Society of Addiction Medicine. No
12 additional criteria may be used to make medical necessity
13 determinations for substance use disorders.

14 (4) A group health benefit plan amended, delivered, issued,
15 or renewed on or after January 1, 2019 (the effective date of
16 Public Act 100-1024) ~~this amendatory Act of the 100th General~~
17 ~~Assembly~~ or an individual policy of accident and health
18 insurance or a qualified health plan offered through the health
19 insurance marketplace amended, delivered, issued, or renewed
20 on or after January 1, 2019 (the effective date of Public Act
21 100-1024) ~~this amendatory Act of the 100th General Assembly:~~

22 (A) shall provide coverage based upon medical
23 necessity for the treatment of a mental, emotional,
24 nervous, or substance use disorder or condition consistent
25 with the parity requirements of Section 370c.1 of this
26 Code; provided, however, that in each calendar year

1 coverage shall not be less than the following:

2 (i) 45 days of inpatient treatment; and

3 (ii) beginning on June 26, 2006 (the effective date
4 of Public Act 94-921), 60 visits for outpatient
5 treatment including group and individual outpatient
6 treatment; and

7 (iii) for plans or policies delivered, issued for
8 delivery, renewed, or modified after January 1, 2007
9 (the effective date of Public Act 94-906), 20
10 additional outpatient visits for speech therapy for
11 treatment of pervasive developmental disorders that
12 will be in addition to speech therapy provided pursuant
13 to item (ii) of this subparagraph (A); and

14 (B) may not include a lifetime limit on the number of
15 days of inpatient treatment or the number of outpatient
16 visits covered under the plan.

17 (C) (Blank).

18 (5) An issuer of a group health benefit plan or an
19 individual policy of accident and health insurance or a
20 qualified health plan offered through the health insurance
21 marketplace may not count toward the number of outpatient
22 visits required to be covered under this Section an outpatient
23 visit for the purpose of medication management and shall cover
24 the outpatient visits under the same terms and conditions as it
25 covers outpatient visits for the treatment of physical illness.

26 (5.5) An individual or group health benefit plan amended,

1 delivered, issued, or renewed on or after September 9, 2015
2 (the effective date of Public Act 99-480) ~~this amendatory Act~~
3 ~~of the 99th General Assembly~~ shall offer coverage for medically
4 necessary acute treatment services and medically necessary
5 clinical stabilization services. The treating provider shall
6 base all treatment recommendations and the health benefit plan
7 shall base all medical necessity determinations for substance
8 use disorders in accordance with the most current edition of
9 the Treatment Criteria for Addictive, Substance-Related, and
10 Co-Occurring Conditions established by the American Society of
11 Addiction Medicine. The treating provider shall base all
12 treatment recommendations and the health benefit plan shall
13 base all medical necessity determinations for
14 medication-assisted treatment in accordance with the most
15 current Treatment Criteria for Addictive, Substance-Related,
16 and Co-Occurring Conditions established by the American
17 Society of Addiction Medicine.

18 As used in this subsection:

19 "Acute treatment services" means 24-hour medically
20 supervised addiction treatment that provides evaluation and
21 withdrawal management and may include biopsychosocial
22 assessment, individual and group counseling, psychoeducational
23 groups, and discharge planning.

24 "Clinical stabilization services" means 24-hour treatment,
25 usually following acute treatment services for substance
26 abuse, which may include intensive education and counseling

1 regarding the nature of addiction and its consequences, relapse
2 prevention, outreach to families and significant others, and
3 aftercare planning for individuals beginning to engage in
4 recovery from addiction.

5 (6) An issuer of a group health benefit plan may provide or
6 offer coverage required under this Section through a managed
7 care plan.

8 (6.5) An individual or group health benefit plan amended,
9 delivered, issued, or renewed on or after January 1, 2019 (the
10 effective date of Public Act 100-1024) ~~this amendatory Act of~~
11 ~~the 100th General Assembly:~~

12 (A) shall not impose prior authorization requirements,
13 other than those established under the Treatment Criteria
14 for Addictive, Substance-Related, and Co-Occurring
15 Conditions established by the American Society of
16 Addiction Medicine, on a prescription medication approved
17 by the United States Food and Drug Administration that is
18 prescribed or administered for the treatment of substance
19 use disorders;

20 (B) shall not impose any step therapy requirements,
21 other than those established under the Treatment Criteria
22 for Addictive, Substance-Related, and Co-Occurring
23 Conditions established by the American Society of
24 Addiction Medicine, before authorizing coverage for a
25 prescription medication approved by the United States Food
26 and Drug Administration that is prescribed or administered

1 for the treatment of substance use disorders;

2 (C) shall place all prescription medications approved
3 by the United States Food and Drug Administration
4 prescribed or administered for the treatment of substance
5 use disorders on, for brand medications, the lowest tier of
6 the drug formulary developed and maintained by the
7 individual or group health benefit plan that covers brand
8 medications and, for generic medications, the lowest tier
9 of the drug formulary developed and maintained by the
10 individual or group health benefit plan that covers generic
11 medications; and

12 (D) shall not exclude coverage for a prescription
13 medication approved by the United States Food and Drug
14 Administration for the treatment of substance use
15 disorders and any associated counseling or wraparound
16 services on the grounds that such medications and services
17 were court ordered.

18 (7) (Blank).

19 (8) (Blank).

20 (9) With respect to all mental, emotional, nervous, or
21 substance use disorders or conditions, coverage for inpatient
22 treatment shall include coverage for treatment in a residential
23 treatment center certified or licensed by the Department of
24 Public Health or the Department of Human Services.

25 (c) This Section shall not be interpreted to require
26 coverage for speech therapy or other habilitative services for

1 those individuals covered under Section 356z.15 of this Code.

2 (d) With respect to a group or individual policy of
3 accident and health insurance or a qualified health plan
4 offered through the health insurance marketplace, the
5 Department and, with respect to medical assistance, the
6 Department of Healthcare and Family Services shall each enforce
7 the requirements of this Section and Sections 356z.23 and
8 370c.1 of this Code, the Paul Wellstone and Pete Domenici
9 Mental Health Parity and Addiction Equity Act of 2008, 42
10 U.S.C. 18031(j), and any amendments to, and federal guidance or
11 regulations issued under, those Acts, including, but not
12 limited to, final regulations issued under the Paul Wellstone
13 and Pete Domenici Mental Health Parity and Addiction Equity Act
14 of 2008 and final regulations applying the Paul Wellstone and
15 Pete Domenici Mental Health Parity and Addiction Equity Act of
16 2008 to Medicaid managed care organizations, the Children's
17 Health Insurance Program, and alternative benefit plans.
18 Specifically, the Department and the Department of Healthcare
19 and Family Services shall take action:

20 (1) proactively ensuring compliance by individual and
21 group policies, including by requiring that insurers
22 submit comparative analyses, as set forth in paragraph (6)
23 of subsection (k) of Section 370c.1, demonstrating how they
24 design and apply nonquantitative treatment limitations,
25 both as written and in operation, for mental, emotional,
26 nervous, or substance use disorder or condition benefits as

1 compared to how they design and apply nonquantitative
2 treatment limitations, as written and in operation, for
3 medical and surgical benefits;

4 (2) evaluating all consumer or provider complaints
5 regarding mental, emotional, nervous, or substance use
6 disorder or condition coverage for possible parity
7 violations;

8 (3) performing parity compliance market conduct
9 examinations or, in the case of the Department of
10 Healthcare and Family Services, parity compliance audits
11 of individual and group plans and policies, including, but
12 not limited to, reviews of:

13 (A) nonquantitative treatment limitations,
14 including, but not limited to, prior authorization
15 requirements, concurrent review, retrospective review,
16 step therapy, network admission standards,
17 reimbursement rates, and geographic restrictions;

18 (B) denials of authorization, payment, and
19 coverage; and

20 (C) other specific criteria as may be determined by
21 the Department.

22 The findings and the conclusions of the parity compliance
23 market conduct examinations and audits shall be made public.

24 The Director may adopt rules to effectuate any provisions
25 of the Paul Wellstone and Pete Domenici Mental Health Parity
26 and Addiction Equity Act of 2008 that relate to the business of

1 insurance.

2 (e) Availability of plan information.

3 (1) The criteria for medical necessity determinations
4 made under a group health plan, an individual policy of
5 accident and health insurance, or a qualified health plan
6 offered through the health insurance marketplace with
7 respect to mental health or substance use disorder benefits
8 (or health insurance coverage offered in connection with
9 the plan with respect to such benefits) must be made
10 available by the plan administrator (or the health
11 insurance issuer offering such coverage) to any current or
12 potential participant, beneficiary, or contracting
13 provider upon request.

14 (2) The reason for any denial under a group health
15 benefit plan, an individual policy of accident and health
16 insurance, or a qualified health plan offered through the
17 health insurance marketplace (or health insurance coverage
18 offered in connection with such plan or policy) of
19 reimbursement or payment for services with respect to
20 mental, emotional, nervous, or substance use disorders or
21 conditions benefits in the case of any participant or
22 beneficiary must be made available within a reasonable time
23 and in a reasonable manner and in readily understandable
24 language by the plan administrator (or the health insurance
25 issuer offering such coverage) to the participant or
26 beneficiary upon request.

1 (f) As used in this Section, "group policy of accident and
2 health insurance" and "group health benefit plan" includes (1)
3 State-regulated employer-sponsored group health insurance
4 plans written in Illinois or which purport to provide coverage
5 for a resident of this State; and (2) State employee health
6 plans.

7 (g) (1) As used in this subsection:

8 "Benefits", with respect to insurers, means the benefits
9 provided for treatment services for inpatient and outpatient
10 treatment of substance use disorders or conditions at American
11 Society of Addiction Medicine levels of treatment 2.1
12 (Intensive Outpatient), 2.5 (Partial Hospitalization), 3.1
13 (Clinically Managed Low-Intensity Residential), 3.3
14 (Clinically Managed Population-Specific High-Intensity
15 Residential), 3.5 (Clinically Managed High-Intensity
16 Residential), and 3.7 (Medically Monitored Intensive
17 Inpatient) and OMT (Opioid Maintenance Therapy) services.

18 "Benefits", with respect to managed care organizations,
19 means the benefits provided for treatment services for
20 inpatient and outpatient treatment of substance use disorders
21 or conditions at American Society of Addiction Medicine levels
22 of treatment 2.1 (Intensive Outpatient), 2.5 (Partial
23 Hospitalization), 3.5 (Clinically Managed High-Intensity
24 Residential), and 3.7 (Medically Monitored Intensive
25 Inpatient) and OMT (Opioid Maintenance Therapy) services.

26 "Substance use disorder treatment provider or facility"

1 means a licensed physician, licensed psychologist, licensed
2 psychiatrist, licensed advanced practice registered nurse, or
3 licensed, certified, or otherwise State-approved facility or
4 provider of substance use disorder treatment.

5 (2) A group health insurance policy, an individual health
6 benefit plan, or qualified health plan that is offered through
7 the health insurance marketplace, small employer group health
8 plan, and large employer group health plan that is amended,
9 delivered, issued, executed, or renewed in this State, or
10 approved for issuance or renewal in this State, on or after
11 January 1, 2019 (the effective date of Public Act 100-1023)
12 ~~this amendatory Act of the 100th General Assembly~~ shall comply
13 with the requirements of this Section and Section 370c.1. The
14 services for the treatment and the ongoing assessment of the
15 patient's progress in treatment shall follow the requirements
16 of 77 Ill. Adm. Code 2060.

17 (3) Prior authorization shall not be utilized for the
18 benefits under this subsection. The substance use disorder
19 treatment provider or facility shall notify the insurer of the
20 initiation of treatment. For an insurer that is not a managed
21 care organization, the substance use disorder treatment
22 provider or facility notification shall occur for the
23 initiation of treatment of the covered person within 2 business
24 days. For managed care organizations, the substance use
25 disorder treatment provider or facility notification shall
26 occur in accordance with the protocol set forth in the provider

1 agreement for initiation of treatment within 24 hours. If the
2 managed care organization is not capable of accepting the
3 notification in accordance with the contractual protocol
4 during the 24-hour period following admission, the substance
5 use disorder treatment provider or facility shall have one
6 additional business day to provide the notification to the
7 appropriate managed care organization. Treatment plans shall
8 be developed in accordance with the requirements and timeframes
9 established in 77 Ill. Adm. Code 2060. If the substance use
10 disorder treatment provider or facility fails to notify the
11 insurer of the initiation of treatment in accordance with these
12 provisions, the insurer may follow its normal prior
13 authorization processes.

14 (4) For an insurer that is not a managed care organization,
15 if an insurer determines that benefits are no longer medically
16 necessary, the insurer shall notify the covered person, the
17 covered person's authorized representative, if any, and the
18 covered person's health care provider in writing of the covered
19 person's right to request an external review pursuant to the
20 Health Carrier External Review Act. The notification shall
21 occur within 24 hours following the adverse determination.

22 Pursuant to the requirements of the Health Carrier External
23 Review Act, the covered person or the covered person's
24 authorized representative may request an expedited external
25 review. An expedited external review may not occur if the
26 substance use disorder treatment provider or facility

1 determines that continued treatment is no longer medically
2 necessary. Under this subsection, a request for expedited
3 external review must be initiated within 24 hours following the
4 adverse determination notification by the insurer. Failure to
5 request an expedited external review within 24 hours shall
6 preclude a covered person or a covered person's authorized
7 representative from requesting an expedited external review.

8 If an expedited external review request meets the criteria
9 of the Health Carrier External Review Act, an independent
10 review organization shall make a final determination of medical
11 necessity within 72 hours. If an independent review
12 organization upholds an adverse determination, an insurer
13 shall remain responsible to provide coverage of benefits
14 through the day following the determination of the independent
15 review organization. A decision to reverse an adverse
16 determination shall comply with the Health Carrier External
17 Review Act.

18 (5) The substance use disorder treatment provider or
19 facility shall provide the insurer with 7 business days'
20 advance notice of the planned discharge of the patient from the
21 substance use disorder treatment provider or facility and
22 notice on the day that the patient is discharged from the
23 substance use disorder treatment provider or facility.

24 (6) The benefits required by this subsection shall be
25 provided to all covered persons with a diagnosis of substance
26 use disorder or conditions. The presence of additional related

1 or unrelated diagnoses shall not be a basis to reduce or deny
2 the benefits required by this subsection.

3 (7) Nothing in this subsection shall be construed to
4 require an insurer to provide coverage for any of the benefits
5 in this subsection.

6 (Source: P.A. 99-480, eff. 9-9-15; 100-305, eff. 8-24-17;
7 100-1023, eff. 1-1-19; 100-1024, eff. 1-1-19; revised
8 10-18-18.)

9 (215 ILCS 5/452) (from Ch. 73, par. 1064)

10 Sec. 452. Civil Administrative Code of Illinois. Nothing in
11 this Code contained shall be held or construed to alter,
12 modify, or repeal any of the provisions of the Civil
13 Administrative Code of Illinois ~~an Act entitled "An Act In~~
14 ~~Relation to Civil Administration of the State Government and to~~
15 ~~Repeal Certain Acts Therein Named," approved March 7, 1917, and~~
16 ~~amendments thereto.~~

17 (Source: Laws 1937, p. 696; revised 10-19-18.)

18 Section 460. The Health Maintenance Organization Act is
19 amended by changing Section 5-3 as follows:

20 (215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

21 Sec. 5-3. Insurance Code provisions.

22 (a) Health Maintenance Organizations shall be subject to
23 the provisions of Sections 133, 134, 136, 137, 139, 140, 141.1,

1 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154,
2 154.5, 154.6, 154.7, 154.8, 155.04, 155.22a, 355.2, 355.3,
3 355b, 356g.5-1, 356m, 356v, 356w, 356x, 356y, 356z.2, 356z.4,
4 356z.5, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12,
5 356z.13, 356z.14, 356z.15, 356z.17, 356z.18, 356z.19, 356z.21,
6 356z.22, 356z.25, 356z.26, 356z.29, 356z.30, 356z.32, 364,
7 364.01, 367.2, 367.2-5, 367i, 368a, 368b, 368c, 368d, 368e,
8 370c, 370c.1, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412,
9 444, and 444.1, paragraph (c) of subsection (2) of Section 367,
10 and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV,
11 and XXVI of the Illinois Insurance Code.

12 (b) For purposes of the Illinois Insurance Code, except for
13 Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health
14 Maintenance Organizations in the following categories are
15 deemed to be "domestic companies":

16 (1) a corporation authorized under the Dental Service
17 Plan Act or the Voluntary Health Services Plans Act;

18 (2) a corporation organized under the laws of this
19 State; or

20 (3) a corporation organized under the laws of another
21 state, 30% or more of the enrollees of which are residents
22 of this State, except a corporation subject to
23 substantially the same requirements in its state of
24 organization as is a "domestic company" under Article VIII
25 1/2 of the Illinois Insurance Code.

26 (c) In considering the merger, consolidation, or other

1 acquisition of control of a Health Maintenance Organization
2 pursuant to Article VIII 1/2 of the Illinois Insurance Code,

3 (1) the Director shall give primary consideration to
4 the continuation of benefits to enrollees and the financial
5 conditions of the acquired Health Maintenance Organization
6 after the merger, consolidation, or other acquisition of
7 control takes effect;

8 (2) (i) the criteria specified in subsection (1) (b) of
9 Section 131.8 of the Illinois Insurance Code shall not
10 apply and (ii) the Director, in making his determination
11 with respect to the merger, consolidation, or other
12 acquisition of control, need not take into account the
13 effect on competition of the merger, consolidation, or
14 other acquisition of control;

15 (3) the Director shall have the power to require the
16 following information:

17 (A) certification by an independent actuary of the
18 adequacy of the reserves of the Health Maintenance
19 Organization sought to be acquired;

20 (B) pro forma financial statements reflecting the
21 combined balance sheets of the acquiring company and
22 the Health Maintenance Organization sought to be
23 acquired as of the end of the preceding year and as of
24 a date 90 days prior to the acquisition, as well as pro
25 forma financial statements reflecting projected
26 combined operation for a period of 2 years;

1 (C) a pro forma business plan detailing an
2 acquiring party's plans with respect to the operation
3 of the Health Maintenance Organization sought to be
4 acquired for a period of not less than 3 years; and

5 (D) such other information as the Director shall
6 require.

7 (d) The provisions of Article VIII 1/2 of the Illinois
8 Insurance Code and this Section 5-3 shall apply to the sale by
9 any health maintenance organization of greater than 10% of its
10 enrollee population (including without limitation the health
11 maintenance organization's right, title, and interest in and to
12 its health care certificates).

13 (e) In considering any management contract or service
14 agreement subject to Section 141.1 of the Illinois Insurance
15 Code, the Director (i) shall, in addition to the criteria
16 specified in Section 141.2 of the Illinois Insurance Code, take
17 into account the effect of the management contract or service
18 agreement on the continuation of benefits to enrollees and the
19 financial condition of the health maintenance organization to
20 be managed or serviced, and (ii) need not take into account the
21 effect of the management contract or service agreement on
22 competition.

23 (f) Except for small employer groups as defined in the
24 Small Employer Rating, Renewability and Portability Health
25 Insurance Act and except for medicare supplement policies as
26 defined in Section 363 of the Illinois Insurance Code, a Health

1 Maintenance Organization may by contract agree with a group or
2 other enrollment unit to effect refunds or charge additional
3 premiums under the following terms and conditions:

4 (i) the amount of, and other terms and conditions with
5 respect to, the refund or additional premium are set forth
6 in the group or enrollment unit contract agreed in advance
7 of the period for which a refund is to be paid or
8 additional premium is to be charged (which period shall not
9 be less than one year); and

10 (ii) the amount of the refund or additional premium
11 shall not exceed 20% of the Health Maintenance
12 Organization's profitable or unprofitable experience with
13 respect to the group or other enrollment unit for the
14 period (and, for purposes of a refund or additional
15 premium, the profitable or unprofitable experience shall
16 be calculated taking into account a pro rata share of the
17 Health Maintenance Organization's administrative and
18 marketing expenses, but shall not include any refund to be
19 made or additional premium to be paid pursuant to this
20 subsection (f)). The Health Maintenance Organization and
21 the group or enrollment unit may agree that the profitable
22 or unprofitable experience may be calculated taking into
23 account the refund period and the immediately preceding 2
24 plan years.

25 The Health Maintenance Organization shall include a
26 statement in the evidence of coverage issued to each enrollee

1 describing the possibility of a refund or additional premium,
2 and upon request of any group or enrollment unit, provide to
3 the group or enrollment unit a description of the method used
4 to calculate (1) the Health Maintenance Organization's
5 profitable experience with respect to the group or enrollment
6 unit and the resulting refund to the group or enrollment unit
7 or (2) the Health Maintenance Organization's unprofitable
8 experience with respect to the group or enrollment unit and the
9 resulting additional premium to be paid by the group or
10 enrollment unit.

11 In no event shall the Illinois Health Maintenance
12 Organization Guaranty Association be liable to pay any
13 contractual obligation of an insolvent organization to pay any
14 refund authorized under this Section.

15 (g) Rulemaking authority to implement Public Act 95-1045,
16 if any, is conditioned on the rules being adopted in accordance
17 with all provisions of the Illinois Administrative Procedure
18 Act and all rules and procedures of the Joint Committee on
19 Administrative Rules; any purported rule not so adopted, for
20 whatever reason, is unauthorized.

21 (Source: P.A. 99-761, eff. 1-1-18; 100-24, eff. 7-18-17;
22 100-138, eff. 8-18-17; 100-863, eff. 8-14-18; 100-1026, eff.
23 8-22-18; 100-1057, eff. 1-1-19; 100-1102, eff. 1-1-19; revised
24 10-4-18.)

25 Section 465. The Limited Health Service Organization Act is

1 amended by changing Section 4003 as follows:

2 (215 ILCS 130/4003) (from Ch. 73, par. 1504-3)

3 Sec. 4003. Illinois Insurance Code provisions. Limited
4 health service organizations shall be subject to the provisions
5 of Sections 133, 134, 136, 137, 139, 140, 141.1, 141.2, 141.3,
6 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6,
7 154.7, 154.8, 155.04, 155.37, 355.2, 355.3, 355b, 356v,
8 356z.10, 356z.21, 356z.22, 356z.25, 356z.26, 356z.29, 356z.32,
9 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444,
10 and 444.1 and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII
11 1/2, XXV, and XXVI of the Illinois Insurance Code. For purposes
12 of the Illinois Insurance Code, except for Sections 444 and
13 444.1 and Articles XIII and XIII 1/2, limited health service
14 organizations in the following categories are deemed to be
15 domestic companies:

16 (1) a corporation under the laws of this State; or

17 (2) a corporation organized under the laws of another
18 state, 30% or more of the enrollees of which are residents
19 of this State, except a corporation subject to
20 substantially the same requirements in its state of
21 organization as is a domestic company under Article VIII
22 1/2 of the Illinois Insurance Code.

23 (Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17;
24 100-201, eff. 8-18-17; 100-863, eff. 8-14-18; 100-1057, eff.
25 1-1-19; 100-1102, eff. 1-1-19; revised 10-4-18.)

1 Section 470. The Voluntary Health Services Plans Act is
2 amended by changing Section 10 as follows:

3 (215 ILCS 165/10) (from Ch. 32, par. 604)

4 Sec. 10. Application of Insurance Code provisions. Health
5 services plan corporations and all persons interested therein
6 or dealing therewith shall be subject to the provisions of
7 Articles IIA and XII 1/2 and Sections 3.1, 133, 136, 139, 140,
8 143, 143c, 149, 155.22a, 155.37, 354, 355.2, 355.3, 355b, 356g,
9 356g.5, 356g.5-1, 356r, 356t, 356u, 356v, 356w, 356x, 356y,
10 356z.1, 356z.2, 356z.4, 356z.5, 356z.6, 356z.8, 356z.9,
11 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.18,
12 356z.19, 356z.21, 356z.22, 356z.25, 356z.26, 356z.29, 356z.30,
13 356z.32, 364.01, 367.2, 368a, 401, 401.1, 402, 403, 403A, 408,
14 408.2, and 412, and paragraphs (7) and (15) of Section 367 of
15 the Illinois Insurance Code.

16 Rulemaking authority to implement Public Act 95-1045, if
17 any, is conditioned on the rules being adopted in accordance
18 with all provisions of the Illinois Administrative Procedure
19 Act and all rules and procedures of the Joint Committee on
20 Administrative Rules; any purported rule not so adopted, for
21 whatever reason, is unauthorized.

22 (Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17;
23 100-863, eff. 8-14-18; 100-1026, eff. 8-22-18; 100-1057, eff.
24 1-1-19; 100-1102, eff. 1-1-19; revised 10-4-18.)

1 Section 475. The Public Utilities Act is amended by
2 changing Sections 4-304, 7-204, and 8-103B as follows:

3 (220 ILCS 5/4-304) (from Ch. 111 2/3, par. 4-304)

4 Sec. 4-304. Beginning in 1986, the Commission shall prepare
5 an annual report which shall be filed by January 31 of each
6 year with the Joint Committee on Legislative Support Services
7 of the General Assembly and the Governor and which shall be
8 publicly available. Such report shall include:

9 (1) A general review of agency activities and changes,
10 including:

11 (a) a review of significant decisions and other
12 regulatory actions for the preceding year, and pending
13 cases, and an analysis of the impact of such decisions
14 and actions, and potential impact of any significant
15 pending cases;

16 (b) for each significant decision, regulatory
17 action and pending case, a description of the positions
18 advocated by major parties, including Commission
19 staff, and for each such decision rendered or action
20 taken, the position adopted by the Commission and
21 reason therefor;

22 (c) a description of the Commission's budget,
23 caseload, and staff levels, including specifically:

24 (i) a breakdown by type of case of the cases

1 resolved and filed during the year and of pending
2 cases;

3 (ii) a description of the allocation of the
4 Commission's budget, identifying amounts budgeted
5 for each significant regulatory function or
6 activity and for each department, bureau, section,
7 division or office of the Commission and its
8 employees;

9 (iii) a description of current employee
10 levels, identifying any change occurring during
11 the year in the number of employees, personnel
12 policies and practices or compensation levels; and
13 identifying the number and type of employees
14 assigned to each Commission regulatory function
15 and to each department, bureau, section, division
16 or office of the Commission;

17 (d) a description of any significant changes in
18 Commission policies, programs or practices with
19 respect to agency organization and administration,
20 hearings and procedures or substantive regulatory
21 activity.

22 (2) A discussion and analysis of the state of each
23 utility industry regulated by the Commission and
24 significant changes, trends and developments therein,
25 including the number and types of firms offering each
26 utility service, existing, new and prospective

1 technologies, variations in the quality, availability and
2 price for utility services in different geographic areas of
3 the State, and any other industry factors or circumstances
4 which may affect the public interest or the regulation of
5 such industries.

6 (3) A specific discussion of the energy planning
7 responsibilities and activities of the Commission and
8 energy utilities, including:

9 (a) the extent to which conservation,
10 cogeneration, renewable energy technologies and
11 improvements in energy efficiency are being utilized
12 by energy consumers, the extent to which additional
13 potential exists for the economical utilization of
14 such supplies, and a description of existing and
15 proposed programs and policies designed to promote and
16 encourage such utilization;

17 (b) a description of each energy plan filed with
18 the Commission pursuant to the provisions of this Act,
19 and a copy, or detailed summary of the most recent
20 energy plans adopted by the Commission;

21 (c) a discussion of the powers by which the
22 Commission is implementing the planning
23 responsibilities of Article VIII, including a
24 description of the staff and budget assigned to such
25 function, the procedures by which Commission staff
26 reviews and analyzes energy plans submitted by the

1 utilities, the Department of Natural Resources, and
2 any other person or party; and

3 (d) a summary of the adoption of solar photovoltaic
4 systems by residential and small business consumers in
5 Illinois and a description of any and all barriers to
6 residential and small business consumers' financing,
7 installation, and valuation of energy produced by
8 solar photovoltaic systems; electric utilities,
9 alternative retail electric suppliers, and installers
10 of distributed generation shall provide all
11 information requested by the Commission or its staff
12 necessary to complete the analysis required by this
13 paragraph (d).

14 (4) A discussion of the extent to which utility
15 services are available to all Illinois citizens including:

16 (a) the percentage and number of persons or
17 households requiring each such service who are not
18 receiving such service, and the reasons therefor
19 ~~therefore~~, including specifically the number of such
20 persons or households who are unable to afford such
21 service;

22 (b) a critical analysis of existing programs
23 designed to promote and preserve the availability and
24 affordability of utility services; and

25 (c) an analysis of the financial impact on
26 utilities and other ratepayers of the inability of some

1 customers or potential customers to afford utility
2 service, including the number of service
3 disconnections and reconnections, and cost thereof and
4 the dollar amount of uncollectible accounts recovered
5 through rates.

6 (5) A detailed description of the means by which the
7 Commission is implementing its new statutory
8 responsibilities under this Act, and the status of such
9 implementation, including specifically:

10 (a) Commission reorganization resulting from the
11 addition of an Executive Director and administrative
12 law judge qualifications and review;

13 (b) Commission responsibilities for construction
14 and rate supervision, including construction cost
15 audits, management audits, excess capacity
16 adjustments, phase-ins of new plant and the means and
17 capability for monitoring and reevaluating existing or
18 future construction projects;

19 (c) promulgation and application of rules
20 concerning ex parte communications, circulation of
21 recommended orders and transcription of closed
22 meetings.

23 (6) A description of all appeals taken from Commission
24 orders, findings or decisions and the status and outcome of
25 such appeals.

26 (7) A description of the status of all studies and

1 investigations required by this Act, including those
2 ordered pursuant to Sections 9-244 and 13-301 and all such
3 subsequently ordered studies or investigations.

4 (8) A discussion of new or potential developments in
5 federal legislation, and federal agency and judicial
6 decisions relevant to State regulation of utility
7 services.

8 (9) All recommendations for appropriate legislative
9 action by the General Assembly.

10 The Commission may include such other information as it
11 deems to be necessary or beneficial in describing or explaining
12 its activities or regulatory responsibilities. The report
13 required by this Section shall be adopted by a vote of the full
14 Commission prior to filing.

15 (Source: P.A. 99-107, eff. 7-22-15; 100-840, eff. 8-13-18;
16 revised 10-19-18.)

17 (220 ILCS 5/7-204) (from Ch. 111 2/3, par. 7-204)

18 Sec. 7-204. Reorganization defined; Commission approval
19 ~~therefore.~~

20 (a) For purposes of this Section, "reorganization" means
21 any transaction which, regardless of the means by which it is
22 accomplished, results in a change in the ownership of a
23 majority of the voting capital stock of an Illinois public
24 utility; or the ownership or control of any entity which owns
25 or controls a majority of the voting capital stock of a public

1 utility; or by which 2 public utilities merge, or by which a
2 public utility acquires substantially all of the assets of
3 another public utility; provided, however, that
4 "reorganization" as used in this Section shall not include a
5 mortgage or pledge transaction entered into to secure a bona
6 fide borrowing by the party granting the mortgage or making the
7 pledge.

8 In addition to the foregoing, "reorganization" shall
9 include for purposes of this Section any transaction which,
10 regardless of the means by which it is accomplished, will have
11 the effect of terminating the affiliated interest status of any
12 entity as defined in paragraph ~~paragraphs~~ (a), (b), (c) or (d)
13 of subsection (2) of Section 7-101 of this Act where such
14 entity had transactions with the public utility, in the 12
15 calendar months immediately preceding the date of termination
16 of such affiliated interest status subject to subsection (3) of
17 Section 7-101 of this Act with a value greater than 15% of the
18 public utility's revenues for that same 12-month period. If the
19 proposed transaction would have the effect of terminating the
20 affiliated interest status of more than one Illinois public
21 utility, the utility with the greatest revenues for the
22 12-month period shall be used to determine whether such
23 proposed transaction is a reorganization for the purposes of
24 this Section. The Commission shall have jurisdiction over any
25 reorganization as defined herein.

26 (b) No reorganization shall take place without prior

1 Commission approval. The Commission shall not approve any
2 proposed reorganization if the Commission finds, after notice
3 and hearing, that the reorganization will adversely affect the
4 utility's ability to perform its duties under this Act. The
5 Commission shall not approve any proposed reorganization
6 unless the Commission finds, after notice and hearing, that:

7 (1) the proposed reorganization will not diminish the
8 utility's ability to provide adequate, reliable,
9 efficient, safe and least-cost public utility service;

10 (2) the proposed reorganization will not result in the
11 unjustified subsidization of non-utility activities by the
12 utility or its customers;

13 (3) costs and facilities are fairly and reasonably
14 allocated between utility and non-utility activities in
15 such a manner that the Commission may identify those costs
16 and facilities which are properly included by the utility
17 for ratemaking purposes;

18 (4) the proposed reorganization will not significantly
19 impair the utility's ability to raise necessary capital on
20 reasonable terms or to maintain a reasonable capital
21 structure;

22 (5) the utility will remain subject to all applicable
23 laws, regulations, rules, decisions and policies governing
24 the regulation of Illinois public utilities;

25 (6) the proposed reorganization is not likely to have a
26 significant adverse effect on competition in those markets

1 over which the Commission has jurisdiction;

2 (7) the proposed reorganization is not likely to result
3 in any adverse rate impacts on retail customers.

4 (c) The Commission shall not approve a reorganization
5 without ruling on: (i) the allocation of any savings resulting
6 from the proposed reorganization; and (ii) whether the
7 companies should be allowed to recover any costs incurred in
8 accomplishing the proposed reorganization and, if so, the
9 amount of costs eligible for recovery and how the costs will be
10 allocated.

11 (d) The Commission shall issue its Order approving or
12 denying the proposed reorganization within 11 months after the
13 application is filed. The Commission may extend the deadline
14 for a period equivalent to the length of any delay which the
15 Commission finds to have been caused by the Applicant's failure
16 to provide data or information requested by the Commission or
17 that the Commission ordered the Applicant to provide to the
18 parties. The Commission may also extend the deadline by an
19 additional period not to exceed 3 months to consider amendments
20 to the Applicant's filing, or to consider reasonably
21 unforeseeable changes in circumstances subsequent to the
22 Applicant's initial filing.

23 (e) Subsections (c) and (d) and subparagraphs (6) and (7)
24 of subsection (b) of this Section shall apply only to merger
25 applications submitted to the Commission subsequent to April
26 23, 1997. No other Commission approvals shall be required for

1 mergers that are subject to this Section.

2 (f) In approving any proposed reorganization pursuant to
3 this Section the Commission may impose such terms, conditions
4 or requirements as, in its judgment, are necessary to protect
5 the interests of the public utility and its customers.

6 (Source: P.A. 100-840, eff. 8-13-18; revised 10-19-18.)

7 (220 ILCS 5/8-103B)

8 Sec. 8-103B. Energy efficiency and demand-response
9 measures.

10 (a) It is the policy of the State that electric utilities
11 are required to use cost-effective energy efficiency and
12 demand-response measures to reduce delivery load. Requiring
13 investment in cost-effective energy efficiency and
14 demand-response measures will reduce direct and indirect costs
15 to consumers by decreasing environmental impacts and by
16 avoiding or delaying the need for new generation, transmission,
17 and distribution infrastructure. It serves the public interest
18 to allow electric utilities to recover costs for reasonably and
19 prudently incurred expenditures for energy efficiency and
20 demand-response measures. As used in this Section,
21 "cost-effective" means that the measures satisfy the total
22 resource cost test. The low-income measures described in
23 subsection (c) of this Section shall not be required to meet
24 the total resource cost test. For purposes of this Section, the
25 terms "energy-efficiency", "demand-response", "electric

1 utility", and "total resource cost test" have the meanings set
2 forth in the Illinois Power Agency Act.

3 (a-5) This Section applies to electric utilities serving
4 more than 500,000 retail customers in the State for those
5 multi-year plans commencing after December 31, 2017.

6 (b) For purposes of this Section, electric utilities
7 subject to this Section that serve more than 3,000,000 retail
8 customers in the State shall be deemed to have achieved a
9 cumulative persisting annual savings of 6.6% from energy
10 efficiency measures and programs implemented during the period
11 beginning January 1, 2012 and ending December 31, 2017, which
12 percent is based on the deemed average weather normalized sales
13 of electric power and energy during calendar years 2014, 2015,
14 and 2016 of 88,000,000 MWhs. For the purposes of this
15 subsection (b) and subsection (b-5), the 88,000,000 MWhs of
16 deemed electric power and energy sales shall be reduced by the
17 number of MWhs equal to the sum of the annual consumption of
18 customers that are exempt from subsections (a) through (j) of
19 this Section under subsection (l) of this Section, as averaged
20 across the calendar years 2014, 2015, and 2016. After 2017, the
21 deemed value of cumulative persisting annual savings from
22 energy efficiency measures and programs implemented during the
23 period beginning January 1, 2012 and ending December 31, 2017,
24 shall be reduced each year, as follows, and the applicable
25 value shall be applied to and count toward the utility's
26 achievement of the cumulative persisting annual savings goals

1 set forth in subsection (b-5):

2 (1) 5.8% deemed cumulative persisting annual savings
3 for the year ending December 31, 2018;

4 (2) 5.2% deemed cumulative persisting annual savings
5 for the year ending December 31, 2019;

6 (3) 4.5% deemed cumulative persisting annual savings
7 for the year ending December 31, 2020;

8 (4) 4.0% deemed cumulative persisting annual savings
9 for the year ending December 31, 2021;

10 (5) 3.5% deemed cumulative persisting annual savings
11 for the year ending December 31, 2022;

12 (6) 3.1% deemed cumulative persisting annual savings
13 for the year ending December 31, 2023;

14 (7) 2.8% deemed cumulative persisting annual savings
15 for the year ending December 31, 2024;

16 (8) 2.5% deemed cumulative persisting annual savings
17 for the year ending December 31, 2025;

18 (9) 2.3% deemed cumulative persisting annual savings
19 for the year ending December 31, 2026;

20 (10) 2.1% deemed cumulative persisting annual savings
21 for the year ending December 31, 2027;

22 (11) 1.8% deemed cumulative persisting annual savings
23 for the year ending December 31, 2028;

24 (12) 1.7% deemed cumulative persisting annual savings
25 for the year ending December 31, 2029; and

26 (13) 1.5% deemed cumulative persisting annual savings

1 for the year ending December 31, 2030.

2 For purposes of this Section, "cumulative persisting
3 annual savings" means the total electric energy savings in a
4 given year from measures installed in that year or in previous
5 years, but no earlier than January 1, 2012, that are still
6 operational and providing savings in that year because the
7 measures have not yet reached the end of their useful lives.

8 (b-5) Beginning in 2018, electric utilities subject to this
9 Section that serve more than 3,000,000 retail customers in the
10 State shall achieve the following cumulative persisting annual
11 savings goals, as modified by subsection (f) of this Section
12 and as compared to the deemed baseline of 88,000,000 MWhs of
13 electric power and energy sales set forth in subsection (b), as
14 reduced by the number of MWhs equal to the sum of the annual
15 consumption of customers that are exempt from subsections (a)
16 through (j) of this Section under subsection (l) of this
17 Section as averaged across the calendar years 2014, 2015, and
18 2016, through the implementation of energy efficiency measures
19 during the applicable year and in prior years, but no earlier
20 than January 1, 2012:

21 (1) 7.8% cumulative persisting annual savings for the
22 year ending December 31, 2018;

23 (2) 9.1% cumulative persisting annual savings for the
24 year ending December 31, 2019;

25 (3) 10.4% cumulative persisting annual savings for the
26 year ending December 31, 2020;

1 (4) 11.8% cumulative persisting annual savings for the
2 year ending December 31, 2021;

3 (5) 13.1% cumulative persisting annual savings for the
4 year ending December 31, 2022;

5 (6) 14.4% cumulative persisting annual savings for the
6 year ending December 31, 2023;

7 (7) 15.7% cumulative persisting annual savings for the
8 year ending December 31, 2024;

9 (8) 17% cumulative persisting annual savings for the
10 year ending December 31, 2025;

11 (9) 17.9% cumulative persisting annual savings for the
12 year ending December 31, 2026;

13 (10) 18.8% cumulative persisting annual savings for
14 the year ending December 31, 2027;

15 (11) 19.7% cumulative persisting annual savings for
16 the year ending December 31, 2028;

17 (12) 20.6% cumulative persisting annual savings for
18 the year ending December 31, 2029; and

19 (13) 21.5% cumulative persisting annual savings for
20 the year ending December 31, 2030.

21 (b-10) For purposes of this Section, electric utilities
22 subject to this Section that serve less than 3,000,000 retail
23 customers but more than 500,000 retail customers in the State
24 shall be deemed to have achieved a cumulative persisting annual
25 savings of 6.6% from energy efficiency measures and programs
26 implemented during the period beginning January 1, 2012 and

1 ending December 31, 2017, which is based on the deemed average
2 weather normalized sales of electric power and energy during
3 calendar years 2014, 2015, and 2016 of 36,900,000 MWhs. For the
4 purposes of this subsection (b-10) and subsection (b-15), the
5 36,900,000 MWhs of deemed electric power and energy sales shall
6 be reduced by the number of MWhs equal to the sum of the annual
7 consumption of customers that are exempt from subsections (a)
8 through (j) of this Section under subsection (l) of this
9 Section, as averaged across the calendar years 2014, 2015, and
10 2016. After 2017, the deemed value of cumulative persisting
11 annual savings from energy efficiency measures and programs
12 implemented during the period beginning January 1, 2012 and
13 ending December 31, 2017, shall be reduced each year, as
14 follows, and the applicable value shall be applied to and count
15 toward the utility's achievement of the cumulative persisting
16 annual savings goals set forth in subsection (b-15):

17 (1) 5.8% deemed cumulative persisting annual savings
18 for the year ending December 31, 2018;

19 (2) 5.2% deemed cumulative persisting annual savings
20 for the year ending December 31, 2019;

21 (3) 4.5% deemed cumulative persisting annual savings
22 for the year ending December 31, 2020;

23 (4) 4.0% deemed cumulative persisting annual savings
24 for the year ending December 31, 2021;

25 (5) 3.5% deemed cumulative persisting annual savings
26 for the year ending December 31, 2022;

1 (6) 3.1% deemed cumulative persisting annual savings
2 for the year ending December 31, 2023;

3 (7) 2.8% deemed cumulative persisting annual savings
4 for the year ending December 31, 2024;

5 (8) 2.5% deemed cumulative persisting annual savings
6 for the year ending December 31, 2025;

7 (9) 2.3% deemed cumulative persisting annual savings
8 for the year ending December 31, 2026;

9 (10) 2.1% deemed cumulative persisting annual savings
10 for the year ending December 31, 2027;

11 (11) 1.8% deemed cumulative persisting annual savings
12 for the year ending December 31, 2028;

13 (12) 1.7% deemed cumulative persisting annual savings
14 for the year ending December 31, 2029; and

15 (13) 1.5% deemed cumulative persisting annual savings
16 for the year ending December 31, 2030.

17 (b-15) Beginning in 2018, electric utilities subject to
18 this Section that serve less than 3,000,000 retail customers
19 but more than 500,000 retail customers in the State shall
20 achieve the following cumulative persisting annual savings
21 goals, as modified by subsection (b-20) and subsection (f) of
22 this Section and as compared to the deemed baseline as reduced
23 by the number of MWhs equal to the sum of the annual
24 consumption of customers that are exempt from subsections (a)
25 through (j) of this Section under subsection (l) of this
26 Section as averaged across the calendar years 2014, 2015, and

1 2016, through the implementation of energy efficiency measures
2 during the applicable year and in prior years, but no earlier
3 than January 1, 2012:

4 (1) 7.4% cumulative persisting annual savings for the
5 year ending December 31, 2018;

6 (2) 8.2% cumulative persisting annual savings for the
7 year ending December 31, 2019;

8 (3) 9.0% cumulative persisting annual savings for the
9 year ending December 31, 2020;

10 (4) 9.8% cumulative persisting annual savings for the
11 year ending December 31, 2021;

12 (5) 10.6% cumulative persisting annual savings for the
13 year ending December 31, 2022;

14 (6) 11.4% cumulative persisting annual savings for the
15 year ending December 31, 2023;

16 (7) 12.2% cumulative persisting annual savings for the
17 year ending December 31, 2024;

18 (8) 13% cumulative persisting annual savings for the
19 year ending December 31, 2025;

20 (9) 13.6% cumulative persisting annual savings for the
21 year ending December 31, 2026;

22 (10) 14.2% cumulative persisting annual savings for
23 the year ending December 31, 2027;

24 (11) 14.8% cumulative persisting annual savings for
25 the year ending December 31, 2028;

26 (12) 15.4% cumulative persisting annual savings for

1 the year ending December 31, 2029; and

2 (13) 16% cumulative persisting annual savings for the
3 year ending December 31, 2030.

4 The difference between the cumulative persisting annual
5 savings goal for the applicable calendar year and the
6 cumulative persisting annual savings goal for the immediately
7 preceding calendar year is 0.8% for the period of January 1,
8 2018 through December 31, 2025 and 0.6% for the period of
9 January 1, 2026 through December 31, 2030.

10 (b-20) Each electric utility subject to this Section may
11 include cost-effective voltage optimization measures in its
12 plans submitted under subsections (f) and (g) of this Section,
13 and the costs incurred by a utility to implement the measures
14 under a Commission-approved plan shall be recovered under the
15 provisions of Article IX or Section 16-108.5 of this Act. For
16 purposes of this Section, the measure life of voltage
17 optimization measures shall be 15 years. The measure life
18 period is independent of the depreciation rate of the voltage
19 optimization assets deployed.

20 Within 270 days after June 1, 2017 (the effective date of
21 Public Act 99-906) ~~this amendatory Act of the 99th General~~
22 ~~Assembly~~, an electric utility that serves less than 3,000,000
23 retail customers but more than 500,000 retail customers in the
24 State shall file a plan with the Commission that identifies the
25 cost-effective voltage optimization investment the electric
26 utility plans to undertake through December 31, 2024. The

1 Commission, after notice and hearing, shall approve or approve
2 with modification the plan within 120 days after the plan's
3 filing and, in the order approving or approving with
4 modification the plan, the Commission shall adjust the
5 applicable cumulative persisting annual savings goals set
6 forth in subsection (b-15) to reflect any amount of
7 cost-effective energy savings approved by the Commission that
8 is greater than or less than the following cumulative
9 persisting annual savings values attributable to voltage
10 optimization for the applicable year:

11 (1) 0.0% of cumulative persisting annual savings for
12 the year ending December 31, 2018;

13 (2) 0.17% of cumulative persisting annual savings for
14 the year ending December 31, 2019;

15 (3) 0.17% of cumulative persisting annual savings for
16 the year ending December 31, 2020;

17 (4) 0.33% of cumulative persisting annual savings for
18 the year ending December 31, 2021;

19 (5) 0.5% of cumulative persisting annual savings for
20 the year ending December 31, 2022;

21 (6) 0.67% of cumulative persisting annual savings for
22 the year ending December 31, 2023;

23 (7) 0.83% of cumulative persisting annual savings for
24 the year ending December 31, 2024; and

25 (8) 1.0% of cumulative persisting annual savings for
26 the year ending December 31, 2025.

1 (b-25) In the event an electric utility jointly offers an
2 energy efficiency measure or program with a gas utility under
3 plans approved under this Section and Section 8-104 of this
4 Act, the electric utility may continue offering the program,
5 including the gas energy efficiency measures, in the event the
6 gas utility discontinues funding the program. In that event,
7 the energy savings value associated with such other fuels shall
8 be converted to electric energy savings on an equivalent Btu
9 basis for the premises. However, the electric utility shall
10 prioritize programs for low-income residential customers to
11 the extent practicable. An electric utility may recover the
12 costs of offering the gas energy efficiency measures under this
13 subsection (b-25).

14 For those energy efficiency measures or programs that save
15 both electricity and other fuels but are not jointly offered
16 with a gas utility under plans approved under this Section and
17 Section 8-104 or not offered with an affiliated gas utility
18 under paragraph (6) of subsection (f) of Section 8-104 of this
19 Act, the electric utility may count savings of fuels other than
20 electricity toward the achievement of its annual savings goal,
21 and the energy savings value associated with such other fuels
22 shall be converted to electric energy savings on an equivalent
23 Btu basis at the premises.

24 In no event shall more than 10% of each year's applicable
25 annual incremental goal as defined in paragraph (7) of
26 subsection (g) of this Section be met through savings of fuels

1 other than electricity.

2 (c) Electric utilities shall be responsible for overseeing
3 the design, development, and filing of energy efficiency plans
4 with the Commission and may, as part of that implementation,
5 outsource various aspects of program development and
6 implementation. A minimum of 10%, for electric utilities that
7 serve more than 3,000,000 retail customers in the State, and a
8 minimum of 7%, for electric utilities that serve less than
9 3,000,000 retail customers but more than 500,000 retail
10 customers in the State, of the utility's entire portfolio
11 funding level for a given year shall be used to procure
12 cost-effective energy efficiency measures from units of local
13 government, municipal corporations, school districts, public
14 housing, and community college districts, provided that a
15 minimum percentage of available funds shall be used to procure
16 energy efficiency from public housing, which percentage shall
17 be equal to public housing's share of public building energy
18 consumption.

19 The utilities shall also implement energy efficiency
20 measures targeted at low-income households, which, for
21 purposes of this Section, shall be defined as households at or
22 below 80% of area median income, and expenditures to implement
23 the measures shall be no less than \$25,000,000 per year for
24 electric utilities that serve more than 3,000,000 retail
25 customers in the State and no less than \$8,350,000 per year for
26 electric utilities that serve less than 3,000,000 retail

1 customers but more than 500,000 retail customers in the State.

2 Each electric utility shall assess opportunities to
3 implement cost-effective energy efficiency measures and
4 programs through a public housing authority or authorities
5 located in its service territory. If such opportunities are
6 identified, the utility shall propose such measures and
7 programs to address the opportunities. Expenditures to address
8 such opportunities shall be credited toward the minimum
9 procurement and expenditure requirements set forth in this
10 subsection (c).

11 Implementation of energy efficiency measures and programs
12 targeted at low-income households should be contracted, when it
13 is practicable, to independent third parties that have
14 demonstrated capabilities to serve such households, with a
15 preference for not-for-profit entities and government agencies
16 that have existing relationships with or experience serving
17 low-income communities in the State.

18 Each electric utility shall develop and implement
19 reporting procedures that address and assist in determining the
20 amount of energy savings that can be applied to the low-income
21 procurement and expenditure requirements set forth in this
22 subsection (c).

23 The electric utilities shall also convene a low-income
24 energy efficiency advisory committee to assist in the design
25 and evaluation of the low-income energy efficiency programs.
26 The committee shall be comprised of the electric utilities

1 subject to the requirements of this Section, the gas utilities
2 subject to the requirements of Section 8-104 of this Act, the
3 utilities' low-income energy efficiency implementation
4 contractors, and representatives of community-based
5 organizations.

6 (d) Notwithstanding any other provision of law to the
7 contrary, a utility providing approved energy efficiency
8 measures and, if applicable, demand-response measures in the
9 State shall be permitted to recover all reasonable and
10 prudently incurred costs of those measures from all retail
11 customers, except as provided in subsection (1) of this
12 Section, as follows, provided that nothing in this subsection

13 (d) permits the double recovery of such costs from customers:

14 (1) The utility may recover its costs through an
15 automatic adjustment clause tariff filed with and approved
16 by the Commission. The tariff shall be established outside
17 the context of a general rate case. Each year the
18 Commission shall initiate a review to reconcile any amounts
19 collected with the actual costs and to determine the
20 required adjustment to the annual tariff factor to match
21 annual expenditures. To enable the financing of the
22 incremental capital expenditures, including regulatory
23 assets, for electric utilities that serve less than
24 3,000,000 retail customers but more than 500,000 retail
25 customers in the State, the utility's actual year-end
26 capital structure that includes a common equity ratio,

1 excluding goodwill, of up to and including 50% of the total
2 capital structure shall be deemed reasonable and used to
3 set rates.

4 (2) A utility may recover its costs through an energy
5 efficiency formula rate approved by the Commission under a
6 filing under subsections (f) and (g) of this Section, which
7 shall specify the cost components that form the basis of
8 the rate charged to customers with sufficient specificity
9 to operate in a standardized manner and be updated annually
10 with transparent information that reflects the utility's
11 actual costs to be recovered during the applicable rate
12 year, which is the period beginning with the first billing
13 day of January and extending through the last billing day
14 of the following December. The energy efficiency formula
15 rate shall be implemented through a tariff filed with the
16 Commission under subsections (f) and (g) of this Section
17 that is consistent with the provisions of this paragraph
18 (2) and that shall be applicable to all delivery services
19 customers. The Commission shall conduct an investigation
20 of the tariff in a manner consistent with the provisions of
21 this paragraph (2), subsections (f) and (g) of this
22 Section, and the provisions of Article IX of this Act to
23 the extent they do not conflict with this paragraph (2).
24 The energy efficiency formula rate approved by the
25 Commission shall remain in effect at the discretion of the
26 utility and shall do the following:

1 (A) Provide for the recovery of the utility's
2 actual costs incurred under this Section that are
3 prudently incurred and reasonable in amount consistent
4 with Commission practice and law. The sole fact that a
5 cost differs from that incurred in a prior calendar
6 year or that an investment is different from that made
7 in a prior calendar year shall not imply the imprudence
8 or unreasonableness of that cost or investment.

9 (B) Reflect the utility's actual year-end capital
10 structure for the applicable calendar year, excluding
11 goodwill, subject to a determination of prudence and
12 reasonableness consistent with Commission practice and
13 law. To enable the financing of the incremental capital
14 expenditures, including regulatory assets, for
15 electric utilities that serve less than 3,000,000
16 retail customers but more than 500,000 retail
17 customers in the State, a participating electric
18 utility's actual year-end capital structure that
19 includes a common equity ratio, excluding goodwill, of
20 up to and including 50% of the total capital structure
21 shall be deemed reasonable and used to set rates.

22 (C) Include a cost of equity, which shall be
23 calculated as the sum of the following:

24 (i) the average for the applicable calendar
25 year of the monthly average yields of 30-year U.S.
26 Treasury bonds published by the Board of Governors

1 of the Federal Reserve System in its weekly H.15
2 Statistical Release or successor publication; and
3 (ii) 580 basis points.

4 At such time as the Board of Governors of the
5 Federal Reserve System ceases to include the monthly
6 average yields of 30-year U.S. Treasury bonds in its
7 weekly H.15 Statistical Release or successor
8 publication, the monthly average yields of the U.S.
9 Treasury bonds then having the longest duration
10 published by the Board of Governors in its weekly H.15
11 Statistical Release or successor publication shall
12 instead be used for purposes of this paragraph (2).

13 (D) Permit and set forth protocols, subject to a
14 determination of prudence and reasonableness
15 consistent with Commission practice and law, for the
16 following:

17 (i) recovery of incentive compensation expense
18 that is based on the achievement of operational
19 metrics, including metrics related to budget
20 controls, outage duration and frequency, safety,
21 customer service, efficiency and productivity, and
22 environmental compliance; however, this protocol
23 shall not apply if such expense related to costs
24 incurred under this Section is recovered under
25 Article IX or Section 16-108.5 of this Act;
26 incentive compensation expense that is based on

1 net income or an affiliate's earnings per share
2 shall not be recoverable under the energy
3 efficiency formula rate;

4 (ii) recovery of pension and other
5 post-employment benefits expense, provided that
6 such costs are supported by an actuarial study;
7 however, this protocol shall not apply if such
8 expense related to costs incurred under this
9 Section is recovered under Article IX or Section
10 16-108.5 of this Act;

11 (iii) recovery of existing regulatory assets
12 over the periods previously authorized by the
13 Commission;

14 (iv) as described in subsection (e),
15 amortization of costs incurred under this Section;
16 and

17 (v) projected, weather normalized billing
18 determinants for the applicable rate year.

19 (E) Provide for an annual reconciliation, as
20 described in paragraph (3) of this subsection (d), less
21 any deferred taxes related to the reconciliation, with
22 interest at an annual rate of return equal to the
23 utility's weighted average cost of capital, including
24 a revenue conversion factor calculated to recover or
25 refund all additional income taxes that may be payable
26 or receivable as a result of that return, of the energy

1 efficiency revenue requirement reflected in rates for
2 each calendar year, beginning with the calendar year in
3 which the utility files its energy efficiency formula
4 rate tariff under this paragraph (2), with what the
5 revenue requirement would have been had the actual cost
6 information for the applicable calendar year been
7 available at the filing date.

8 The utility shall file, together with its tariff, the
9 projected costs to be incurred by the utility during the
10 rate year under the utility's multi-year plan approved
11 under subsections (f) and (g) of this Section, including,
12 but not limited to, the projected capital investment costs
13 and projected regulatory asset balances with
14 correspondingly updated depreciation and amortization
15 reserves and expense, that shall populate the energy
16 efficiency formula rate and set the initial rates under the
17 formula.

18 The Commission shall review the proposed tariff in
19 conjunction with its review of a proposed multi-year plan,
20 as specified in paragraph (5) of subsection (g) of this
21 Section. The review shall be based on the same evidentiary
22 standards, including, but not limited to, those concerning
23 the prudence and reasonableness of the costs incurred by
24 the utility, the Commission applies in a hearing to review
25 a filing for a general increase in rates under Article IX
26 of this Act. The initial rates shall take effect beginning

1 with the January monthly billing period following the
2 Commission's approval.

3 The tariff's rate design and cost allocation across
4 customer classes shall be consistent with the utility's
5 automatic adjustment clause tariff in effect on June 1,
6 2017 (the effective date of Public Act 99-906) ~~this~~
7 ~~amendatory Act of the 99th General Assembly~~; however, the
8 Commission may revise the tariff's rate design and cost
9 allocation in subsequent proceedings under paragraph (3)
10 of this subsection (d).

11 If the energy efficiency formula rate is terminated,
12 the then current rates shall remain in effect until such
13 time as the energy efficiency costs are incorporated into
14 new rates that are set under this subsection (d) or Article
15 IX of this Act, subject to retroactive rate adjustment,
16 with interest, to reconcile rates charged with actual
17 costs.

18 (3) The provisions of this paragraph (3) shall only
19 apply to an electric utility that has elected to file an
20 energy efficiency formula rate under paragraph (2) of this
21 subsection (d). Subsequent to the Commission's issuance of
22 an order approving the utility's energy efficiency formula
23 rate structure and protocols, and initial rates under
24 paragraph (2) of this subsection (d), the utility shall
25 file, on or before June 1 of each year, with the Chief
26 Clerk of the Commission its updated cost inputs to the

1 energy efficiency formula rate for the applicable rate year
2 and the corresponding new charges, as well as the
3 information described in paragraph (9) of subsection (g) of
4 this Section. Each such filing shall conform to the
5 following requirements and include the following
6 information:

7 (A) The inputs to the energy efficiency formula
8 rate for the applicable rate year shall be based on the
9 projected costs to be incurred by the utility during
10 the rate year under the utility's multi-year plan
11 approved under subsections (f) and (g) of this Section,
12 including, but not limited to, projected capital
13 investment costs and projected regulatory asset
14 balances with correspondingly updated depreciation and
15 amortization reserves and expense. The filing shall
16 also include a reconciliation of the energy efficiency
17 revenue requirement that was in effect for the prior
18 rate year (as set by the cost inputs for the prior rate
19 year) with the actual revenue requirement for the prior
20 rate year (determined using a year-end rate base) that
21 uses amounts reflected in the applicable FERC Form 1
22 that reports the actual costs for the prior rate year.
23 Any over-collection or under-collection indicated by
24 such reconciliation shall be reflected as a credit
25 against, or recovered as an additional charge to,
26 respectively, with interest calculated at a rate equal

1 to the utility's weighted average cost of capital
2 approved by the Commission for the prior rate year, the
3 charges for the applicable rate year. Such
4 over-collection or under-collection shall be adjusted
5 to remove any deferred taxes related to the
6 reconciliation, for purposes of calculating interest
7 at an annual rate of return equal to the utility's
8 weighted average cost of capital approved by the
9 Commission for the prior rate year, including a revenue
10 conversion factor calculated to recover or refund all
11 additional income taxes that may be payable or
12 receivable as a result of that return. Each
13 reconciliation shall be certified by the participating
14 utility in the same manner that FERC Form 1 is
15 certified. The filing shall also include the charge or
16 credit, if any, resulting from the calculation
17 required by subparagraph (E) of paragraph (2) of this
18 subsection (d).

19 Notwithstanding any other provision of law to the
20 contrary, the intent of the reconciliation is to
21 ultimately reconcile both the revenue requirement
22 reflected in rates for each calendar year, beginning
23 with the calendar year in which the utility files its
24 energy efficiency formula rate tariff under paragraph
25 (2) of this subsection (d), with what the revenue
26 requirement determined using a year-end rate base for

1 the applicable calendar year would have been had the
2 actual cost information for the applicable calendar
3 year been available at the filing date.

4 For purposes of this Section, "FERC Form 1" means
5 the Annual Report of Major Electric Utilities,
6 Licensees and Others that electric utilities are
7 required to file with the Federal Energy Regulatory
8 Commission under the Federal Power Act, Sections 3,
9 4(a), 304 and 209, modified as necessary to be
10 consistent with 83 Ill. Admin. Code Part 415 as of May
11 1, 2011. Nothing in this Section is intended to allow
12 costs that are not otherwise recoverable to be
13 recoverable by virtue of inclusion in FERC Form 1.

14 (B) The new charges shall take effect beginning on
15 the first billing day of the following January billing
16 period and remain in effect through the last billing
17 day of the next December billing period regardless of
18 whether the Commission enters upon a hearing under this
19 paragraph (3).

20 (C) The filing shall include relevant and
21 necessary data and documentation for the applicable
22 rate year. Normalization adjustments shall not be
23 required.

24 Within 45 days after the utility files its annual
25 update of cost inputs to the energy efficiency formula
26 rate, the Commission shall with reasonable notice,

1 initiate a proceeding concerning whether the projected
2 costs to be incurred by the utility and recovered during
3 the applicable rate year, and that are reflected in the
4 inputs to the energy efficiency formula rate, are
5 consistent with the utility's approved multi-year plan
6 under subsections (f) and (g) of this Section and whether
7 the costs incurred by the utility during the prior rate
8 year were prudent and reasonable. The Commission shall also
9 have the authority to investigate the information and data
10 described in paragraph (9) of subsection (g) of this
11 Section, including the proposed adjustment to the
12 utility's return on equity component of its weighted
13 average cost of capital. During the course of the
14 proceeding, each objection shall be stated with
15 particularity and evidence provided in support thereof,
16 after which the utility shall have the opportunity to rebut
17 the evidence. Discovery shall be allowed consistent with
18 the Commission's Rules of Practice, which Rules of Practice
19 shall be enforced by the Commission or the assigned
20 administrative law judge. The Commission shall apply the
21 same evidentiary standards, including, but not limited to,
22 those concerning the prudence and reasonableness of the
23 costs incurred by the utility, during the proceeding as it
24 would apply in a proceeding to review a filing for a
25 general increase in rates under Article IX of this Act. The
26 Commission shall not, however, have the authority in a

1 proceeding under this paragraph (3) to consider or order
2 any changes to the structure or protocols of the energy
3 efficiency formula rate approved under paragraph (2) of
4 this subsection (d). In a proceeding under this paragraph
5 (3), the Commission shall enter its order no later than the
6 earlier of 195 days after the utility's filing of its
7 annual update of cost inputs to the energy efficiency
8 formula rate or December 15. The utility's proposed return
9 on equity calculation, as described in paragraphs (7)
10 through (9) of subsection (g) of this Section, shall be
11 deemed the final, approved calculation on December 15 of
12 the year in which it is filed unless the Commission enters
13 an order on or before December 15, after notice and
14 hearing, that modifies such calculation consistent with
15 this Section. The Commission's determinations of the
16 prudence and reasonableness of the costs incurred, and
17 determination of such return on equity calculation, for the
18 applicable calendar year shall be final upon entry of the
19 Commission's order and shall not be subject to reopening,
20 reexamination, or collateral attack in any other
21 Commission proceeding, case, docket, order, rule, or
22 regulation; however, nothing in this paragraph (3) shall
23 prohibit a party from petitioning the Commission to rehear
24 or appeal to the courts the order under the provisions of
25 this Act.

26 (e) Beginning on June 1, 2017 (the effective date of Public

1 Act 99-906) ~~this amendatory Act of the 99th General Assembly~~, a
2 utility subject to the requirements of this Section may elect
3 to defer, as a regulatory asset, up to the full amount of its
4 expenditures incurred under this Section for each annual
5 period, including, but not limited to, any expenditures
6 incurred above the funding level set by subsection (f) of this
7 Section for a given year. The total expenditures deferred as a
8 regulatory asset in a given year shall be amortized and
9 recovered over a period that is equal to the weighted average
10 of the energy efficiency measure lives implemented for that
11 year that are reflected in the regulatory asset. The
12 unamortized balance shall be recognized as of December 31 for a
13 given year. The utility shall also earn a return on the total
14 of the unamortized balances of all of the energy efficiency
15 regulatory assets, less any deferred taxes related to those
16 unamortized balances, at an annual rate equal to the utility's
17 weighted average cost of capital that includes, based on a
18 year-end capital structure, the utility's actual cost of debt
19 for the applicable calendar year and a cost of equity, which
20 shall be calculated as the sum of the (i) the average for the
21 applicable calendar year of the monthly average yields of
22 30-year U.S. Treasury bonds published by the Board of Governors
23 of the Federal Reserve System in its weekly H.15 Statistical
24 Release or successor publication; and (ii) 580 basis points,
25 including a revenue conversion factor calculated to recover or
26 refund all additional income taxes that may be payable or

1 receivable as a result of that return. Capital investment costs
2 shall be depreciated and recovered over their useful lives
3 consistent with generally accepted accounting principles. The
4 weighted average cost of capital shall be applied to the
5 capital investment cost balance, less any accumulated
6 depreciation and accumulated deferred income taxes, as of
7 December 31 for a given year.

8 When an electric utility creates a regulatory asset under
9 the provisions of this Section, the costs are recovered over a
10 period during which customers also receive a benefit which is
11 in the public interest. Accordingly, it is the intent of the
12 General Assembly that an electric utility that elects to create
13 a regulatory asset under the provisions of this Section shall
14 recover all of the associated costs as set forth in this
15 Section. After the Commission has approved the prudence and
16 reasonableness of the costs that comprise the regulatory asset,
17 the electric utility shall be permitted to recover all such
18 costs, and the value and recoverability through rates of the
19 associated regulatory asset shall not be limited, altered,
20 impaired, or reduced.

21 (f) Beginning in 2017, each electric utility shall file an
22 energy efficiency plan with the Commission to meet the energy
23 efficiency standards for the next applicable multi-year period
24 beginning January 1 of the year following the filing, according
25 to the schedule set forth in paragraphs (1) through (3) of this
26 subsection (f). If a utility does not file such a plan on or

1 before the applicable filing deadline for the plan, it shall
2 face a penalty of \$100,000 per day until the plan is filed.

3 (1) No later than 30 days after June 1, 2017 (the
4 effective date of Public Act 99-906) ~~this amendatory Act of~~
5 ~~the 99th General Assembly or May 1, 2017, whichever is~~
6 ~~later~~, each electric utility shall file a 4-year energy
7 efficiency plan commencing on January 1, 2018 that is
8 designed to achieve the cumulative persisting annual
9 savings goals specified in paragraphs (1) through (4) of
10 subsection (b-5) of this Section or in paragraphs (1)
11 through (4) of subsection (b-15) of this Section, as
12 applicable, through implementation of energy efficiency
13 measures; however, the goals may be reduced if the
14 utility's expenditures are limited pursuant to subsection
15 (m) of this Section or, for a utility that serves less than
16 3,000,000 retail customers, if each of the following
17 conditions are met: (A) the plan's analysis and forecasts
18 of the utility's ability to acquire energy savings
19 demonstrate that achievement of such goals is not cost
20 effective; and (B) the amount of energy savings achieved by
21 the utility as determined by the independent evaluator for
22 the most recent year for which savings have been evaluated
23 preceding the plan filing was less than the average annual
24 amount of savings required to achieve the goals for the
25 applicable 4-year plan period. Except as provided in
26 subsection (m) of this Section, annual increases in

1 cumulative persisting annual savings goals during the
2 applicable 4-year plan period shall not be reduced to
3 amounts that are less than the maximum amount of cumulative
4 persisting annual savings that is forecast to be
5 cost-effectively achievable during the 4-year plan period.
6 The Commission shall review any proposed goal reduction as
7 part of its review and approval of the utility's proposed
8 plan.

9 (2) No later than March 1, 2021, each electric utility
10 shall file a 4-year energy efficiency plan commencing on
11 January 1, 2022 that is designed to achieve the cumulative
12 persisting annual savings goals specified in paragraphs
13 (5) through (8) of subsection (b-5) of this Section or in
14 paragraphs (5) through (8) of subsection (b-15) of this
15 Section, as applicable, through implementation of energy
16 efficiency measures; however, the goals may be reduced if
17 the utility's expenditures are limited pursuant to
18 subsection (m) of this Section or, each of the following
19 conditions are met: (A) the plan's analysis and forecasts
20 of the utility's ability to acquire energy savings
21 demonstrate that achievement of such goals is not cost
22 effective; and (B) the amount of energy savings achieved by
23 the utility as determined by the independent evaluator for
24 the most recent year for which savings have been evaluated
25 preceding the plan filing was less than the average annual
26 amount of savings required to achieve the goals for the

1 applicable 4-year plan period. Except as provided in
2 subsection (m) of this Section, annual increases in
3 cumulative persisting annual savings goals during the
4 applicable 4-year plan period shall not be reduced to
5 amounts that are less than the maximum amount of cumulative
6 persisting annual savings that is forecast to be
7 cost-effectively achievable during the 4-year plan period.
8 The Commission shall review any proposed goal reduction as
9 part of its review and approval of the utility's proposed
10 plan.

11 (3) No later than March 1, 2025, each electric utility
12 shall file a 5-year energy efficiency plan commencing on
13 January 1, 2026 that is designed to achieve the cumulative
14 persisting annual savings goals specified in paragraphs
15 (9) through (13) of subsection (b-5) of this Section or in
16 paragraphs (9) through (13) of subsection (b-15) of this
17 Section, as applicable, through implementation of energy
18 efficiency measures; however, the goals may be reduced if
19 the utility's expenditures are limited pursuant to
20 subsection (m) of this Section or, each of the following
21 conditions are met: (A) the plan's analysis and forecasts
22 of the utility's ability to acquire energy savings
23 demonstrate that achievement of such goals is not cost
24 effective; and (B) the amount of energy savings achieved by
25 the utility as determined by the independent evaluator for
26 the most recent year for which savings have been evaluated

1 preceding the plan filing was less than the average annual
2 amount of savings required to achieve the goals for the
3 applicable 5-year plan period. Except as provided in
4 subsection (m) of this Section, annual increases in
5 cumulative persisting annual savings goals during the
6 applicable 5-year plan period shall not be reduced to
7 amounts that are less than the maximum amount of cumulative
8 persisting annual savings that is forecast to be
9 cost-effectively achievable during the 5-year plan period.
10 The Commission shall review any proposed goal reduction as
11 part of its review and approval of the utility's proposed
12 plan.

13 Each utility's plan shall set forth the utility's proposals
14 to meet the energy efficiency standards identified in
15 subsection (b-5) or (b-15), as applicable and as such standards
16 may have been modified under this subsection (f), taking into
17 account the unique circumstances of the utility's service
18 territory. For those plans commencing on January 1, 2018, the
19 Commission shall seek public comment on the utility's plan and
20 shall issue an order approving or disapproving each plan no
21 later than ~~August 31, 2017, or~~ 105 days after June 1, 2017 (the
22 effective date of Public Act 99-906) ~~this amendatory Act of the~~
23 ~~99th General Assembly, whichever is later~~. For those plans
24 commencing after December 31, 2021, the Commission shall seek
25 public comment on the utility's plan and shall issue an order
26 approving or disapproving each plan within 6 months after its

1 submission. If the Commission disapproves a plan, the
2 Commission shall, within 30 days, describe in detail the
3 reasons for the disapproval and describe a path by which the
4 utility may file a revised draft of the plan to address the
5 Commission's concerns satisfactorily. If the utility does not
6 refile with the Commission within 60 days, the utility shall be
7 subject to penalties at a rate of \$100,000 per day until the
8 plan is filed. This process shall continue, and penalties shall
9 accrue, until the utility has successfully filed a portfolio of
10 energy efficiency and demand-response measures. Penalties
11 shall be deposited into the Energy Efficiency Trust Fund.

12 (g) In submitting proposed plans and funding levels under
13 subsection (f) of this Section to meet the savings goals
14 identified in subsection (b-5) or (b-15) of this Section, as
15 applicable, the utility shall:

16 (1) Demonstrate that its proposed energy efficiency
17 measures will achieve the applicable requirements that are
18 identified in subsection (b-5) or (b-15) of this Section,
19 as modified by subsection (f) of this Section.

20 (2) Present specific proposals to implement new
21 building and appliance standards that have been placed into
22 effect.

23 (3) Demonstrate that its overall portfolio of
24 measures, not including low-income programs described in
25 subsection (c) of this Section, is cost-effective using the
26 total resource cost test or complies with paragraphs (1)

1 through (3) of subsection (f) of this Section and
2 represents a diverse cross-section of opportunities for
3 customers of all rate classes, other than those customers
4 described in subsection (1) of this Section, to participate
5 in the programs. Individual measures need not be cost
6 effective.

7 (4) Present a third-party energy efficiency
8 implementation program subject to the following
9 requirements:

10 (A) beginning with the year commencing January 1,
11 2019, electric utilities that serve more than
12 3,000,000 retail customers in the State shall fund
13 third-party energy efficiency programs in an amount
14 that is no less than \$25,000,000 per year, and electric
15 utilities that serve less than 3,000,000 retail
16 customers but more than 500,000 retail customers in the
17 State shall fund third-party energy efficiency
18 programs in an amount that is no less than \$8,350,000
19 per year;

20 (B) during 2018, the utility shall conduct a
21 solicitation process for purposes of requesting
22 proposals from third-party vendors for those
23 third-party energy efficiency programs to be offered
24 during one or more of the years commencing January 1,
25 2019, January 1, 2020, and January 1, 2021; for those
26 multi-year plans commencing on January 1, 2022 and

1 January 1, 2026, the utility shall conduct a
2 solicitation process during 2021 and 2025,
3 respectively, for purposes of requesting proposals
4 from third-party vendors for those third-party energy
5 efficiency programs to be offered during one or more
6 years of the respective multi-year plan period; for
7 each solicitation process, the utility shall identify
8 the sector, technology, or geographical area for which
9 it is seeking requests for proposals;

10 (C) the utility shall propose the bidder
11 qualifications, performance measurement process, and
12 contract structure, which must include a performance
13 payment mechanism and general terms and conditions;
14 the proposed qualifications, process, and structure
15 shall be subject to Commission approval; and

16 (D) the utility shall retain an independent third
17 party to score the proposals received through the
18 solicitation process described in this paragraph (4),
19 rank them according to their cost per lifetime
20 kilowatt-hours saved, and assemble the portfolio of
21 third-party programs.

22 The electric utility shall recover all costs
23 associated with Commission-approved, third-party
24 administered programs regardless of the success of those
25 programs.

26 (4.5) Implement cost-effective demand-response

1 measures to reduce peak demand by 0.1% over the prior year
2 for eligible retail customers, as defined in Section
3 16-111.5 of this Act, and for customers that elect hourly
4 service from the utility pursuant to Section 16-107 of this
5 Act, provided those customers have not been declared
6 competitive. This requirement continues until December 31,
7 2026.

8 (5) Include a proposed or revised cost-recovery tariff
9 mechanism, as provided for under subsection (d) of this
10 Section, to fund the proposed energy efficiency and
11 demand-response measures and to ensure the recovery of the
12 prudently and reasonably incurred costs of
13 Commission-approved programs.

14 (6) Provide for an annual independent evaluation of the
15 performance of the cost-effectiveness of the utility's
16 portfolio of measures, as well as a full review of the
17 multi-year plan results of the broader net program impacts
18 and, to the extent practical, for adjustment of the
19 measures on a going-forward basis as a result of the
20 evaluations. The resources dedicated to evaluation shall
21 not exceed 3% of portfolio resources in any given year.

22 (7) For electric utilities that serve more than
23 3,000,000 retail customers in the State:

24 (A) Through December 31, 2025, provide for an
25 adjustment to the return on equity component of the
26 utility's weighted average cost of capital calculated

1 under subsection (d) of this Section:

2 (i) If the independent evaluator determines
3 that the utility achieved a cumulative persisting
4 annual savings that is less than the applicable
5 annual incremental goal, then the return on equity
6 component shall be reduced by a maximum of 200
7 basis points in the event that the utility achieved
8 no more than 75% of such goal. If the utility
9 achieved more than 75% of the applicable annual
10 incremental goal but less than 100% of such goal,
11 then the return on equity component shall be
12 reduced by 8 basis points for each percent by which
13 the utility failed to achieve the goal.

14 (ii) If the independent evaluator determines
15 that the utility achieved a cumulative persisting
16 annual savings that is more than the applicable
17 annual incremental goal, then the return on equity
18 component shall be increased by a maximum of 200
19 basis points in the event that the utility achieved
20 at least 125% of such goal. If the utility achieved
21 more than 100% of the applicable annual
22 incremental goal but less than 125% of such goal,
23 then the return on equity component shall be
24 increased by 8 basis points for each percent by
25 which the utility achieved above the goal. If the
26 applicable annual incremental goal was reduced

1 under paragraphs (1) or (2) of subsection (f) of
2 this Section, then the following adjustments shall
3 be made to the calculations described in this item
4 (ii):

5 (aa) the calculation for determining
6 achievement that is at least 125% of the
7 applicable annual incremental goal shall use
8 the unreduced applicable annual incremental
9 goal to set the value; and

10 (bb) the calculation for determining
11 achievement that is less than 125% but more
12 than 100% of the applicable annual incremental
13 goal shall use the reduced applicable annual
14 incremental goal to set the value for 100%
15 achievement of the goal and shall use the
16 unreduced goal to set the value for 125%
17 achievement. The 8 basis point value shall also
18 be modified, as necessary, so that the 200
19 basis points are evenly apportioned among each
20 percentage point value between 100% and 125%
21 achievement.

22 (B) For the period January 1, 2026 through December
23 31, 2030, provide for an adjustment to the return on
24 equity component of the utility's weighted average
25 cost of capital calculated under subsection (d) of this
26 Section:

1 (i) If the independent evaluator determines
2 that the utility achieved a cumulative persisting
3 annual savings that is less than the applicable
4 annual incremental goal, then the return on equity
5 component shall be reduced by a maximum of 200
6 basis points in the event that the utility achieved
7 no more than 66% of such goal. If the utility
8 achieved more than 66% of the applicable annual
9 incremental goal but less than 100% of such goal,
10 then the return on equity component shall be
11 reduced by 6 basis points for each percent by which
12 the utility failed to achieve the goal.

13 (ii) If the independent evaluator determines
14 that the utility achieved a cumulative persisting
15 annual savings that is more than the applicable
16 annual incremental goal, then the return on equity
17 component shall be increased by a maximum of 200
18 basis points in the event that the utility achieved
19 at least 134% of such goal. If the utility achieved
20 more than 100% of the applicable annual
21 incremental goal but less than 134% of such goal,
22 then the return on equity component shall be
23 increased by 6 basis points for each percent by
24 which the utility achieved above the goal. If the
25 applicable annual incremental goal was reduced
26 under paragraph (3) of subsection (f) of this

1 Section, then the following adjustments shall be
2 made to the calculations described in this item
3 (ii):

4 (aa) the calculation for determining
5 achievement that is at least 134% of the
6 applicable annual incremental goal shall use
7 the unreduced applicable annual incremental
8 goal to set the value; and

9 (bb) the calculation for determining
10 achievement that is less than 134% but more
11 than 100% of the applicable annual incremental
12 goal shall use the reduced applicable annual
13 incremental goal to set the value for 100%
14 achievement of the goal and shall use the
15 unreduced goal to set the value for 134%
16 achievement. The 6 basis point value shall also
17 be modified, as necessary, so that the 200
18 basis points are evenly apportioned among each
19 percentage point value between 100% and 134%
20 achievement.

21 (7.5) For purposes of this Section, the term
22 "applicable annual incremental goal" means the difference
23 between the cumulative persisting annual savings goal for
24 the calendar year that is the subject of the independent
25 evaluator's determination and the cumulative persisting
26 annual savings goal for the immediately preceding calendar

1 year, as such goals are defined in subsections (b-5) and
2 (b-15) of this Section and as these goals may have been
3 modified as provided for under subsection (b-20) and
4 paragraphs (1) through (3) of subsection (f) of this
5 Section. Under subsections (b), (b-5), (b-10), and (b-15)
6 of this Section, a utility must first replace energy
7 savings from measures that have reached the end of their
8 measure lives and would otherwise have to be replaced to
9 meet the applicable savings goals identified in subsection
10 (b-5) or (b-15) of this Section before any progress towards
11 achievement of its applicable annual incremental goal may
12 be counted. Notwithstanding anything else set forth in this
13 Section, the difference between the actual annual
14 incremental savings achieved in any given year, including
15 the replacement of energy savings from measures that have
16 expired, and the applicable annual incremental goal shall
17 not affect adjustments to the return on equity for
18 subsequent calendar years under this subsection (g).

19 (8) For electric utilities that serve less than
20 3,000,000 retail customers but more than 500,000 retail
21 customers in the State:

22 (A) Through December 31, 2025, the applicable
23 annual incremental goal shall be compared to the annual
24 incremental savings as determined by the independent
25 evaluator.

26 (i) The return on equity component shall be

1 reduced by 8 basis points for each percent by which
2 the utility did not achieve 84.4% of the applicable
3 annual incremental goal.

4 (ii) The return on equity component shall be
5 increased by 8 basis points for each percent by
6 which the utility exceeded 100% of the applicable
7 annual incremental goal.

8 (iii) The return on equity component shall not
9 be increased or decreased if the annual
10 incremental savings as determined by the
11 independent evaluator is greater than 84.4% of the
12 applicable annual incremental goal and less than
13 100% of the applicable annual incremental goal.

14 (iv) The return on equity component shall not
15 be increased or decreased by an amount greater than
16 200 basis points pursuant to this subparagraph
17 (A).

18 (B) For the period of January 1, 2026 through
19 December 31, 2030, the applicable annual incremental
20 goal shall be compared to the annual incremental
21 savings as determined by the independent evaluator.

22 (i) The return on equity component shall be
23 reduced by 6 basis points for each percent by which
24 the utility did not achieve 100% of the applicable
25 annual incremental goal.

26 (ii) The return on equity component shall be

1 increased by 6 basis points for each percent by
2 which the utility exceeded 100% of the applicable
3 annual incremental goal.

4 (iii) The return on equity component shall not
5 be increased or decreased by an amount greater than
6 200 basis points pursuant to this subparagraph
7 (B).

8 (C) If the applicable annual incremental goal was
9 reduced under paragraphs (1), (2) or (3) of subsection
10 (f) of this Section, then the following adjustments
11 shall be made to the calculations described in
12 subparagraphs (A) and (B) of this paragraph (8):

13 (i) The calculation for determining
14 achievement that is at least 125% or 134%, as
15 applicable, of the applicable annual incremental
16 goal shall use the unreduced applicable annual
17 incremental goal to set the value.

18 (ii) For the period through December 31, 2025,
19 the calculation for determining achievement that
20 is less than 125% but more than 100% of the
21 applicable annual incremental goal shall use the
22 reduced applicable annual incremental goal to set
23 the value for 100% achievement of the goal and
24 shall use the unreduced goal to set the value for
25 125% achievement. The 8 basis point value shall
26 also be modified, as necessary, so that the 200

1 basis points are evenly apportioned among each
2 percentage point value between 100% and 125%
3 achievement.

4 (iii) For the period of January 1, 2026 through
5 December 31, 2030, the calculation for determining
6 achievement that is less than 134% but more than
7 100% of the applicable annual incremental goal
8 shall use the reduced applicable annual
9 incremental goal to set the value for 100%
10 achievement of the goal and shall use the unreduced
11 goal to set the value for 125% achievement. The 6
12 basis point value shall also be modified, as
13 necessary, so that the 200 basis points are evenly
14 apportioned among each percentage point value
15 between 100% and 134% achievement.

16 (9) The utility shall submit the energy savings data to
17 the independent evaluator no later than 30 days after the
18 close of the plan year. The independent evaluator shall
19 determine the cumulative persisting annual savings for a
20 given plan year no later than 120 days after the close of
21 the plan year. The utility shall submit an informational
22 filing to the Commission no later than 160 days after the
23 close of the plan year that attaches the independent
24 evaluator's final report identifying the cumulative
25 persisting annual savings for the year and calculates,
26 under paragraph (7) or (8) of this subsection (g), as

1 applicable, any resulting change to the utility's return on
2 equity component of the weighted average cost of capital
3 applicable to the next plan year beginning with the January
4 monthly billing period and extending through the December
5 monthly billing period. However, if the utility recovers
6 the costs incurred under this Section under paragraphs (2)
7 and (3) of subsection (d) of this Section, then the utility
8 shall not be required to submit such informational filing,
9 and shall instead submit the information that would
10 otherwise be included in the informational filing as part
11 of its filing under paragraph (3) of such subsection (d)
12 that is due on or before June 1 of each year.

13 For those utilities that must submit the informational
14 filing, the Commission may, on its own motion or by
15 petition, initiate an investigation of such filing,
16 provided, however, that the utility's proposed return on
17 equity calculation shall be deemed the final, approved
18 calculation on December 15 of the year in which it is filed
19 unless the Commission enters an order on or before December
20 15, after notice and hearing, that modifies such
21 calculation consistent with this Section.

22 The adjustments to the return on equity component
23 described in paragraphs (7) and (8) of this subsection (g)
24 shall be applied as described in such paragraphs through a
25 separate tariff mechanism, which shall be filed by the
26 utility under subsections (f) and (g) of this Section.

1 (h) No more than 6% of energy efficiency and
2 demand-response program revenue may be allocated for research,
3 development, or pilot deployment of new equipment or measures.

4 (i) When practicable, electric utilities shall incorporate
5 advanced metering infrastructure data into the planning,
6 implementation, and evaluation of energy efficiency measures
7 and programs, subject to the data privacy and confidentiality
8 protections of applicable law.

9 (j) The independent evaluator shall follow the guidelines
10 and use the savings set forth in Commission-approved energy
11 efficiency policy manuals and technical reference manuals, as
12 each may be updated from time to time. Until such time as
13 measure life values for energy efficiency measures implemented
14 for low-income households under subsection (c) of this Section
15 are incorporated into such Commission-approved manuals, the
16 low-income measures shall have the same measure life values
17 that are established for same measures implemented in
18 households that are not low-income households.

19 (k) Notwithstanding any provision of law to the contrary,
20 an electric utility subject to the requirements of this Section
21 may file a tariff cancelling an automatic adjustment clause
22 tariff in effect under this Section or Section 8-103, which
23 shall take effect no later than one business day after the date
24 such tariff is filed. Thereafter, the utility shall be
25 authorized to defer and recover its expenditures incurred under
26 this Section through a new tariff authorized under subsection

1 (d) of this Section or in the utility's next rate case under
2 Article IX or Section 16-108.5 of this Act, with interest at an
3 annual rate equal to the utility's weighted average cost of
4 capital as approved by the Commission in such case. If the
5 utility elects to file a new tariff under subsection (d) of
6 this Section, the utility may file the tariff within 10 days
7 after June 1, 2017 (the effective date of Public Act 99-906)
8 ~~this amendatory Act of the 99th General Assembly~~, and the cost
9 inputs to such tariff shall be based on the projected costs to
10 be incurred by the utility during the calendar year in which
11 the new tariff is filed and that were not recovered under the
12 tariff that was cancelled as provided for in this subsection.
13 Such costs shall include those incurred or to be incurred by
14 the utility under its multi-year plan approved under
15 subsections (f) and (g) of this Section, including, but not
16 limited to, projected capital investment costs and projected
17 regulatory asset balances with correspondingly updated
18 depreciation and amortization reserves and expense. The
19 Commission shall, after notice and hearing, approve, or approve
20 with modification, such tariff and cost inputs no later than 75
21 days after the utility filed the tariff, provided that such
22 approval, or approval with modification, shall be consistent
23 with the provisions of this Section to the extent they do not
24 conflict with this subsection (k). The tariff approved by the
25 Commission shall take effect no later than 5 days after the
26 Commission enters its order approving the tariff.

1 No later than 60 days after the effective date of the
2 tariff cancelling the utility's automatic adjustment clause
3 tariff, the utility shall file a reconciliation that reconciles
4 the moneys collected under its automatic adjustment clause
5 tariff with the costs incurred during the period beginning June
6 1, 2016 and ending on the date that the electric utility's
7 automatic adjustment clause tariff was cancelled. In the event
8 the reconciliation reflects an under-collection, the utility
9 shall recover the costs as specified in this subsection (k). If
10 the reconciliation reflects an over-collection, the utility
11 shall apply the amount of such over-collection as a one-time
12 credit to retail customers' bills.

13 (1) For the calendar years covered by a multi-year plan
14 commencing after December 31, 2017, subsections (a) through (j)
15 of this Section do not apply to any retail customers of an
16 electric utility that serves more than 3,000,000 retail
17 customers in the State and whose total highest 30 minute demand
18 was more than 10,000 kilowatts, or any retail customers of an
19 electric utility that serves less than 3,000,000 retail
20 customers but more than 500,000 retail customers in the State
21 and whose total highest 15 minute demand was more than 10,000
22 kilowatts. For purposes of this subsection (1), "retail
23 customer" has the meaning set forth in Section 16-102 of this
24 Act. A determination of whether this subsection is applicable
25 to a customer shall be made for each multi-year plan beginning
26 after December 31, 2017. The criteria for determining whether

1 this subsection (l) is applicable to a retail customer shall be
2 based on the 12 consecutive billing periods prior to the start
3 of the first year of each such multi-year plan.

4 (m) Notwithstanding the requirements of this Section, as
5 part of a proceeding to approve a multi-year plan under
6 subsections (f) and (g) of this Section, the Commission shall
7 reduce the amount of energy efficiency measures implemented for
8 any single year, and whose costs are recovered under subsection
9 (d) of this Section, by an amount necessary to limit the
10 estimated average net increase due to the cost of the measures
11 to no more than

12 (1) 3.5% for ~~the~~ each of the 4 years beginning January
13 1, 2018,

14 (2) 3.75% for each of the 4 years beginning January 1,
15 2022, and

16 (3) 4% for each of the 5 years beginning January 1,
17 2026,

18 of the average amount paid per kilowatthour by residential
19 eligible retail customers during calendar year 2015. To
20 determine the total amount that may be spent by an electric
21 utility in any single year, the applicable percentage of the
22 average amount paid per kilowatthour shall be multiplied by the
23 total amount of energy delivered by such electric utility in
24 the calendar year 2015, adjusted to reflect the proportion of
25 the utility's load attributable to customers who are exempt
26 from subsections (a) through (j) of this Section under

1 subsection (l) of this Section. For purposes of this subsection
2 (m), the amount paid per kilowatthour includes, without
3 limitation, estimated amounts paid for supply, transmission,
4 distribution, surcharges, and add-on taxes. For purposes of
5 this Section, "eligible retail customers" shall have the
6 meaning set forth in Section 16-111.5 of this Act. Once the
7 Commission has approved a plan under subsections (f) and (g) of
8 this Section, no subsequent rate impact determinations shall be
9 made.

10 (Source: P.A. 99-906, eff. 6-1-17; 100-840, eff. 8-13-18;
11 revised 10-19-18.)

12 Section 480. The Environmental Health Practitioner
13 Licensing Act is amended by changing Section 35 as follows:

14 (225 ILCS 37/35)

15 (Section scheduled to be repealed on January 1, 2029)

16 Sec. 35. Grounds for discipline.

17 (a) The Department may refuse to issue or renew, or may
18 revoke, suspend, place on probation, reprimand, or take other
19 disciplinary action with regard to any license issued under
20 this Act as the Department may consider proper, including the
21 imposition of fines not to exceed \$5,000 for each violation,
22 for any one or combination of the following causes:

23 (1) Material misstatement in furnishing information to
24 the Department.

1 (2) Violations of this Act or its rules.

2 (3) Conviction by plea of guilty or nolo contendere,
3 finding of guilt, jury verdict, or entry of judgment or
4 sentencing, including, but not limited to, convictions,
5 preceding sentences of supervision, conditional discharge,
6 or first offender probation, under the laws of any
7 jurisdiction of the United States that is (i) a felony or
8 (ii) a misdemeanor, an essential element of which is
9 dishonesty, or that is directly related to the practice of
10 the profession.

11 (4) Making any misrepresentation for the purpose of
12 obtaining a certificate of registration.

13 (5) Professional incompetence.

14 (6) Aiding or assisting another person in violating any
15 provision of this Act or its rules.

16 (7) Failing to provide information within 60 days in
17 response to a written request made by the Department.

18 (8) Engaging in dishonorable, unethical, or
19 unprofessional conduct of a character likely to deceive,
20 defraud, or harm the public as defined by rules of the
21 Department.

22 (9) Habitual or excessive use or addiction to alcohol,
23 narcotics, stimulants, or any other chemical agent or drug
24 that results in an environmental health practitioner's
25 inability to practice with reasonable judgment, skill, or
26 safety.

1 (10) Discipline by another U.S. jurisdiction or
2 foreign nation, if at least one of the grounds for a
3 discipline is the same or substantially equivalent to those
4 set forth in this Act.

5 (11) A finding by the Department that the registrant,
6 after having his or her license placed on probationary
7 status, has violated the terms of probation.

8 (12) Willfully making or filing false records or
9 reports in his or her practice, including, but not limited
10 to, false records filed with State agencies or departments.

11 (13) Physical illness, including, but not limited to,
12 deterioration through the aging process or loss of motor
13 skills that result in the inability to practice the
14 profession with reasonable judgment, skill, or safety.

15 (14) Failure to comply with rules promulgated by the
16 Illinois Department of Public Health or other State
17 agencies related to the practice of environmental health.

18 (15) (Blank).

19 (16) Solicitation of professional services by using
20 false or misleading advertising.

21 (17) A finding that the license has been applied for or
22 obtained by fraudulent means.

23 (18) Practicing or attempting to practice under a name
24 other than the full name as shown on the license or any
25 other legally authorized name.

26 (19) Gross overcharging for professional services

1 including filing statements for collection of fees or
2 moneys for which services are not rendered.

3 (b) The Department may refuse to issue or may suspend the
4 license of any person who fails to (i) file a return, (ii) pay
5 the tax, penalty, or interest shown in a filed return; or (iii)
6 pay any final assessment of the tax, penalty, or interest as
7 required by any tax Act administered by the Illinois Department
8 of Revenue until the requirements of the tax Act are satisfied.

9 (c) The determination by a circuit court that a licensee is
10 subject to involuntary admission or judicial admission to a
11 mental health facility as provided in the Mental Health and
12 Developmental Disabilities Code operates as an automatic
13 suspension. The suspension may end only upon a finding by a
14 court that the licensee is no longer subject to involuntary
15 admission or judicial admission, the issuance of an order so
16 finding and discharging the patient, and the recommendation of
17 the Board to the Secretary that the licensee be allowed to
18 resume practice.

19 (d) In enforcing this Section, the Department, upon a
20 showing of a possible violation, may compel any person licensed
21 to practice under this Act or who has applied for licensure or
22 certification pursuant to this Act to submit to a mental or
23 physical examination, or both, as required by and at the
24 expense of the Department. The examining physicians shall be
25 those specifically designated by the Department. The
26 Department may order the examining physician to present

1 testimony concerning this mental or physical examination of the
2 licensee or applicant. No information shall be excluded by
3 reason of any common law or statutory privilege relating to
4 communications between the licensee or applicant and the
5 examining physician. The person to be examined may have, at his
6 or her own expense, another physician of his or her choice
7 present during all aspects of the examination. Failure of any
8 person to submit to a mental or physical examination, when
9 directed, shall be grounds for suspension of a license until
10 the person submits to the examination if the Department finds,
11 after notice and hearing, that the refusal to submit to the
12 examination was without reasonable cause.

13 If the Department finds an individual unable to practice
14 because of the reasons set forth in this Section, the
15 Department may require that individual to submit to care,
16 counseling, or treatment by physicians approved or designated
17 by the Department, as a condition, term, or restriction for
18 continued, restored, or renewed licensure to practice or, in
19 lieu of care, counseling, or treatment, the Department may file
20 a complaint to immediately suspend, revoke, or otherwise
21 discipline the license of the individual.

22 Any person whose license was granted, continued, restored,
23 renewed, disciplined, or supervised subject to such terms,
24 conditions, or restrictions and who fails to comply with such
25 terms, conditions, or restrictions shall be referred to the
26 Secretary for a determination as to whether the person shall

1 have his or her license suspended immediately, pending a
2 hearing by the Department.

3 In instances in which the Secretary immediately suspends a
4 person's license under this Section, a hearing on that person's
5 license must be convened by the Department within 15 days after
6 the suspension and completed without appreciable delay. The
7 Department shall have the authority to review the subject
8 person's record of treatment and counseling regarding the
9 impairment, to the extent permitted by applicable federal
10 statutes and regulations safeguarding the confidentiality of
11 medical records.

12 A person licensed under this Act and affected under this
13 Section shall be afforded an opportunity to demonstrate to the
14 Department that he or she can resume practice in compliance
15 with acceptable and prevailing standards under the provisions
16 of his or her license.

17 (Source: P.A. 100-796, eff. 8-10-18; 100-872, eff. 8-14-18;
18 revised 10-22-18.)

19 Section 485. The Medical Practice Act of 1987 is amended by
20 changing Section 22 as follows:

21 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

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

23 Sec. 22. Disciplinary action.

24 (A) The Department may revoke, suspend, place on probation,

1 reprimand, refuse to issue or renew, or take any other
2 disciplinary or non-disciplinary action as the Department may
3 deem proper with regard to the license or permit of any person
4 issued under this Act, including imposing fines not to exceed
5 \$10,000 for each violation, upon any of the following grounds:

6 (1) Performance of an elective abortion in any place,
7 locale, facility, or institution other than:

8 (a) a facility licensed pursuant to the Ambulatory
9 Surgical Treatment Center Act;

10 (b) an institution licensed under the Hospital
11 Licensing Act;

12 (c) an ambulatory surgical treatment center or
13 hospitalization or care facility maintained by the
14 State or any agency thereof, where such department or
15 agency has authority under law to establish and enforce
16 standards for the ambulatory surgical treatment
17 centers, hospitalization, or care facilities under its
18 management and control;

19 (d) ambulatory surgical treatment centers,
20 hospitalization or care facilities maintained by the
21 Federal Government; or

22 (e) ambulatory surgical treatment centers,
23 hospitalization or care facilities maintained by any
24 university or college established under the laws of
25 this State and supported principally by public funds
26 raised by taxation.

1 (2) Performance of an abortion procedure in a willful
2 and wanton manner on a woman who was not pregnant at the
3 time the abortion procedure was performed.

4 (3) A plea of guilty or nolo contendere, finding of
5 guilt, jury verdict, or entry of judgment or sentencing,
6 including, but not limited to, convictions, preceding
7 sentences of supervision, conditional discharge, or first
8 offender probation, under the laws of any jurisdiction of
9 the United States of any crime that is a felony.

10 (4) Gross negligence in practice under this Act.

11 (5) Engaging in dishonorable, unethical or
12 unprofessional conduct of a character likely to deceive,
13 defraud or harm the public.

14 (6) Obtaining any fee by fraud, deceit, or
15 misrepresentation.

16 (7) Habitual or excessive use or abuse of drugs defined
17 in law as controlled substances, of alcohol, or of any
18 other substances which results in the inability to practice
19 with reasonable judgment, skill or safety.

20 (8) Practicing under a false or, except as provided by
21 law, an assumed name.

22 (9) Fraud or misrepresentation in applying for, or
23 procuring, a license under this Act or in connection with
24 applying for renewal of a license under this Act.

25 (10) Making a false or misleading statement regarding
26 their skill or the efficacy or value of the medicine,

1 treatment, or remedy prescribed by them at their direction
2 in the treatment of any disease or other condition of the
3 body or mind.

4 (11) Allowing another person or organization to use
5 their license, procured under this Act, to practice.

6 (12) Adverse action taken by another state or
7 jurisdiction against a license or other authorization to
8 practice as a medical doctor, doctor of osteopathy, doctor
9 of osteopathic medicine or doctor of chiropractic, a
10 certified copy of the record of the action taken by the
11 other state or jurisdiction being prima facie evidence
12 thereof. This includes any adverse action taken by a State
13 or federal agency that prohibits a medical doctor, doctor
14 of osteopathy, doctor of osteopathic medicine, or doctor of
15 chiropractic from providing services to the agency's
16 participants.

17 (13) Violation of any provision of this Act or of the
18 Medical Practice Act prior to the repeal of that Act, or
19 violation of the rules, or a final administrative action of
20 the Secretary, after consideration of the recommendation
21 of the Disciplinary Board.

22 (14) Violation of the prohibition against fee
23 splitting in Section 22.2 of this Act.

24 (15) A finding by the Disciplinary Board that the
25 registrant after having his or her license placed on
26 probationary status or subjected to conditions or

1 restrictions violated the terms of the probation or failed
2 to comply with such terms or conditions.

3 (16) Abandonment of a patient.

4 (17) Prescribing, selling, administering,
5 distributing, giving or self-administering any drug
6 classified as a controlled substance (designated product)
7 or narcotic for other than medically accepted therapeutic
8 purposes.

9 (18) Promotion of the sale of drugs, devices,
10 appliances or goods provided for a patient in such manner
11 as to exploit the patient for financial gain of the
12 physician.

13 (19) Offering, undertaking or agreeing to cure or treat
14 disease by a secret method, procedure, treatment or
15 medicine, or the treating, operating or prescribing for any
16 human condition by a method, means or procedure which the
17 licensee refuses to divulge upon demand of the Department.

18 (20) Immoral conduct in the commission of any act
19 including, but not limited to, commission of an act of
20 sexual misconduct related to the licensee's practice.

21 (21) Willfully making or filing false records or
22 reports in his or her practice as a physician, including,
23 but not limited to, false records to support claims against
24 the medical assistance program of the Department of
25 Healthcare and Family Services (formerly Department of
26 Public Aid) under the Illinois Public Aid Code.

1 (22) Willful omission to file or record, or willfully
2 impeding the filing or recording, or inducing another
3 person to omit to file or record, medical reports as
4 required by law, or willfully failing to report an instance
5 of suspected abuse or neglect as required by law.

6 (23) Being named as a perpetrator in an indicated
7 report by the Department of Children and Family Services
8 under the Abused and Neglected Child Reporting Act, and
9 upon proof by clear and convincing evidence that the
10 licensee has caused a child to be an abused child or
11 neglected child as defined in the Abused and Neglected
12 Child Reporting Act.

13 (24) Solicitation of professional patronage by any
14 corporation, agents or persons, or profiting from those
15 representing themselves to be agents of the licensee.

16 (25) Gross and willful and continued overcharging for
17 professional services, including filing false statements
18 for collection of fees for which services are not rendered,
19 including, but not limited to, filing such false statements
20 for collection of monies for services not rendered from the
21 medical assistance program of the Department of Healthcare
22 and Family Services (formerly Department of Public Aid)
23 under the Illinois Public Aid Code.

24 (26) A pattern of practice or other behavior which
25 demonstrates incapacity or incompetence to practice under
26 this Act.

1 (27) Mental illness or disability which results in the
2 inability to practice under this Act with reasonable
3 judgment, skill or safety.

4 (28) Physical illness, including, but not limited to,
5 deterioration through the aging process, or loss of motor
6 skill which results in a physician's inability to practice
7 under this Act with reasonable judgment, skill or safety.

8 (29) Cheating on or attempt to subvert the licensing
9 examinations administered under this Act.

10 (30) Willfully or negligently violating the
11 confidentiality between physician and patient except as
12 required by law.

13 (31) The use of any false, fraudulent, or deceptive
14 statement in any document connected with practice under
15 this Act.

16 (32) Aiding and abetting an individual not licensed
17 under this Act in the practice of a profession licensed
18 under this Act.

19 (33) Violating state or federal laws or regulations
20 relating to controlled substances, legend drugs, or
21 ephedra as defined in the Ephedra Prohibition Act.

22 (34) Failure to report to the Department any adverse
23 final action taken against them by another licensing
24 jurisdiction (any other state or any territory of the
25 United States or any foreign state or country), by any peer
26 review body, by any health care institution, by any

1 professional society or association related to practice
2 under this Act, by any governmental agency, by any law
3 enforcement agency, or by any court for acts or conduct
4 similar to acts or conduct which would constitute grounds
5 for action as defined in this Section.

6 (35) Failure to report to the Department surrender of a
7 license or authorization to practice as a medical doctor, a
8 doctor of osteopathy, a doctor of osteopathic medicine, or
9 doctor of chiropractic in another state or jurisdiction, or
10 surrender of membership on any medical staff or in any
11 medical or professional association or society, while
12 under disciplinary investigation by any of those
13 authorities or bodies, for acts or conduct similar to acts
14 or conduct which would constitute grounds for action as
15 defined in this Section.

16 (36) Failure to report to the Department any adverse
17 judgment, settlement, or award arising from a liability
18 claim related to acts or conduct similar to acts or conduct
19 which would constitute grounds for action as defined in
20 this Section.

21 (37) Failure to provide copies of medical records as
22 required by law.

23 (38) Failure to furnish the Department, its
24 investigators or representatives, relevant information,
25 legally requested by the Department after consultation
26 with the Chief Medical Coordinator or the Deputy Medical

1 Coordinator.

2 (39) Violating the Health Care Worker Self-Referral
3 Act.

4 (40) Willful failure to provide notice when notice is
5 required under the Parental Notice of Abortion Act of 1995.

6 (41) Failure to establish and maintain records of
7 patient care and treatment as required by this law.

8 (42) Entering into an excessive number of written
9 collaborative agreements with licensed advanced practice
10 registered nurses resulting in an inability to adequately
11 collaborate.

12 (43) Repeated failure to adequately collaborate with a
13 licensed advanced practice registered nurse.

14 (44) Violating the Compassionate Use of Medical
15 Cannabis Pilot Program Act.

16 (45) Entering into an excessive number of written
17 collaborative agreements with licensed prescribing
18 psychologists resulting in an inability to adequately
19 collaborate.

20 (46) Repeated failure to adequately collaborate with a
21 licensed prescribing psychologist.

22 (47) Willfully failing to report an instance of
23 suspected abuse, neglect, financial exploitation, or
24 self-neglect of an eligible adult as defined in and
25 required by the Adult Protective Services Act.

26 (48) Being named as an abuser in a verified report by

1 the Department on Aging under the Adult Protective Services
2 Act, and upon proof by clear and convincing evidence that
3 the licensee abused, neglected, or financially exploited
4 an eligible adult as defined in the Adult Protective
5 Services Act.

6 (49) Entering into an excessive number of written
7 collaborative agreements with licensed physician
8 assistants resulting in an inability to adequately
9 collaborate.

10 (50) Repeated failure to adequately collaborate with a
11 physician assistant.

12 Except for actions involving the ground numbered (26), all
13 proceedings to suspend, revoke, place on probationary status,
14 or take any other disciplinary action as the Department may
15 deem proper, with regard to a license on any of the foregoing
16 grounds, must be commenced within 5 years next after receipt by
17 the Department of a complaint alleging the commission of or
18 notice of the conviction order for any of the acts described
19 herein. Except for the grounds numbered (8), (9), (26), and
20 (29), no action shall be commenced more than 10 years after the
21 date of the incident or act alleged to have violated this
22 Section. For actions involving the ground numbered (26), a
23 pattern of practice or other behavior includes all incidents
24 alleged to be part of the pattern of practice or other behavior
25 that occurred, or a report pursuant to Section 23 of this Act
26 received, within the 10-year period preceding the filing of the

1 complaint. In the event of the settlement of any claim or cause
2 of action in favor of the claimant or the reduction to final
3 judgment of any civil action in favor of the plaintiff, such
4 claim, cause of action or civil action being grounded on the
5 allegation that a person licensed under this Act was negligent
6 in providing care, the Department shall have an additional
7 period of 2 years from the date of notification to the
8 Department under Section 23 of this Act of such settlement or
9 final judgment in which to investigate and commence formal
10 disciplinary proceedings under Section 36 of this Act, except
11 as otherwise provided by law. The time during which the holder
12 of the license was outside the State of Illinois shall not be
13 included within any period of time limiting the commencement of
14 disciplinary action by the Department.

15 The entry of an order or judgment by any circuit court
16 establishing that any person holding a license under this Act
17 is a person in need of mental treatment operates as a
18 suspension of that license. That person may resume their
19 practice only upon the entry of a Departmental order based upon
20 a finding by the Disciplinary Board that they have been
21 determined to be recovered from mental illness by the court and
22 upon the Disciplinary Board's recommendation that they be
23 permitted to resume their practice.

24 The Department may refuse to issue or take disciplinary
25 action concerning the license of any person who fails to file a
26 return, or to pay the tax, penalty or interest shown in a filed

1 return, or to pay any final assessment of tax, penalty or
2 interest, as required by any tax Act administered by the
3 Illinois Department of Revenue, until such time as the
4 requirements of any such tax Act are satisfied as determined by
5 the Illinois Department of Revenue.

6 The Department, upon the recommendation of the
7 Disciplinary Board, shall adopt rules which set forth standards
8 to be used in determining:

9 (a) when a person will be deemed sufficiently
10 rehabilitated to warrant the public trust;

11 (b) what constitutes dishonorable, unethical or
12 unprofessional conduct of a character likely to deceive,
13 defraud, or harm the public;

14 (c) what constitutes immoral conduct in the commission
15 of any act, including, but not limited to, commission of an
16 act of sexual misconduct related to the licensee's
17 practice; and

18 (d) what constitutes gross negligence in the practice
19 of medicine.

20 However, no such rule shall be admissible into evidence in
21 any civil action except for review of a licensing or other
22 disciplinary action under this Act.

23 In enforcing this Section, the Disciplinary Board or the
24 Licensing Board, upon a showing of a possible violation, may
25 compel, in the case of the Disciplinary Board, any individual
26 who is licensed to practice under this Act or holds a permit to

1 practice under this Act, or, in the case of the Licensing
2 Board, any individual who has applied for licensure or a permit
3 pursuant to this Act, to submit to a mental or physical
4 examination and evaluation, or both, which may include a
5 substance abuse or sexual offender evaluation, as required by
6 the Licensing Board or Disciplinary Board and at the expense of
7 the Department. The Disciplinary Board or Licensing Board shall
8 specifically designate the examining physician licensed to
9 practice medicine in all of its branches or, if applicable, the
10 multidisciplinary team involved in providing the mental or
11 physical examination and evaluation, or both. The
12 multidisciplinary team shall be led by a physician licensed to
13 practice medicine in all of its branches and may consist of one
14 or more or a combination of physicians licensed to practice
15 medicine in all of its branches, licensed chiropractic
16 physicians, licensed clinical psychologists, licensed clinical
17 social workers, licensed clinical professional counselors, and
18 other professional and administrative staff. Any examining
19 physician or member of the multidisciplinary team may require
20 any person ordered to submit to an examination and evaluation
21 pursuant to this Section to submit to any additional
22 supplemental testing deemed necessary to complete any
23 examination or evaluation process, including, but not limited
24 to, blood testing, urinalysis, psychological testing, or
25 neuropsychological testing. The Disciplinary Board, the
26 Licensing Board, or the Department may order the examining

1 physician or any member of the multidisciplinary team to
2 provide to the Department, the Disciplinary Board, or the
3 Licensing Board any and all records, including business
4 records, that relate to the examination and evaluation,
5 including any supplemental testing performed. The Disciplinary
6 Board, the Licensing Board, or the Department may order the
7 examining physician or any member of the multidisciplinary team
8 to present testimony concerning this examination and
9 evaluation of the licensee, permit holder, or applicant,
10 including testimony concerning any supplemental testing or
11 documents relating to the examination and evaluation. No
12 information, report, record, or other documents in any way
13 related to the examination and evaluation shall be excluded by
14 reason of any common law or statutory privilege relating to
15 communication between the licensee, permit holder, or
16 applicant and the examining physician or any member of the
17 multidisciplinary team. No authorization is necessary from the
18 licensee, permit holder, or applicant ordered to undergo an
19 evaluation and examination for the examining physician or any
20 member of the multidisciplinary team to provide information,
21 reports, records, or other documents or to provide any
22 testimony regarding the examination and evaluation. The
23 individual to be examined may have, at his or her own expense,
24 another physician of his or her choice present during all
25 aspects of the examination. Failure of any individual to submit
26 to mental or physical examination and evaluation, or both, when

1 directed, shall result in an automatic suspension, without
2 hearing, until such time as the individual submits to the
3 examination. If the Disciplinary Board or Licensing Board finds
4 a physician unable to practice following an examination and
5 evaluation because of the reasons set forth in this Section,
6 the Disciplinary Board or Licensing Board shall require such
7 physician to submit to care, counseling, or treatment by
8 physicians, or other health care professionals, approved or
9 designated by the Disciplinary Board, as a condition for
10 issued, continued, reinstated, or renewed licensure to
11 practice. Any physician, whose license was granted pursuant to
12 Sections 9, 17, or 19 of this Act, or, continued, reinstated,
13 renewed, disciplined or supervised, subject to such terms,
14 conditions or restrictions who shall fail to comply with such
15 terms, conditions or restrictions, or to complete a required
16 program of care, counseling, or treatment, as determined by the
17 Chief Medical Coordinator or Deputy Medical Coordinators,
18 shall be referred to the Secretary for a determination as to
19 whether the licensee shall have their license suspended
20 immediately, pending a hearing by the Disciplinary Board. In
21 instances in which the Secretary immediately suspends a license
22 under this Section, a hearing upon such person's license must
23 be convened by the Disciplinary Board within 15 days after such
24 suspension and completed without appreciable delay. The
25 Disciplinary Board shall have the authority to review the
26 subject physician's record of treatment and counseling

1 regarding the impairment, to the extent permitted by applicable
2 federal statutes and regulations safeguarding the
3 confidentiality of medical records.

4 An individual licensed under this Act, affected under this
5 Section, shall be afforded an opportunity to demonstrate to the
6 Disciplinary Board that they can resume practice in compliance
7 with acceptable and prevailing standards under the provisions
8 of their license.

9 The Department may promulgate rules for the imposition of
10 fines in disciplinary cases, not to exceed \$10,000 for each
11 violation of this Act. Fines may be imposed in conjunction with
12 other forms of disciplinary action, but shall not be the
13 exclusive disposition of any disciplinary action arising out of
14 conduct resulting in death or injury to a patient. Any funds
15 collected from such fines shall be deposited in the Illinois
16 State Medical Disciplinary Fund.

17 All fines imposed under this Section shall be paid within
18 60 days after the effective date of the order imposing the fine
19 or in accordance with the terms set forth in the order imposing
20 the fine.

21 (B) The Department shall revoke the license or permit
22 issued under this Act to practice medicine or a chiropractic
23 physician who has been convicted a second time of committing
24 any felony under the Illinois Controlled Substances Act or the
25 Methamphetamine Control and Community Protection Act, or who
26 has been convicted a second time of committing a Class 1 felony

1 under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A
2 person whose license or permit is revoked under this subsection
3 B shall be prohibited from practicing medicine or treating
4 human ailments without the use of drugs and without operative
5 surgery.

6 (C) The Department shall not revoke, suspend, place on
7 probation, reprimand, refuse to issue or renew, or take any
8 other disciplinary or non-disciplinary action against the
9 license or permit issued under this Act to practice medicine to
10 a physician:

11 (1) based solely upon the recommendation of the
12 physician to an eligible patient regarding, or
13 prescription for, or treatment with, an investigational
14 drug, biological product, or device; or

15 (2) for experimental treatment for Lyme disease or
16 other tick-borne diseases, including, but not limited to,
17 the prescription of or treatment with long-term
18 antibiotics.

19 (D) The Disciplinary Board shall recommend to the
20 Department civil penalties and any other appropriate
21 discipline in disciplinary cases when the Board finds that a
22 physician willfully performed an abortion with actual
23 knowledge that the person upon whom the abortion has been
24 performed is a minor or an incompetent person without notice as
25 required under the Parental Notice of Abortion Act of 1995.
26 Upon the Board's recommendation, the Department shall impose,

1 for the first violation, a civil penalty of \$1,000 and for a
2 second or subsequent violation, a civil penalty of \$5,000.

3 (Source: P.A. 99-270, eff. 1-1-16; 99-933, eff. 1-27-17;
4 100-429, eff. 8-25-17; 100-513, eff. 1-1-18; 100-605, eff.
5 1-1-19; 100-863, eff. 8-14-18; 100-1137, eff. 1-1-19; revised
6 12-19-18.)

7 Section 490. The Nurse Practice Act is amended by changing
8 Section 65-40 as follows:

9 (225 ILCS 65/65-40) (was 225 ILCS 65/15-20)

10 (Section scheduled to be repealed on January 1, 2028)

11 Sec. 65-40. Written collaborative agreement; prescriptive
12 authority.

13 (a) A collaborating physician may, but is not required to,
14 delegate prescriptive authority to an advanced practice
15 registered nurse as part of a written collaborative agreement.
16 This authority may, but is not required to, include
17 prescription of, selection of, orders for, administration of,
18 storage of, acceptance of samples of, and dispensing over the
19 counter medications, legend drugs, medical gases, and
20 controlled substances categorized as any Schedule III through V
21 controlled substances, as defined in Article II of the Illinois
22 Controlled Substances Act, and other preparations, including,
23 but not limited to, botanical and herbal remedies. The
24 collaborating physician must have a valid current Illinois

1 controlled substance license and federal registration to
2 delegate authority to prescribe delegated controlled
3 substances.

4 (b) To prescribe controlled substances under this Section,
5 an advanced practice registered nurse must obtain a mid-level
6 practitioner controlled substance license. Medication orders
7 shall be reviewed periodically by the collaborating physician.

8 (c) The collaborating physician shall file with the
9 Department and the Prescription Monitoring Program notice of
10 delegation of prescriptive authority and termination of such
11 delegation, in accordance with rules of the Department. Upon
12 receipt of this notice delegating authority to prescribe any
13 Schedule III through V controlled substances, the licensed
14 advanced practice registered nurse shall be eligible to
15 register for a mid-level practitioner controlled substance
16 license under Section 303.05 of the Illinois Controlled
17 Substances Act.

18 (d) In addition to the requirements of subsections (a),
19 (b), and (c) of this Section, a collaborating physician may,
20 but is not required to, delegate authority to an advanced
21 practice registered nurse to prescribe any Schedule II
22 controlled substances, if all of the following conditions
23 apply:

24 (1) Specific Schedule II controlled substances by oral
25 dosage or topical or transdermal application may be
26 delegated, provided that the delegated Schedule II

1 controlled substances are routinely prescribed by the
2 collaborating physician. This delegation must identify the
3 specific Schedule II controlled substances by either brand
4 name or generic name. Schedule II controlled substances to
5 be delivered by injection or other route of administration
6 may not be delegated.

7 (2) Any delegation must be controlled substances that
8 the collaborating physician prescribes.

9 (3) Any prescription must be limited to no more than a
10 30-day supply, with any continuation authorized only after
11 prior approval of the collaborating physician.

12 (4) The advanced practice registered nurse must
13 discuss the condition of any patients for whom a controlled
14 substance is prescribed monthly with the delegating
15 physician.

16 (5) The advanced practice registered nurse meets the
17 education requirements of Section 303.05 of the Illinois
18 Controlled Substances Act.

19 (e) Nothing in this Act shall be construed to limit the
20 delegation of tasks or duties by a physician to a licensed
21 practical nurse, a registered professional nurse, or other
22 persons. Nothing in this Act shall be construed to limit the
23 method of delegation that may be authorized by any means,
24 including, but not limited to, oral, written, electronic,
25 standing orders, protocols, guidelines, or verbal orders.

26 (f) Nothing in this Section shall be construed to apply to

1 any medication authority including Schedule II controlled
2 substances of an advanced practice registered nurse for care
3 provided in a hospital, hospital affiliate, or ambulatory
4 surgical treatment center pursuant to Section 65-45.

5 (g) (Blank).

6 (h) Nothing in this Section shall be construed to prohibit
7 generic substitution.

8 (i) Nothing in this Section shall be construed to apply to
9 an advanced practice registered nurse who meets the
10 requirements of Section 65-43.

11 (Source: P.A. 100-513, eff. 1-1-18; revised 10-22-18.)

12 Section 495. The Nursing Home Administrators Licensing and
13 Disciplinary Act is amended by changing Section 19 as follows:

14 (225 ILCS 70/19) (from Ch. 111, par. 3669)

15 (Section scheduled to be repealed on January 1, 2028)

16 Sec. 19. Investigation; notice and hearing.➤

17 (a) The Department may investigate the actions of any
18 applicant or of any person holding or claiming to hold a
19 license under this Act.

20 (b) The Department shall, before disciplining an applicant
21 or licensee, at least 30 days prior to the date set for the
22 hearing: (i) notify, in writing, the accused of the charges
23 made and the time and place for the hearing on the charges,
24 (ii) direct him or her to file a written answer to the charges

1 under oath within 20 days after service of the notice, and
2 (iii) inform the applicant or licensee that failure to file an
3 answer will result in a default being entered against the
4 applicant or licensee.

5 (c) Written or electronic notice, and any notice in the
6 subsequent proceeding, may be served by personal delivery, by
7 email, or by mail to the applicant or licensee at his or her
8 address of record or email address of record.

9 (d) At the time and place fixed in the notice, the Board or
10 hearing officer appointed by the Secretary shall proceed to
11 hear the charges and the parties or their counsel shall be
12 accorded ample opportunity to present any statement,
13 testimony, evidence, and argument as may be pertinent to the
14 charges or to their defense. The Board or hearing officer may
15 continue the hearing from time to time.

16 (e) In case the person, after receiving the notice, fails
17 to file an answer, his or her license may, in the discretion of
18 the Secretary, having first received the recommendation of the
19 Board, be suspended, revoked, or placed on probationary status,
20 or be subject to whatever disciplinary action the Secretary
21 considers proper, including limiting the scope, nature, or
22 extent of the person's practice or the imposition of a fine,
23 without hearing, if the act or acts charged constitute
24 sufficient grounds for that action under this Act.

25 (Source: P.A. 100-675, eff. 8-3-18; revised 10-22-18.)

1 Section 500. The Sex Offender Evaluation and Treatment
2 Provider Act is amended by changing Section 75 as follows:

3 (225 ILCS 109/75)

4 Sec. 75. Refusal, revocation, or suspension.

5 (a) The Department may refuse to issue or renew, or may
6 revoke, suspend, place on probation, reprimand, or take other
7 disciplinary or non-disciplinary ~~nondisciplinary~~ action, as
8 the Department considers appropriate, including the imposition
9 of fines not to exceed \$10,000 for each violation, with regard
10 to any license or licensee for any one or more of the
11 following:

12 (1) violations of this Act or of the rules adopted
13 under this Act;

14 (2) discipline by the Department under other state law
15 and rules which the licensee is subject to;

16 (3) conviction by plea of guilty or nolo contendere,
17 finding of guilt, jury verdict, or entry of judgment or by
18 sentencing for any crime, including, but not limited to,
19 convictions, preceding sentences of supervision,
20 conditional discharge, or first offender probation, under
21 the laws of any jurisdiction of the United States: (i) that
22 is a felony; or (ii) that is a misdemeanor, an essential
23 element of which is dishonesty, or that is directly related
24 to the practice of the profession;

25 (4) professional incompetence;

1 (5) advertising in a false, deceptive, or misleading
2 manner;

3 (6) aiding, abetting, assisting, procuring, advising,
4 employing, or contracting with any unlicensed person to
5 provide sex offender evaluation or treatment services
6 contrary to any rules or provisions of this Act;

7 (7) engaging in immoral conduct in the commission of
8 any act, such as sexual abuse, sexual misconduct, or sexual
9 exploitation, related to the licensee's practice;

10 (8) engaging in dishonorable, unethical, or
11 unprofessional conduct of a character likely to deceive,
12 defraud, or harm the public;

13 (9) practicing or offering to practice beyond the scope
14 permitted by law or accepting and performing professional
15 responsibilities which the licensee knows or has reason to
16 know that he or she is not competent to perform;

17 (10) knowingly delegating professional
18 responsibilities to a person unqualified by training,
19 experience, or licensure to perform;

20 (11) failing to provide information in response to a
21 written request made by the Department within 60 days;

22 (12) having a habitual or excessive use of or addiction
23 to alcohol, narcotics, stimulants, or any other chemical
24 agent or drug which results in the inability to practice
25 with reasonable judgment, skill, or safety;

26 (13) having a pattern of practice or other behavior

1 that demonstrates incapacity or incompetence to practice
2 under this Act;

3 (14) discipline by another state, District of
4 Columbia, territory, or foreign nation, if at least one of
5 the grounds for the discipline is the same or substantially
6 equivalent to those set forth in this Section;

7 (15) a finding by the Department that the licensee,
8 after having his or her license placed on probationary
9 status, has violated the terms of probation;

10 (16) willfully making or filing false records or
11 reports in his or her practice, including, but not limited
12 to, false records filed with State agencies or departments;

13 (17) making a material misstatement in furnishing
14 information to the Department or otherwise making
15 misleading, deceptive, untrue, or fraudulent
16 representations in violation of this Act or otherwise in
17 the practice of the profession;

18 (18) fraud or misrepresentation in applying for or
19 procuring a license under this Act or in connection with
20 applying for renewal of a license under this Act;

21 (19) inability to practice the profession with
22 reasonable judgment, skill, or safety as a result of
23 physical illness, including, but not limited to,
24 deterioration through the aging process, loss of motor
25 skill, or a mental illness or disability;

26 (20) charging for professional services not rendered,

1 including filing false statements for the collection of
2 fees for which services are not rendered; or

3 (21) practicing under a false or, except as provided by
4 law, an assumed name.

5 All fines shall be paid within 60 days of the effective
6 date of the order imposing the fine.

7 (b) The Department may refuse to issue or may suspend the
8 license of any person who fails to file a tax return, to pay
9 the tax, penalty, or interest shown in a filed tax return, or
10 to pay any final assessment of tax, penalty, or interest, as
11 required by any tax Act administered by the Illinois Department
12 of Revenue, until such time as the requirements of the tax Act
13 are satisfied in accordance with subsection (g) of Section
14 2105-15 of the Civil Administrative Code of Illinois.

15 (c) (Blank).

16 (d) In cases where the Department of Healthcare and Family
17 Services has previously determined that a licensee or a
18 potential licensee is more than 30 days delinquent in the
19 payment of child support and has subsequently certified the
20 delinquency to the Department, the Department may refuse to
21 issue or renew or may revoke or suspend that person's license
22 or may take other disciplinary action against that person based
23 solely upon the certification of delinquency made by the
24 Department of Healthcare and Family Services in accordance with
25 item (5) of subsection (a) of Section 2105-15 of the Civil
26 Administrative Code of Illinois.

1 (e) The determination by a circuit court that a licensee is
2 subject to involuntary admission or judicial admission, as
3 provided in the Mental Health and Developmental Disabilities
4 Code, operates as an automatic suspension. The suspension will
5 end only upon a finding by a court that the patient is no
6 longer subject to involuntary admission or judicial admission
7 and the issuance of a court order so finding and discharging
8 the patient.

9 (f) In enforcing this Act, the Department or Board, upon a
10 showing of a possible violation, may compel an individual
11 licensed to practice under this Act, or who has applied for
12 licensure under this Act, to submit to a mental or physical
13 examination, or both, as required by and at the expense of the
14 Department. The Department or Board may order the examining
15 physician to present testimony concerning the mental or
16 physical examination of the licensee or applicant. No
17 information shall be excluded by reason of any common law or
18 statutory privilege relating to communications between the
19 licensee or applicant and the examining physician. The
20 examining physician shall be specifically designated by the
21 Board or Department. The individual to be examined may have, at
22 his or her own expense, another physician of his or her choice
23 present during all aspects of this examination. The examination
24 shall be performed by a physician licensed to practice medicine
25 in all its branches. Failure of an individual to submit to a
26 mental or physical examination, when directed, shall result in

1 an automatic suspension without hearing.

2 A person holding a license under this Act or who has
3 applied for a license under this Act who, because of a physical
4 or mental illness or disability, including, but not limited to,
5 deterioration through the aging process or loss of motor skill,
6 is unable to practice the profession with reasonable judgment,
7 skill, or safety, may be required by the Department to submit
8 to care, counseling, or treatment by physicians approved or
9 designated by the Department as a condition, term, or
10 restriction for continued, reinstated, or renewed licensure to
11 practice. Submission to care, counseling, or treatment as
12 required by the Department shall not be considered discipline
13 of a license. If the licensee refuses to enter into a care,
14 counseling, or treatment agreement or fails to abide by the
15 terms of the agreement, the Department may file a complaint to
16 revoke, suspend, or otherwise discipline the license of the
17 individual. The Secretary may order the license suspended
18 immediately, pending a hearing by the Department. Fines shall
19 not be assessed in disciplinary actions involving physical or
20 mental illness or impairment.

21 In instances in which the Secretary immediately suspends a
22 person's license under this Section, a hearing on that person's
23 license must be convened by the Department within 15 days after
24 the suspension and completed without appreciable delay. The
25 Department and Board shall have the authority to review the
26 subject individual's record of treatment and counseling

1 regarding the impairment to the extent permitted by applicable
2 federal statutes and regulations safeguarding the
3 confidentiality of medical records.

4 An individual licensed under this Act and subject to action
5 under this Section shall be afforded an opportunity to
6 demonstrate to the Department or Board that he or she can
7 resume practice in compliance with acceptable and prevailing
8 standards under the provisions of his or her license.

9 (Source: P.A. 100-872, eff. 8-14-18; revised 10-22-18.)

10 Section 505. The Telehealth Act is amended by changing
11 Section 5 as follows:

12 (225 ILCS 150/5)

13 Sec. 5. Definitions. As used in this Act:

14 "Health care professional" includes physicians, physician
15 assistants, ~~dentists,~~ optometrists, advanced practice
16 registered nurses, clinical psychologists licensed in
17 Illinois, dentists, occupational therapists, pharmacists,
18 physical therapists, clinical social workers, speech-language
19 pathologists, audiologists, hearing instrument dispensers, and
20 mental health professionals and clinicians authorized by
21 Illinois law to provide mental health services.

22 "Telehealth" means the evaluation, diagnosis, or
23 interpretation of electronically transmitted patient-specific
24 data between a remote location and a licensed health care

1 professional that generates interaction or treatment
2 recommendations. "Telehealth" includes telemedicine and the
3 delivery of health care services provided by way of an
4 interactive telecommunications system, as defined in
5 subsection (a) of Section 356z.22 of the Illinois Insurance
6 Code.

7 (Source: P.A. 100-317, eff. 1-1-18; 100-644, eff. 1-1-19;
8 100-930, eff. 1-1-19; revised 10-22-18.)

9 Section 510. The Structural Pest Control Act is amended by
10 changing Sections 3.18, 8, 17, 23, and 25 as follows:

11 (225 ILCS 235/3.18) (from Ch. 111 1/2, par. 2203.18)

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

13 Sec. 3.18. "Planned use inspection" means an inspection of
14 a certified or non-certified technician to observe the
15 procedures for preparation, application, and disposal of
16 pesticides to ensure that they are performed in accordance with
17 this Act, the ~~"Illinois Pesticide Act", as amended,~~ the
18 ~~"Environmental Protection Act", as amended,~~ the rules and
19 regulations of the Illinois Pollution Control Board, and other
20 applicable State law.

21 (Source: P.A. 85-177; reenacted by P.A. 95-786, eff. 8-7-08;
22 revised 10-22-18.)

23 (225 ILCS 235/8) (from Ch. 111 1/2, par. 2208)

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

2 Sec. 8. Change of certified technician~~†~~. When the licensee
3 or registrant is without a certified technician~~‡~~, the licensee
4 or registrant shall notify the Director in writing within 7
5 days and shall employ a technician certified in accordance with
6 Section 5 of this Act no later than 45 days from the time the
7 position of certified technician becomes vacant. All
8 structural pest control operations shall be suspended until
9 such time that the licensee or registrant obtains the services
10 of a certified technician.

11 (Source: P.A. 84-362; reenacted by P.A. 95-786, eff. 8-7-08;
12 revised 10-22-18.)

13 (225 ILCS 235/17) (from Ch. 111 1/2, par. 2217)

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

15 Sec. 17. Deposition of witnesses; testimony at hearing
16 recorded~~†~~. In the event of the inability of any party~~‡~~ or the
17 Department~~‡~~ to procure the attendance of witnesses to give
18 testimony or produce books and papers, such party or the
19 Department may take the deposition of witnesses in accordance
20 with the laws of this State. All testimony taken at a hearing
21 shall be reduced to writing, and all such testimony and other
22 evidence introduced at the hearing shall be a part of the
23 record of the hearing.

24 (Source: P.A. 82-725; reenacted by P.A. 95-786, eff. 8-7-08;
25 revised 10-22-18.)

1 (225 ILCS 235/23) (from Ch. 111 1/2, par. 2223)

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

3 Sec. 23. Judicial review of final administrative
4 decision~~s~~. The Administrative Review Law~~, as amended,~~ and the
5 rules adopted under the Administrative Review Law~~s~~ apply to and
6 govern all proceedings for judicial review of final
7 administrative decisions of the Department under this Act. Such
8 judicial review shall be had in the circuit court of the county
9 in which the cause of action arose. The term "administrative
10 decision" is defined as in Section 3-101 of the Code of Civil
11 Procedure.

12 (Source: P.A. 82-783; reenacted by P.A. 95-786, eff. 8-7-08;
13 revised 10-22-18.)

14 (225 ILCS 235/25) (from Ch. 111 1/2, par. 2225)

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

16 Sec. 25. The provisions of the ~~"The~~ Illinois Administrative
17 Procedure Act~~", approved September 22, 1975,~~ are hereby
18 expressly adopted and shall apply to all administrative rules
19 and procedures of the Department of Public Health under this
20 Act.

21 (Source: P.A. 82-725; reenacted by P.A. 95-786, eff. 8-7-08;
22 revised 10-22-18.)

23 Section 515. The Registered Interior Designers Act is

1 amended by changing Sections 8 and 13 as follows:

2 (225 ILCS 310/8) (from Ch. 111, par. 8208)

3 (Section scheduled to be repealed on January 1, 2022)

4 Sec. 8. Requirements for registration.

5 (a) Each applicant for registration shall apply to the
6 Department in writing on a form provided by the Department.
7 Except as otherwise provided in this Act, each applicant shall
8 take and pass the examination approved by the Department. Prior
9 to registration, the applicant shall provide substantial
10 evidence to the Board that the applicant:

11 (1) is a graduate of a 5-year interior design program
12 from an accredited institution and has completed at least 2
13 years of full-time diversified interior design experience;

14 (2) is a graduate of a 4-year interior design program
15 from an accredited institution and has completed at least 2
16 years of full-time diversified interior design experience;

17 (3) has completed at least 3 years of interior design
18 curriculum from an accredited institution and has
19 completed 3 years of full-time diversified interior design
20 experience; or

21 (4) is a graduate of a 2-year interior design program
22 from an accredited institution and has completed 4 years of
23 full-time diversified interior design experience. ~~or~~

24 ~~(5) (blank).~~

25 (b) In addition to providing evidence of meeting the

1 requirements of subsection (a), each applicant for
2 registration as a registered interior designer shall provide
3 substantial evidence that he or she has successfully completed
4 the examination administered by the National Council for
5 Interior Design Qualifications.

6 Examinations for applicants under this Act may be held at
7 the direction of the Department from time to time but not less
8 than once each year. The scope and form of the examination
9 shall conform to the National Council for Interior Design
10 Qualification examination for interior designers.

11 (b-5) Each applicant for registration shall pay to the
12 Department the required registration fee, which is not
13 refundable, at the time of filing his or her application.

14 (c) An individual may apply for original registration prior
15 to passing the examination. He or she shall have 2 years after
16 the date of filing an application to pass the examination. If
17 evidence and documentation of passing the examination are ~~is~~
18 received by the Department later than 2 years after the
19 individual's filing, the application shall be denied and the
20 fee forfeited. The applicant may reapply at any time, but shall
21 meet the requirements in effect at the time of reapplication.

22 (d) Upon payment of the required fee, which shall be
23 determined by rule, an applicant who is an architect licensed
24 under the laws of this State may, without examination, be
25 granted registration as a registered interior designer by the
26 Department provided the applicant submits proof of an active

1 architectural license in Illinois.

2 (Source: P.A. 100-920, eff. 8-17-18; revised 10-22-18.)

3 (225 ILCS 310/13) (from Ch. 111, par. 8213)

4 (Section scheduled to be repealed on January 1, 2022)

5 Sec. 13. Refusal, revocation or suspension of
6 registration. The Department may refuse to issue, renew, or
7 restore or may revoke, suspend, place on probation, reprimand
8 or take other disciplinary action as the Department may deem
9 proper, including fines not to exceed \$5,000 for each
10 violation, with regard to any registration for any one or
11 combination of the following causes:

12 (a) Fraud in procuring the certificate of
13 registration.

14 (b) Habitual intoxication or addiction to the use of
15 drugs.

16 (c) Making any misrepresentations or false promises,
17 directly or indirectly, to influence, persuade, or induce
18 patronage.

19 (d) Professional connection or association with, or
20 lending his or her name, to another for illegal use of the
21 title "registered interior designer", or professional
22 connection or association with any person, firm, or
23 corporation holding itself out in any manner contrary to
24 this Act.

25 (e) Obtaining or seeking to obtain checks, money, or

1 any other items of value by false or fraudulent
2 representations.

3 (f) Use of the title under a name other than his or her
4 own.

5 (g) Improper, unprofessional, or dishonorable conduct
6 of a character likely to deceive, defraud, or harm the
7 public.

8 (h) Conviction in this or another state, or federal
9 court, of any crime which is a felony, if the Department
10 determines, after investigation, that such person has not
11 been sufficiently rehabilitated to warrant the public
12 trust.

13 (i) A violation of any provision of this Act or its
14 rules.

15 (j) Revocation by another state, the District of
16 Columbia, territory, or foreign nation of an interior
17 design or residential interior design license,
18 certification, or registration if at least one of the
19 grounds for that revocation is the same as or the
20 equivalent of one of the grounds for revocation set forth
21 in this Act.

22 (k) Mental incompetence as declared by a court of
23 competent jurisdiction.

24 (l) Being named as a perpetrator in an indicated report
25 by the Department of Children and Family Services pursuant
26 to the Abused and Neglected Child Reporting Act, and upon

1 proof by clear and convincing evidence that the registrant
2 has caused a child to be an abused child or neglected child
3 as defined in the Abused and Neglected Child Reporting Act.

4 (m) Aiding or assisting another person in violating any
5 provision of this Act or its rules.

6 (n) Failure to provide information in response to a
7 written request made by the Department within 30 days after
8 receipt of the written request.

9 (o) Physical illness, including, but not limited to,
10 deterioration through the aging process or loss of motor
11 skill that results in the inability to practice interior
12 design with reasonable judgment, skill, or safety.

13 The Department may refuse to issue or may suspend the
14 registration of any person who fails to file a return, or to
15 pay the tax, penalty, or interest showing in a filed return, or
16 to pay any final assessment of tax, penalty, or interest, as
17 required by any tax Act administered by the Illinois Department
18 of Revenue, until such time as the requirements of any such tax
19 Act are satisfied.

20 The entry of a decree by any circuit court establishing
21 that any person holding a certificate of registration under
22 this Act is a person subject to involuntary admission under the
23 Mental Health and Developmental Disabilities Code shall
24 operate as a suspension of that registration. That person may
25 resume using the title "registered interior designer" only upon
26 a finding by the Board that he or she has been determined to be

1 no longer subject to involuntary admission by the court and
2 upon the Board's recommendation to the Director that he or she
3 be permitted to resume using the title "registered interior
4 designer".

5 (Source: P.A. 100-872, eff. 8-14-18; 100-920, eff. 8-17-18;
6 revised 10-22-18.)

7 Section 520. The Collateral Recovery Act is amended by
8 changing Section 85 as follows:

9 (225 ILCS 422/85)

10 (Section scheduled to be repealed on January 1, 2022)

11 Sec. 85. Consideration of past crimes.

12 (a) The Commission shall not require the license or permit
13 holder or applicant to report the following information and
14 shall not consider the following criminal history records in
15 connection with an application for a license or permit under
16 this Act:

17 (1) Juvenile adjudications of delinquent minors as
18 defined in Section 5-105 of the Juvenile Court Act of 1987,
19 subject to the restrictions set forth in Section 5-130 of
20 the Juvenile Court Act of 1987.

21 (2) Law enforcement records, court records, and
22 conviction records of an individual who was 18 years old or
23 younger at the time of the conviction for the offense and
24 before January 1, 2014, unless the nature of the offense

1 required the individual to be tried as an adult.

2 (3) Records of arrest not followed by a conviction.

3 (4) Convictions overturned by a higher court.

4 (5) Convictions or arrests that have been sealed or
5 expunged.

6 (b) When considering the denial of a license or recovery
7 permit on the grounds of conviction of a crime, the Commission,
8 in evaluating whether the conviction will impair the license or
9 permit holder's or applicant's ability to engage in the
10 position for which a license or permit is sought and the
11 license or permit holder's or applicant's present eligibility
12 for a license or recovery permit, shall consider each of the
13 following criteria:

14 (1) The lack of direct relation of the offense for
15 which the license or permit holder or applicant was
16 previously convicted to the duties, functions, and
17 responsibilities of the position for which a license or
18 permit is sought.

19 (2) Circumstances relative to the offense, including
20 the license or permit holder's or applicant's age at the
21 time that the offense was committed.

22 (3) Evidence of any act committed subsequent to the act
23 or crime under consideration as grounds for denial, which
24 also could be considered as grounds for disciplinary action
25 under this Act.

26 (4) Whether 5 years since a conviction or 3 years since

1 successful completion of the imposed sentence for the
2 conviction, whichever is later, have passed without a
3 subsequent conviction.

4 (5) Successful completion of sentence or for license or
5 permit holders or applicants serving a term of parole or
6 probation, a progress report provided by the license or
7 permit holder's or applicant's probation or parole officer
8 that documents the license or permit holder's or
9 applicant's compliance with conditions of supervision.

10 (6) If the license or permit holder or applicant was
11 previously licensed or employed in this State or other
12 states or jurisdictions, then the lack of prior misconduct
13 arising from or related to the licensed position or
14 position of employment.

15 (7) Evidence of rehabilitation or rehabilitative
16 effort during or after incarceration, or during or after a
17 term of supervision, including, but not limited to, a
18 certificate of good conduct under Section 5-5.5-25 of the
19 Unified Code of Corrections or a certificate of relief from
20 disabilities under Section 5-5.5-10 of the Unified Code of
21 Corrections.

22 (8) Any other mitigating factors that contribute to the
23 license or permit holder's or applicant's potential and
24 current ability to perform the duties and responsibilities
25 of practices licensed or registered under this Act.

26 (c) When considering the suspension or revocation of a

1 license or recovery permit on the grounds of conviction of a
2 crime, the Commission, in evaluating the rehabilitation of the
3 license or permit holder, whether the conviction will impair
4 the license or permit holder's ability to engage in the
5 position for which a license or permit is sought, and the
6 license or permit holder's present eligibility for a license or
7 recovery permit, shall consider each of the following criteria:

8 (1) The nature and severity of the act or offense.

9 (2) The license holder's or recovery permit holder's
10 criminal record in its entirety.

11 (3) The amount of time that has elapsed ~~lapsed~~ since
12 the commission of the act or offense.

13 (4) Whether the license holder or recovery permit
14 holder has complied with any terms of parole, probation,
15 restitution, or any other sanctions lawfully imposed
16 against him or her.

17 (5) If applicable, evidence of expungement
18 proceedings.

19 (6) Evidence, if any, of rehabilitation submitted by
20 the license holder or recovery permit holder.

21 (d) If the Commission refuses to issue or renew a license
22 or permit, or suspends, revokes, places on probation, or takes
23 any disciplinary action that the Commission may deem proper
24 against a license or permit, then the Commission shall notify
25 the license or permit holder or applicant of the decision in
26 writing with the following included in the notice of decision:

- 1 (1) a statement about the decision;
- 2 (2) a list of the convictions that the Commission
3 determined will impair the license or permit holder's or
4 applicant's ability to engage in the position for which a
5 license or permit is sought;
- 6 (3) a list of convictions that formed the sole or
7 partial basis for the decision; and
- 8 (4) a summary of the appeal process or the earliest
9 reapplication for a license or permit is permissible,
10 whichever is applicable.

11 (e) No later than May 1 of each year, the Commission must
12 prepare, publicly announce, and publish a report of summary
13 statistical information relating to new and renewal license or
14 permit applications during the preceding calendar year. Each
15 report shall show, at a minimum:

- 16 (1) the number of applicants for a new or renewal
17 license or permit under this Act within the previous
18 calendar year;
- 19 (2) the number of applicants for a new or renewal
20 license or permit under this Act within the previous
21 calendar year who had a criminal conviction identified in
22 paragraph (3) of subsection (a) of Section 80;
- 23 (3) the number of applicants for a new or renewal
24 license or permit under this Act in the previous calendar
25 year who were granted a license or permit;
- 26 (4) the number of applicants for a new or renewal

1 license or permit with a criminal conviction identified in
2 paragraph (3) of subsection (a) of Section 80 who were
3 granted a license or permit under this Act within the
4 previous calendar year;

5 (5) the number of applicants for a new or renewal
6 license or permit under this Act within the previous
7 calendar year who were denied a license or permit;

8 (6) the number of applicants for a new or renewal
9 license or permit with a criminal conviction identified in
10 paragraph (3) of subsection (a) of Section 80 who were
11 denied a license or permit under this Act in the previous
12 calendar year in whole or in part because of the prior
13 conviction;

14 (7) the number of licenses or permits issued with a
15 condition of probation without monitoring imposed by the
16 Commission under this Act in the previous calendar year to
17 applicants with a criminal conviction identified in
18 paragraph (3) of subsection (a) of Section 80; and

19 (8) the number of licenses or permits issued with a
20 condition of probation with monitoring imposed by the
21 Commission under this Act in the previous calendar year to
22 applicants with a criminal conviction identified in
23 paragraph (3) of subsection (a) of Section 80.

24 (Source: P.A. 100-286, eff. 1-1-18; 100-948, eff. 1-1-19;
25 revised 10-22-18.)

1 Section 525. The Real Estate License Act of 2000 is amended
2 by changing Section 20-20 as follows:

3 (225 ILCS 454/20-20)

4 (Section scheduled to be repealed on January 1, 2020)

5 Sec. 20-20. Grounds for discipline.

6 (a) The Department may refuse to issue or renew a license,
7 may place on probation, suspend, or revoke any license,
8 reprimand, or take any other disciplinary or non-disciplinary
9 action as the Department may deem proper and impose a fine not
10 to exceed \$25,000 upon any licensee or applicant under this Act
11 or any person who holds himself or herself out as an applicant
12 or licensee or against a licensee in handling his or her own
13 property, whether held by deed, option, or otherwise, for any
14 one or any combination of the following causes:

15 (1) Fraud or misrepresentation in applying for, or
16 procuring, a license under this Act or in connection with
17 applying for renewal of a license under this Act.

18 (2) The conviction of or plea of guilty or plea of nolo
19 contendere to a felony or misdemeanor in this State or any
20 other jurisdiction; or the entry of an administrative
21 sanction by a government agency in this State or any other
22 jurisdiction. Action taken under this paragraph (2) for a
23 misdemeanor or an administrative sanction is limited to a
24 misdemeanor or administrative sanction that has as an
25 essential element dishonesty or fraud or involves larceny,

1 embezzlement, or obtaining money, property, or credit by
2 false pretenses or by means of a confidence game.

3 (3) Inability to practice the profession with
4 reasonable judgment, skill, or safety as a result of a
5 physical illness, including, but not limited to,
6 deterioration through the aging process or loss of motor
7 skill, or a mental illness or disability.

8 (4) Practice under this Act as a licensee in a retail
9 sales establishment from an office, desk, or space that is
10 not separated from the main retail business by a separate
11 and distinct area within the establishment.

12 (5) Having been disciplined by another state, the
13 District of Columbia, a territory, a foreign nation, or a
14 governmental agency authorized to impose discipline if at
15 least one of the grounds for that discipline is the same as
16 or the equivalent of one of the grounds for which a
17 licensee may be disciplined under this Act. A certified
18 copy of the record of the action by the other state or
19 jurisdiction shall be prima facie evidence thereof.

20 (6) Engaging in the practice of real estate brokerage
21 without a license or after the licensee's license or
22 temporary permit was expired or while the license was
23 inoperative.

24 (7) Cheating on or attempting to subvert the Real
25 Estate License Exam or continuing education exam.

26 (8) Aiding or abetting an applicant to subvert or cheat

1 on the Real Estate License Exam or continuing education
2 exam administered pursuant to this Act.

3 (9) Advertising that is inaccurate, misleading, or
4 contrary to the provisions of the Act.

5 (10) Making any substantial misrepresentation or
6 untruthful advertising.

7 (11) Making any false promises of a character likely to
8 influence, persuade, or induce.

9 (12) Pursuing a continued and flagrant course of
10 misrepresentation or the making of false promises through
11 licensees, employees, agents, advertising, or otherwise.

12 (13) Any misleading or untruthful advertising, or
13 using any trade name or insignia of membership in any real
14 estate organization of which the licensee is not a member.

15 (14) Acting for more than one party in a transaction
16 without providing written notice to all parties for whom
17 the licensee acts.

18 (15) Representing or attempting to represent a broker
19 other than the sponsoring broker.

20 (16) Failure to account for or to remit any moneys or
21 documents coming into his or her possession that belong to
22 others.

23 (17) Failure to maintain and deposit in a special
24 account, separate and apart from personal and other
25 business accounts, all escrow moneys belonging to others
26 entrusted to a licensee while acting as a broker, escrow

1 agent, or temporary custodian of the funds of others or
2 failure to maintain all escrow moneys on deposit in the
3 account until the transactions are consummated or
4 terminated, except to the extent that the moneys, or any
5 part thereof, shall be:

6 (A) disbursed prior to the consummation or
7 termination (i) in accordance with the written
8 direction of the principals to the transaction or their
9 duly authorized agents, (ii) in accordance with
10 directions providing for the release, payment, or
11 distribution of escrow moneys contained in any written
12 contract signed by the principals to the transaction or
13 their duly authorized agents, or (iii) pursuant to an
14 order of a court of competent jurisdiction; or

15 (B) deemed abandoned and transferred to the Office
16 of the State Treasurer to be handled as unclaimed
17 property pursuant to the Revised Uniform Unclaimed
18 Property Act. Escrow moneys may be deemed abandoned
19 under this subparagraph (B) only: (i) in the absence of
20 disbursement under subparagraph (A); (ii) in the
21 absence of notice of the filing of any claim in a court
22 of competent jurisdiction; and (iii) if 6 months have
23 elapsed after the receipt of a written demand for the
24 escrow moneys from one of the principals to the
25 transaction or the principal's duly authorized agent.

26 The account shall be noninterest bearing, unless the

1 character of the deposit is such that payment of interest
2 thereon is otherwise required by law or unless the
3 principals to the transaction specifically require, in
4 writing, that the deposit be placed in an interest bearing
5 account.

6 (18) Failure to make available to the Department all
7 escrow records and related documents maintained in
8 connection with the practice of real estate within 24 hours
9 of a request for those documents by Department personnel.

10 (19) Failing to furnish copies upon request of
11 documents relating to a real estate transaction to a party
12 who has executed that document.

13 (20) Failure of a sponsoring broker to timely provide
14 information, sponsor cards, or termination of licenses to
15 the Department.

16 (21) Engaging in dishonorable, unethical, or
17 unprofessional conduct of a character likely to deceive,
18 defraud, or harm the public.

19 (22) Commingling the money or property of others with
20 his or her own money or property.

21 (23) Employing any person on a purely temporary or
22 single deal basis as a means of evading the law regarding
23 payment of commission to nonlicensees on some contemplated
24 transactions.

25 (24) Permitting the use of his or her license as a
26 broker to enable a leasing agent or unlicensed person to

1 operate a real estate business without actual
2 participation therein and control thereof by the broker.

3 (25) Any other conduct, whether of the same or a
4 different character from that specified in this Section,
5 that constitutes dishonest dealing.

6 (26) Displaying a "for rent" or "for sale" sign on any
7 property without the written consent of an owner or his or
8 her duly authorized agent or advertising by any means that
9 any property is for sale or for rent without the written
10 consent of the owner or his or her authorized agent.

11 (27) Failing to provide information requested by the
12 Department, or otherwise respond to that request, within 30
13 days of the request.

14 (28) Advertising by means of a blind advertisement,
15 except as otherwise permitted in Section 10-30 of this Act.

16 (29) Offering guaranteed sales plans, as defined in
17 clause (A) of this subdivision (29), except to the extent
18 hereinafter set forth:

19 (A) A "guaranteed sales plan" is any real estate
20 purchase or sales plan whereby a licensee enters into a
21 conditional or unconditional written contract with a
22 seller, prior to entering into a brokerage agreement
23 with the seller, by the terms of which a licensee
24 agrees to purchase a property of the seller within a
25 specified period of time at a specific price in the
26 event the property is not sold in accordance with the

1 terms of a brokerage agreement to be entered into
2 between the sponsoring broker and the seller.

3 (B) A licensee offering a guaranteed sales plan
4 shall provide the details and conditions of the plan in
5 writing to the party to whom the plan is offered.

6 (C) A licensee offering a guaranteed sales plan
7 shall provide to the party to whom the plan is offered
8 evidence of sufficient financial resources to satisfy
9 the commitment to purchase undertaken by the broker in
10 the plan.

11 (D) Any licensee offering a guaranteed sales plan
12 shall undertake to market the property of the seller
13 subject to the plan in the same manner in which the
14 broker would market any other property, unless the
15 agreement with the seller provides otherwise.

16 (E) The licensee cannot purchase seller's property
17 until the brokerage agreement has ended according to
18 its terms or is otherwise terminated.

19 (F) Any licensee who fails to perform on a
20 guaranteed sales plan in strict accordance with its
21 terms shall be subject to all the penalties provided in
22 this Act for violations thereof and, in addition, shall
23 be subject to a civil fine payable to the party injured
24 by the default in an amount of up to \$25,000.

25 (30) Influencing or attempting to influence, by any
26 words or acts, a prospective seller, purchaser, occupant,

1 landlord, or tenant of real estate, in connection with
2 viewing, buying, or leasing real estate, so as to promote
3 or tend to promote the continuance or maintenance of
4 racially and religiously segregated housing or so as to
5 retard, obstruct, or discourage racially integrated
6 housing on or in any street, block, neighborhood, or
7 community.

8 (31) Engaging in any act that constitutes a violation
9 of any provision of Article 3 of the Illinois Human Rights
10 Act, whether or not a complaint has been filed with or
11 adjudicated by the Human Rights Commission.

12 (32) Inducing any party to a contract of sale or lease
13 or brokerage agreement to break the contract of sale or
14 lease or brokerage agreement for the purpose of
15 substituting, in lieu thereof, a new contract for sale or
16 lease or brokerage agreement with a third party.

17 (33) Negotiating a sale, exchange, or lease of real
18 estate directly with any person if the licensee knows that
19 the person has an exclusive brokerage agreement with
20 another broker, unless specifically authorized by that
21 broker.

22 (34) When a licensee is also an attorney, acting as the
23 attorney for either the buyer or the seller in the same
24 transaction in which the licensee is acting or has acted as
25 a managing broker or broker.

26 (35) Advertising or offering merchandise or services

1 as free if any conditions or obligations necessary for
2 receiving the merchandise or services are not disclosed in
3 the same advertisement or offer. These conditions or
4 obligations include without limitation the requirement
5 that the recipient attend a promotional activity or visit a
6 real estate site. As used in this subdivision (35), "free"
7 includes terms such as "award", "prize", "no charge", "free
8 of charge", "without charge", and similar words or phrases
9 that reasonably lead a person to believe that he or she may
10 receive or has been selected to receive something of value,
11 without any conditions or obligations on the part of the
12 recipient.

13 (36) (Blank).

14 (37) Violating the terms of a disciplinary order issued
15 by the Department.

16 (38) Paying or failing to disclose compensation in
17 violation of Article 10 of this Act.

18 (39) Requiring a party to a transaction who is not a
19 client of the licensee to allow the licensee to retain a
20 portion of the escrow moneys for payment of the licensee's
21 commission or expenses as a condition for release of the
22 escrow moneys to that party.

23 (40) Disregarding or violating any provision of this
24 Act or the published rules adopted by the Department to
25 enforce this Act or aiding or abetting any individual,
26 foreign or domestic partnership, registered limited

1 liability partnership, limited liability company,
2 corporation, or other business entity in disregarding any
3 provision of this Act or the published rules adopted by the
4 Department to enforce this Act.

5 (41) Failing to provide the minimum services required
6 by Section 15-75 of this Act when acting under an exclusive
7 brokerage agreement.

8 (42) Habitual or excessive use or addiction to alcohol,
9 narcotics, stimulants, or any other chemical agent or drug
10 that results in a managing broker, broker, or leasing
11 agent's inability to practice with reasonable skill or
12 safety.

13 (43) Enabling, aiding, or abetting an auctioneer, as
14 defined in the Auction License Act, to conduct a real
15 estate auction in a manner that is in violation of this
16 Act.

17 (44) Permitting any leasing agent or temporary leasing
18 agent permit holder to engage in activities that require a
19 broker's or managing broker's license.

20 (b) The Department may refuse to issue or renew or may
21 suspend the license of any person who fails to file a return,
22 pay the tax, penalty or interest shown in a filed return, or
23 pay any final assessment of tax, penalty, or interest, as
24 required by any tax Act administered by the Department of
25 Revenue, until such time as the requirements of that tax Act
26 are satisfied in accordance with subsection (g) of Section

1 2105-15 of the Civil Administrative Code of Illinois.

2 (c) (Blank).

3 (d) In cases where the Department of Healthcare and Family
4 Services (formerly Department of Public Aid) has previously
5 determined that a licensee or a potential licensee is more than
6 30 days delinquent in the payment of child support and has
7 subsequently certified the delinquency to the Department may
8 refuse to issue or renew or may revoke or suspend that person's
9 license or may take other disciplinary action against that
10 person based solely upon the certification of delinquency made
11 by the Department of Healthcare and Family Services in
12 accordance with item (5) of subsection (a) of Section 2105-15
13 of the Civil Administrative Code of Illinois.

14 (e) In enforcing this Section, the Department or Board upon
15 a showing of a possible violation may compel an individual
16 licensed to practice under this Act, or who has applied for
17 licensure under this Act, to submit to a mental or physical
18 examination, or both, as required by and at the expense of the
19 Department. The Department or Board may order the examining
20 physician to present testimony concerning the mental or
21 physical examination of the licensee or applicant. No
22 information shall be excluded by reason of any common law or
23 statutory privilege relating to communications between the
24 licensee or applicant and the examining physician. The
25 examining physicians shall be specifically designated by the
26 Board or Department. The individual to be examined may have, at

1 his or her own expense, another physician of his or her choice
2 present during all aspects of this examination. Failure of an
3 individual to submit to a mental or physical examination, when
4 directed, shall be grounds for suspension of his or her license
5 until the individual submits to the examination if the
6 Department finds, after notice and hearing, that the refusal to
7 submit to the examination was without reasonable cause.

8 If the Department or Board finds an individual unable to
9 practice because of the reasons set forth in this Section, the
10 Department or Board may require that individual to submit to
11 care, counseling, or treatment by physicians approved or
12 designated by the Department or Board, as a condition, term, or
13 restriction for continued, reinstated, or renewed licensure to
14 practice; or, in lieu of care, counseling, or treatment, the
15 Department may file, or the Board may recommend to the
16 Department to file, a complaint to immediately suspend, revoke,
17 or otherwise discipline the license of the individual. An
18 individual whose license was granted, continued, reinstated,
19 renewed, disciplined or supervised subject to such terms,
20 conditions, or restrictions, and who fails to comply with such
21 terms, conditions, or restrictions, shall be referred to the
22 Secretary for a determination as to whether the individual
23 shall have his or her license suspended immediately, pending a
24 hearing by the Department.

25 In instances in which the Secretary immediately suspends a
26 person's license under this Section, a hearing on that person's

1 license must be convened by the Department within 30 days after
2 the suspension and completed without appreciable delay. The
3 Department and Board shall have the authority to review the
4 subject individual's record of treatment and counseling
5 regarding the impairment to the extent permitted by applicable
6 federal statutes and regulations safeguarding the
7 confidentiality of medical records.

8 An individual licensed under this Act and affected under
9 this Section shall be afforded an opportunity to demonstrate to
10 the Department or Board that he or she can resume practice in
11 compliance with acceptable and prevailing standards under the
12 provisions of his or her license.

13 (Source: P.A. 99-227, eff. 8-3-15; 100-22, eff. 1-1-18;
14 100-188, eff. 1-1-18; 100-534, eff. 9-22-17; 100-831, eff.
15 1-1-19; 100-863, eff. 8-14-18; 100-872, eff. 8-14-18; revised
16 10-22-18.)

17 Section 530. The Real Estate Appraiser Licensing Act of
18 2002 is amended by changing Sections 5-20 and 5-25 as follows:

19 (225 ILCS 458/5-20)

20 (Section scheduled to be repealed on January 1, 2022)

21 Sec. 5-20. Application for associate real estate trainee
22 appraiser. Every person who desires to obtain an associate real
23 estate trainee appraiser license shall:

24 (1) apply to the Department on forms provided by the

1 Department, or through a multi-state licensing system as
2 designated by the Secretary, accompanied by the required
3 fee;

4 (2) be at least 18 years of age;

5 (3) provide evidence of having attained a high school
6 diploma or completed an equivalent course of study as
7 determined by an examination conducted or accepted by the
8 Illinois State Board of Education;

9 (4) (blank); and

10 (5) provide evidence to the Department, or through a
11 multi-state licensing system as designated by the
12 Secretary, that he or she has successfully completed the
13 prerequisite qualifying and any conditional education
14 requirements as established by rule.

15 (Source: P.A. 100-604, eff. 7-13-18; 100-832, eff. 1-1-19;
16 revised 10-22-18.)

17 (225 ILCS 458/5-25)

18 (Section scheduled to be repealed on January 1, 2022)

19 Sec. 5-25. Renewal of license.

20 (a) The expiration date and renewal period for a State
21 certified general real estate appraiser license or a State
22 certified residential real estate appraiser license issued
23 under this Act shall be set by rule. Except as otherwise
24 provided in subsections (b) and (f) of this Section, the holder
25 of a license may renew the license within 90 days preceding the

1 expiration date by:

2 (1) completing and submitting to the Department, or
3 through a multi-state licensing system as designated by the
4 Secretary, a renewal application form as provided by the
5 Department;

6 (2) paying the required fees; and

7 (3) providing evidence to the Department, or through a
8 multi-state licensing system as designated by the
9 Secretary, of successful completion of the continuing
10 education requirements through courses approved by the
11 Department from education providers licensed by the
12 Department, as established by the AQB and by rule.

13 (b) A State certified general real estate appraiser or
14 State certified residential real estate appraiser whose
15 license under this Act has expired may renew the license for a
16 period of 2 years following the expiration date by complying
17 with the requirements of paragraphs (1), (2), and (3) of
18 subsection (a) of this Section and paying any late penalties
19 established by rule.

20 (c) (Blank).

21 (d) The expiration date and renewal period for an associate
22 real estate trainee appraiser license issued under this Act
23 shall be set by rule. Except as otherwise provided in
24 subsections (e) and (f) of this Section, the holder of an
25 associate real estate appraiser license may renew the license
26 within 90 days preceding the expiration date by:

1 (1) completing and submitting to the Department, or
2 through a multi-state licensing system as designated by the
3 Secretary, a renewal application form as provided by the
4 Department;

5 (2) paying the required fees; and

6 (3) providing evidence to the Department, or through a
7 multi-state licensing system as designated by the
8 Secretary, of successful completion of the continuing
9 education requirements through courses approved by the
10 Department from education providers approved by the
11 Department, as established by rule.

12 (e) Any associate real estate appraiser trainee whose
13 license under this Act has expired may renew the license for a
14 period of 2 years following the expiration date by complying
15 with the requirements of paragraphs (1), (2), and (3) of
16 subsection (d) of this Section and paying any late penalties as
17 established by rule.

18 (f) Notwithstanding subsections (c) and (e), an appraiser
19 whose license under this Act has expired may renew or convert
20 the license without paying any lapsed renewal fees or late
21 penalties if the license expired while the appraiser was:

22 (1) on active duty with the United States Armed
23 Services;

24 (2) serving as the Coordinator of Real Estate Appraisal
25 or an employee of the Department who was required to
26 surrender his or her license during the term of employment.

1 Application for renewal must be made within 2 years
2 following the termination of the military service or related
3 education, training, or employment. The licensee shall furnish
4 the Department with an affidavit that he or she was so engaged.

5 (g) The Department shall provide reasonable care and due
6 diligence to ensure that each licensee under this Act is
7 provided with a renewal application at least 90 days prior to
8 the expiration date, but each licensee is responsible to timely
9 renew or convert his or her license prior to its expiration
10 date.

11 (Source: P.A. 100-604, eff. 7-13-18; 100-832, eff. 1-1-19;
12 revised 10-22-18.)

13 Section 535. The Appraisal Management Company Registration
14 Act is amended by changing Section 65 as follows:

15 (225 ILCS 459/65)

16 Sec. 65. Disciplinary actions.

17 (a) The Department may refuse to issue or renew, or may
18 revoke, suspend, place on probation, reprimand, or take other
19 disciplinary or non-disciplinary action as the Department may
20 deem appropriate, including imposing fines not to exceed
21 \$25,000 for each violation, with regard to any registration for
22 any one or combination of the following:

23 (1) Material misstatement in furnishing information to
24 the Department.

1 (2) Violations of this Act, or of the rules adopted
2 under this Act.

3 (3) Conviction of, or entry of a plea of guilty or nolo
4 contendere to any crime that is a felony under the laws of
5 the United States or any state or territory thereof or that
6 is a misdemeanor of which an essential element is
7 dishonesty, or any crime that is directly related to the
8 practice of the profession.

9 (4) Making any misrepresentation for the purpose of
10 obtaining registration or violating any provision of this
11 Act or the rules adopted under this Act pertaining to
12 advertising.

13 (5) Professional incompetence.

14 (6) Gross malpractice.

15 (7) Aiding or assisting another person in violating any
16 provision of this Act or rules adopted under this Act.

17 (8) Failing, within 30 days after requested, to provide
18 information in response to a written request made by the
19 Department.

20 (9) Engaging in dishonorable, unethical, or
21 unprofessional conduct of a character likely to deceive,
22 defraud, or harm the public.

23 (10) Discipline by another state, District of
24 Columbia, territory, or foreign nation, if at least one of
25 the grounds for the discipline is the same or substantially
26 equivalent to those set forth in this Section.

1 (11) A finding by the Department that the registrant,
2 after having his or her registration placed on probationary
3 status, has violated the terms of probation.

4 (12) Willfully making or filing false records or
5 reports in his or her practice, including, but not limited
6 to, false records filed with State agencies or departments.

7 (13) Filing false statements for collection of fees for
8 which services are not rendered.

9 (14) Practicing under a false or, except as provided by
10 law, an assumed name.

11 (15) Fraud or misrepresentation in applying for, or
12 procuring, a registration under this Act or in connection
13 with applying for renewal of a registration under this Act.

14 (16) Being adjudicated liable in a civil proceeding for
15 violation of a state or federal fair housing law.

16 (17) Failure to obtain or maintain the bond required
17 under Section 50 of this Act.

18 (18) Failure to pay appraiser panel fees or appraisal
19 management company national registry fees.

20 (b) The Department may refuse to issue or may suspend
21 without hearing as provided for in the Civil Administrative
22 Code of Illinois the registration of any person who fails to
23 file a return, or to pay the tax, penalty or interest shown in
24 a filed return, or to pay any final assessment of the tax,
25 penalty, or interest as required by any tax Act administered by
26 the Illinois Department of Revenue, until such time as the

1 requirements of any such tax Act are satisfied.

2 (c) An appraisal management company shall not be registered
3 or included on the national registry if the company, in whole
4 or in part, directly or indirectly, is owned by a person who
5 has had an appraiser license or certificate refused, denied,
6 canceled, surrendered in lieu of revocation, or revoked under
7 the Real Estate Appraiser Licensing Act of 2002 or the rules
8 adopted under that Act, or similar discipline by another state,
9 the District of Columbia, a territory, a foreign nation, a
10 governmental agency, or an entity authorized to impose
11 discipline if at least one of the grounds for that discipline
12 is the same as or the equivalent of one of the grounds for
13 which a licensee may be disciplined as set forth under this
14 Section.

15 (Source: P.A. 100-604, eff. 7-13-18; revised 10-22-18.)

16 Section 540. The Animal Welfare Act is amended by changing
17 Section 2 as follows:

18 (225 ILCS 605/2) (from Ch. 8, par. 302)

19 Sec. 2. Definitions. As used in this Act unless the context
20 otherwise requires:

21 "Department" means the Illinois Department of Agriculture.

22 "Director" means the Director of the Illinois Department of
23 Agriculture.

24 "Pet shop operator" means any person who sells, offers to

1 sell, exchange, or offers for adoption with or without charge
2 or donation dogs, cats, birds, fish, reptiles, or other animals
3 customarily obtained as pets in this State. However, a person
4 who sells only such animals that he has produced and raised
5 shall not be considered a pet shop operator under this Act, and
6 a veterinary hospital or clinic operated by a veterinarian or
7 veterinarians licensed under the Veterinary Medicine and
8 Surgery Practice Act of 2004 shall not be considered a pet shop
9 operator under this Act.

10 "Dog dealer" means any person who sells, offers to sell,
11 exchange, or offers for adoption with or without charge or
12 donation dogs in this State. However, a person who sells only
13 dogs that he has produced and raised shall not be considered a
14 dog dealer under this Act, and a veterinary hospital or clinic
15 operated by a veterinarian or veterinarians licensed under the
16 Veterinary Medicine and Surgery Practice Act of 2004 shall not
17 be considered a dog dealer under this Act.

18 "Secretary of Agriculture" or "Secretary" means the
19 Secretary of Agriculture of the United States Department of
20 Agriculture.

21 "Person" means any person, firm, corporation, partnership,
22 association or other legal entity, any public or private
23 institution, the State of Illinois, or any municipal
24 corporation or political subdivision of the State.

25 "Kennel operator" means any person who operates an
26 establishment, other than an animal control facility,

1 veterinary hospital, or animal shelter, where dogs or dogs and
2 cats are maintained for boarding, training or similar purposes
3 for a fee or compensation.

4 "Boarding" means a time frame greater than 12 hours or an
5 overnight period during which an animal is kept by a kennel
6 operator.

7 "Cat breeder" means a person who sells, offers to sell,
8 exchanges, or offers for adoption with or without charge cats
9 that he or she has produced and raised. A person who owns, has
10 possession of, or harbors 5 or less females capable of
11 reproduction shall not be considered a cat breeder.

12 "Dog breeder" means a person who sells, offers to sell,
13 exchanges, or offers for adoption with or without charge dogs
14 that he has produced and raised. A person who owns, has
15 possession of, or harbors 5 or less females capable of
16 reproduction shall not be considered a dog breeder.

17 "Animal control facility" means any facility operated by or
18 under contract for the State, county, or any municipal
19 corporation or political subdivision of the State for the
20 purpose of impounding or harboring seized, stray, homeless,
21 abandoned or unwanted dogs, cats, and other animals. "Animal
22 control facility" also means any veterinary hospital or clinic
23 operated by a veterinarian or veterinarians licensed under the
24 Veterinary Medicine and Surgery Practice Act of 2004 which
25 operates for the above mentioned purpose in addition to its
26 customary purposes.

1 "Animal shelter" means a facility operated, owned, or
2 maintained by a duly incorporated humane society, animal
3 welfare society, or other non-profit organization for the
4 purpose of providing for and promoting the welfare, protection,
5 and humane treatment of animals. "Animal shelter" also means
6 any veterinary hospital or clinic operated by a veterinarian or
7 veterinarians licensed under the Veterinary Medicine and
8 Surgery Practice Act of 2004 which operates for the above
9 mentioned purpose in addition to its customary purposes.

10 "Day care operator" means a person who operates an
11 establishment, other than an animal control facility,
12 veterinary hospital, or animal shelter, where dogs or dogs and
13 cats are kept for a period of time not exceeding 12 hours.

14 "Foster home" means an entity that accepts the
15 responsibility for stewardship of animals that are the
16 obligation of an animal shelter or animal control facility, not
17 to exceed 4 animals at any given time. Permits to operate as a
18 "foster home" shall be issued through the animal shelter or
19 animal control facility.

20 "Guard dog service" means an entity that, for a fee,
21 furnishes or leases guard or sentry dogs for the protection of
22 life or property. A person is not a guard dog service solely
23 because he or she owns a dog and uses it to guard his or her
24 home, business, or farmland.

25 "Guard dog" means a type of dog used primarily for the
26 purpose of defending, patrolling, or protecting property or

1 life at a commercial establishment other than a farm. "Guard
2 dog" does not include stock dogs used primarily for handling
3 and controlling livestock or farm animals, nor does it include
4 personally owned pets that also provide security.

5 "Sentry dog" means a dog trained to work without
6 supervision in a fenced facility other than a farm, and to
7 deter or detain unauthorized persons found within the facility.

8 "Probationary status" means the 12-month period following
9 a series of violations of this Act during which any further
10 violation shall result in an automatic 12-month suspension of
11 licensure.

12 "Owner" means any person having a right of property in an
13 animal, who keeps or harbors an animal, who has an animal in
14 his or her care or acts as its custodian, or who knowingly
15 permits a dog to remain on any premises occupied by him or her.

16 "Owner" does not include a feral cat caretaker participating in
17 a trap, spay/neuter, return or release program.

18 (Source: P.A. 99-310, eff. 1-1-16; 100-842, eff. 1-1-19;
19 100-870, eff. 1-1-19; revised 10-22-18.)

20 Section 545. The Surface Coal Mining Land Conservation and
21 Reclamation Act is amended by changing Section 1.06 as follows:

22 (225 ILCS 720/1.06) (from Ch. 96 1/2, par. 7901.06)

23 Sec. 1.06. Scope of the Act. This Act shall apply to all
24 mining operations, except:

1 (a) the private non-commercial extraction of coal by a
2 landowner or lessee where 250 tons or less of coal are
3 removed in any 12 consecutive months;

4 (b) the extraction of coal incidental to the extraction
5 of other minerals where the coal does not exceed 16 2/3% of
6 the total mineral tonnage mined;

7 (c) coal exploration on federal lands;

8 (d) the extraction of coal on federal lands except to
9 the extent provided under a cooperative agreement with the
10 United States in accordance with Section 9.03; and

11 (e) the extraction of coal as an incidental part of a
12 federal, State, or local government-financed highway or
13 other construction under rules adopted by the Department.

14 (Source: P.A. 100-936, eff. 8-17-18; revised 10-22-18.)

15 Section 550. The Forest Products Transportation Act is
16 amended by changing Section 2.02 as follows:

17 (225 ILCS 740/2.02) (from Ch. 96 1/2, par. 6904)

18 Sec. 2.02. "Tree" or "trees" means any tree, standing or
19 felled, living or dead, and includes both those trees included
20 within the definition of "timber" in Section 2 of the "Timber
21 Buyers Licensing Act" and Christmas trees. The term does not
22 apply to trees or parts of trees that have been cut into
23 firewood.

24 (Source: P.A. 77-2801; revised 10-22-18.)

1 Section 555. The Illinois Horse Racing Act of 1975 is
2 amended by changing Sections 26 and 26.7 as follows:

3 (230 ILCS 5/26) (from Ch. 8, par. 37-26)

4 Sec. 26. Wagering.

5 (a) Any licensee may conduct and supervise the pari-mutuel
6 system of wagering, as defined in Section 3.12 of this Act, on
7 horse races conducted by an Illinois organization licensee or
8 conducted at a racetrack located in another state or country
9 and televised in Illinois in accordance with subsection (g) of
10 Section 26 of this Act. Subject to the prior consent of the
11 Board, licensees may supplement any pari-mutuel pool in order
12 to guarantee a minimum distribution. Such pari-mutuel method of
13 wagering shall not, under any circumstances if conducted under
14 the provisions of this Act, be held or construed to be
15 unlawful, other statutes of this State to the contrary
16 notwithstanding. Subject to rules for advance wagering
17 promulgated by the Board, any licensee may accept wagers in
18 advance of the day of the race wagered upon occurs.

19 (b) No other method of betting, pool making, wagering or
20 gambling shall be used or permitted by the licensee. Each
21 licensee may retain, subject to the payment of all applicable
22 taxes and purses, an amount not to exceed 17% of all money
23 wagered under subsection (a) of this Section, except as may
24 otherwise be permitted under this Act.

1 (b-5) An individual may place a wager under the pari-mutuel
2 system from any licensed location authorized under this Act
3 provided that wager is electronically recorded in the manner
4 described in Section 3.12 of this Act. Any wager made
5 electronically by an individual while physically on the
6 premises of a licensee shall be deemed to have been made at the
7 premises of that licensee.

8 (c) Until January 1, 2000, the sum held by any licensee for
9 payment of outstanding pari-mutuel tickets, if unclaimed prior
10 to December 31 of the next year, shall be retained by the
11 licensee for payment of such tickets until that date. Within 10
12 days thereafter, the balance of such sum remaining unclaimed,
13 less any uncashed supplements contributed by such licensee for
14 the purpose of guaranteeing minimum distributions of any
15 pari-mutuel pool, shall be paid to the Illinois Veterans'
16 Rehabilitation Fund of the State treasury, except as provided
17 in subsection (g) of Section 27 of this Act.

18 (c-5) Beginning January 1, 2000, the sum held by any
19 licensee for payment of outstanding pari-mutuel tickets, if
20 unclaimed prior to December 31 of the next year, shall be
21 retained by the licensee for payment of such tickets until that
22 date. Within 10 days thereafter, the balance of such sum
23 remaining unclaimed, less any uncashed supplements contributed
24 by such licensee for the purpose of guaranteeing minimum
25 distributions of any pari-mutuel pool, shall be evenly
26 distributed to the purse account of the organization licensee

1 and the organization licensee.

2 (d) A pari-mutuel ticket shall be honored until December 31
3 of the next calendar year, and the licensee shall pay the same
4 and may charge the amount thereof against unpaid money
5 similarly accumulated on account of pari-mutuel tickets not
6 presented for payment.

7 (e) No licensee shall knowingly permit any minor, other
8 than an employee of such licensee or an owner, trainer, jockey,
9 driver, or employee thereof, to be admitted during a racing
10 program unless accompanied by a parent or guardian, or any
11 minor to be a patron of the pari-mutuel system of wagering
12 conducted or supervised by it. The admission of any
13 unaccompanied minor, other than an employee of the licensee or
14 an owner, trainer, jockey, driver, or employee thereof at a
15 race track is a Class C misdemeanor.

16 (f) Notwithstanding the other provisions of this Act, an
17 organization licensee may contract with an entity in another
18 state or country to permit any legal wagering entity in another
19 state or country to accept wagers solely within such other
20 state or country on races conducted by the organization
21 licensee in this State. Beginning January 1, 2000, these wagers
22 shall not be subject to State taxation. Until January 1, 2000,
23 when the out-of-State entity conducts a pari-mutuel pool
24 separate from the organization licensee, a privilege tax equal
25 to 7 1/2% of all monies received by the organization licensee
26 from entities in other states or countries pursuant to such

1 contracts is imposed on the organization licensee, and such
2 privilege tax shall be remitted to the Department of Revenue
3 within 48 hours of receipt of the moneys from the simulcast.
4 When the out-of-State entity conducts a combined pari-mutuel
5 pool with the organization licensee, the tax shall be 10% of
6 all monies received by the organization licensee with 25% of
7 the receipts from this 10% tax to be distributed to the county
8 in which the race was conducted.

9 An organization licensee may permit one or more of its
10 races to be utilized for pari-mutuel wagering at one or more
11 locations in other states and may transmit audio and visual
12 signals of races the organization licensee conducts to one or
13 more locations outside the State or country and may also permit
14 pari-mutuel pools in other states or countries to be combined
15 with its gross or net wagering pools or with wagering pools
16 established by other states.

17 (g) A host track may accept interstate simulcast wagers on
18 horse races conducted in other states or countries and shall
19 control the number of signals and types of breeds of racing in
20 its simulcast program, subject to the disapproval of the Board.
21 The Board may prohibit a simulcast program only if it finds
22 that the simulcast program is clearly adverse to the integrity
23 of racing. The host track simulcast program shall include the
24 signal of live racing of all organization licensees. All
25 non-host licensees and advance deposit wagering licensees
26 shall carry the signal of and accept wagers on live racing of

1 all organization licensees. Advance deposit wagering licensees
2 shall not be permitted to accept out-of-state wagers on any
3 Illinois signal provided pursuant to this Section without the
4 approval and consent of the organization licensee providing the
5 signal. For one year after August 15, 2014 (the effective date
6 of Public Act 98-968), non-host licensees may carry the host
7 track simulcast program and shall accept wagers on all races
8 included as part of the simulcast program of horse races
9 conducted at race tracks located within North America upon
10 which wagering is permitted. For a period of one year after
11 August 15, 2014 (the effective date of Public Act 98-968), on
12 horse races conducted at race tracks located outside of North
13 America, non-host licensees may accept wagers on all races
14 included as part of the simulcast program upon which wagering
15 is permitted. Beginning August 15, 2015 (one year after the
16 effective date of Public Act 98-968), non-host licensees may
17 carry the host track simulcast program and shall accept wagers
18 on all races included as part of the simulcast program upon
19 which wagering is permitted. All organization licensees shall
20 provide their live signal to all advance deposit wagering
21 licensees for a simulcast commission fee not to exceed 6% of
22 the advance deposit wagering licensee's Illinois handle on the
23 organization licensee's signal without prior approval by the
24 Board. The Board may adopt rules under which it may permit
25 simulcast commission fees in excess of 6%. The Board shall
26 adopt rules limiting the interstate commission fees charged to

1 an advance deposit wagering licensee. The Board shall adopt
2 rules regarding advance deposit wagering on interstate
3 simulcast races that shall reflect, among other things, the
4 General Assembly's desire to maximize revenues to the State,
5 horsemen purses, and organizational licensees. However,
6 organization licensees providing live signals pursuant to the
7 requirements of this subsection (g) may petition the Board to
8 withhold their live signals from an advance deposit wagering
9 licensee if the organization licensee discovers and the Board
10 finds reputable or credible information that the advance
11 deposit wagering licensee is under investigation by another
12 state or federal governmental agency, the advance deposit
13 wagering licensee's license has been suspended in another
14 state, or the advance deposit wagering licensee's license is in
15 revocation proceedings in another state. The organization
16 licensee's provision of their live signal to an advance deposit
17 wagering licensee under this subsection (g) pertains to wagers
18 placed from within Illinois. Advance deposit wagering
19 licensees may place advance deposit wagering terminals at
20 wagering facilities as a convenience to customers. The advance
21 deposit wagering licensee shall not charge or collect any fee
22 from purses for the placement of the advance deposit wagering
23 terminals. The costs and expenses of the host track and
24 non-host licensees associated with interstate simulcast
25 wagering, other than the interstate commission fee, shall be
26 borne by the host track and all non-host licensees incurring

1 these costs. The interstate commission fee shall not exceed 5%
2 of Illinois handle on the interstate simulcast race or races
3 without prior approval of the Board. The Board shall promulgate
4 rules under which it may permit interstate commission fees in
5 excess of 5%. The interstate commission fee and other fees
6 charged by the sending racetrack, including, but not limited
7 to, satellite decoder fees, shall be uniformly applied to the
8 host track and all non-host licensees.

9 Notwithstanding any other provision of this Act, through
10 December 31, 2020, an organization licensee, with the consent
11 of the horsemen association representing the largest number of
12 owners, trainers, jockeys, or standardbred drivers who race
13 horses at that organization licensee's racing meeting, may
14 maintain a system whereby advance deposit wagering may take
15 place or an organization licensee, with the consent of the
16 horsemen association representing the largest number of
17 owners, trainers, jockeys, or standardbred drivers who race
18 horses at that organization licensee's racing meeting, may
19 contract with another person to carry out a system of advance
20 deposit wagering. Such consent may not be unreasonably
21 withheld. Only with respect to an appeal to the Board that
22 consent for an organization licensee that maintains its own
23 advance deposit wagering system is being unreasonably
24 withheld, the Board shall issue a final order within 30 days
25 after initiation of the appeal, and the organization licensee's
26 advance deposit wagering system may remain operational during

1 that 30-day period. The actions of any organization licensee
2 who conducts advance deposit wagering or any person who has a
3 contract with an organization licensee to conduct advance
4 deposit wagering who conducts advance deposit wagering on or
5 after January 1, 2013 and prior to June 7, 2013 (the effective
6 date of Public Act 98-18) taken in reliance on the changes made
7 to this subsection (g) by Public Act 98-18 are hereby
8 validated, provided payment of all applicable pari-mutuel
9 taxes are remitted to the Board. All advance deposit wagers
10 placed from within Illinois must be placed through a
11 Board-approved advance deposit wagering licensee; no other
12 entity may accept an advance deposit wager from a person within
13 Illinois. All advance deposit wagering is subject to any rules
14 adopted by the Board. The Board may adopt rules necessary to
15 regulate advance deposit wagering through the use of emergency
16 rulemaking in accordance with Section 5-45 of the Illinois
17 Administrative Procedure Act. The General Assembly finds that
18 the adoption of rules to regulate advance deposit wagering is
19 deemed an emergency and necessary for the public interest,
20 safety, and welfare. An advance deposit wagering licensee may
21 retain all moneys as agreed to by contract with an organization
22 licensee. Any moneys retained by the organization licensee from
23 advance deposit wagering, not including moneys retained by the
24 advance deposit wagering licensee, shall be paid 50% to the
25 organization licensee's purse account and 50% to the
26 organization licensee. With the exception of any organization

1 licensee that is owned by a publicly traded company that is
2 incorporated in a state other than Illinois and advance deposit
3 wagering licensees under contract with such organization
4 licensees, organization licensees that maintain advance
5 deposit wagering systems and advance deposit wagering
6 licensees that contract with organization licensees shall
7 provide sufficiently detailed monthly accountings to the
8 horsemen association representing the largest number of
9 owners, trainers, jockeys, or standardbred drivers who race
10 horses at that organization licensee's racing meeting so that
11 the horsemen association, as an interested party, can confirm
12 the accuracy of the amounts paid to the purse account at the
13 horsemen association's affiliated organization licensee from
14 advance deposit wagering. If more than one breed races at the
15 same race track facility, then the 50% of the moneys to be paid
16 to an organization licensee's purse account shall be allocated
17 among all organization licensees' purse accounts operating at
18 that race track facility proportionately based on the actual
19 number of host days that the Board grants to that breed at that
20 race track facility in the current calendar year. To the extent
21 any fees from advance deposit wagering conducted in Illinois
22 for wagers in Illinois or other states have been placed in
23 escrow or otherwise withheld from wagers pending a
24 determination of the legality of advance deposit wagering, no
25 action shall be brought to declare such wagers or the
26 disbursement of any fees previously escrowed illegal.

1 (1) Between the hours of 6:30 a.m. and 6:30 p.m. an
2 inter-track wagering licensee other than the host track may
3 supplement the host track simulcast program with
4 additional simulcast races or race programs, provided that
5 between January 1 and the third Friday in February of any
6 year, inclusive, if no live thoroughbred racing is
7 occurring in Illinois during this period, only
8 thoroughbred races may be used for supplemental interstate
9 simulcast purposes. The Board shall withhold approval for a
10 supplemental interstate simulcast only if it finds that the
11 simulcast is clearly adverse to the integrity of racing. A
12 supplemental interstate simulcast may be transmitted from
13 an inter-track wagering licensee to its affiliated
14 non-host licensees. The interstate commission fee for a
15 supplemental interstate simulcast shall be paid by the
16 non-host licensee and its affiliated non-host licensees
17 receiving the simulcast.

18 (2) Between the hours of 6:30 p.m. and 6:30 a.m. an
19 inter-track wagering licensee other than the host track may
20 receive supplemental interstate simulcasts only with the
21 consent of the host track, except when the Board finds that
22 the simulcast is clearly adverse to the integrity of
23 racing. Consent granted under this paragraph (2) to any
24 inter-track wagering licensee shall be deemed consent to
25 all non-host licensees. The interstate commission fee for
26 the supplemental interstate simulcast shall be paid by all

1 participating non-host licensees.

2 (3) Each licensee conducting interstate simulcast
3 wagering may retain, subject to the payment of all
4 applicable taxes and the purses, an amount not to exceed
5 17% of all money wagered. If any licensee conducts the
6 pari-mutuel system wagering on races conducted at
7 racetracks in another state or country, each such race or
8 race program shall be considered a separate racing day for
9 the purpose of determining the daily handle and computing
10 the privilege tax of that daily handle as provided in
11 subsection (a) of Section 27. Until January 1, 2000, from
12 the sums permitted to be retained pursuant to this
13 subsection, each inter-track wagering location licensee
14 shall pay 1% of the pari-mutuel handle wagered on simulcast
15 wagering to the Horse Racing Tax Allocation Fund, subject
16 to the provisions of subparagraph (B) of paragraph (11) of
17 subsection (h) of Section 26 of this Act.

18 (4) A licensee who receives an interstate simulcast may
19 combine its gross or net pools with pools at the sending
20 racetracks pursuant to rules established by the Board. All
21 licensees combining their gross pools at a sending
22 racetrack shall adopt the takeout ~~take-out~~ percentages of
23 the sending racetrack. A licensee may also establish a
24 separate pool and takeout structure for wagering purposes
25 on races conducted at race tracks outside of the State of
26 Illinois. The licensee may permit pari-mutuel wagers

1 placed in other states or countries to be combined with its
2 gross or net wagering pools or other wagering pools.

3 (5) After the payment of the interstate commission fee
4 (except for the interstate commission fee on a supplemental
5 interstate simulcast, which shall be paid by the host track
6 and by each non-host licensee through the host track
7 ~~host track~~) and all applicable State and local taxes,
8 except as provided in subsection (g) of Section 27 of this
9 Act, the remainder of moneys retained from simulcast
10 wagering pursuant to this subsection (g), and Section 26.2
11 shall be divided as follows:

12 (A) For interstate simulcast wagers made at a host
13 track, 50% to the host track and 50% to purses at the
14 host track.

15 (B) For wagers placed on interstate simulcast
16 races, supplemental simulcasts as defined in
17 subparagraphs (1) and (2), and separately pooled races
18 conducted outside of the State of Illinois made at a
19 non-host licensee, 25% to the host track, 25% to the
20 non-host licensee, and 50% to the purses at the host
21 track.

22 (6) Notwithstanding any provision in this Act to the
23 contrary, non-host licensees who derive their licenses
24 from a track located in a county with a population in
25 excess of 230,000 and that borders the Mississippi River
26 may receive supplemental interstate simulcast races at all

1 times subject to Board approval, which shall be withheld
2 only upon a finding that a supplemental interstate
3 simulcast is clearly adverse to the integrity of racing.

4 (7) Effective January 1, 2017, notwithstanding any
5 provision of this Act to the contrary, after payment of all
6 applicable State and local taxes and interstate commission
7 fees, non-host licensees who derive their licenses from a
8 track located in a county with a population in excess of
9 230,000 and that borders the Mississippi River shall retain
10 50% of the retention from interstate simulcast wagers and
11 shall pay 50% to purses at the track from which the
12 non-host licensee derives its license.

13 (7.1) Notwithstanding any other provision of this Act
14 to the contrary, if no standardbred racing is conducted at
15 a racetrack located in Madison County during any calendar
16 year beginning on or after January 1, 2002, all moneys
17 derived by that racetrack from simulcast wagering and
18 inter-track wagering that (1) are to be used for purses and
19 (2) are generated between the hours of 6:30 p.m. and 6:30
20 a.m. during that calendar year shall be paid as follows:

21 (A) If the licensee that conducts horse racing at
22 that racetrack requests from the Board at least as many
23 racing dates as were conducted in calendar year 2000,
24 80% shall be paid to its thoroughbred purse account;
25 and

26 (B) Twenty percent shall be deposited into the

1 Illinois Colt Stakes Purse Distribution Fund and shall
2 be paid to purses for standardbred races for Illinois
3 conceived and foaled horses conducted at any county
4 fairgrounds. The moneys deposited into the Fund
5 pursuant to this subparagraph (B) shall be deposited
6 within 2 weeks after the day they were generated, shall
7 be in addition to and not in lieu of any other moneys
8 paid to standardbred purses under this Act, and shall
9 not be commingled with other moneys paid into that
10 Fund. The moneys deposited pursuant to this
11 subparagraph (B) shall be allocated as provided by the
12 Department of Agriculture, with the advice and
13 assistance of the Illinois Standardbred Breeders Fund
14 Advisory Board.

15 (7.2) Notwithstanding any other provision of this Act
16 to the contrary, if no thoroughbred racing is conducted at
17 a racetrack located in Madison County during any calendar
18 year beginning on or after January 1, 2002, all moneys
19 derived by that racetrack from simulcast wagering and
20 inter-track wagering that (1) are to be used for purses and
21 (2) are generated between the hours of 6:30 a.m. and 6:30
22 p.m. during that calendar year shall be deposited as
23 follows:

24 (A) If the licensee that conducts horse racing at
25 that racetrack requests from the Board at least as many
26 racing dates as were conducted in calendar year 2000,

1 80% shall be deposited into its standardbred purse
2 account; and

3 (B) Twenty percent shall be deposited into the
4 Illinois Colt Stakes Purse Distribution Fund. Moneys
5 deposited into the Illinois Colt Stakes Purse
6 Distribution Fund pursuant to this subparagraph (B)
7 shall be paid to Illinois conceived and foaled
8 thoroughbred breeders' programs and to thoroughbred
9 purses for races conducted at any county fairgrounds
10 for Illinois conceived and foaled horses at the
11 discretion of the Department of Agriculture, with the
12 advice and assistance of the Illinois Thoroughbred
13 Breeders Fund Advisory Board. The moneys deposited
14 into the Illinois Colt Stakes Purse Distribution Fund
15 pursuant to this subparagraph (B) shall be deposited
16 within 2 weeks after the day they were generated, shall
17 be in addition to and not in lieu of any other moneys
18 paid to thoroughbred purses under this Act, and shall
19 not be commingled with other moneys deposited into that
20 Fund.

21 (7.3) (Blank).

22 (7.4) (Blank).

23 (8) Notwithstanding any provision in this Act to the
24 contrary, an organization licensee from a track located in
25 a county with a population in excess of 230,000 and that
26 borders the Mississippi River and its affiliated non-host

1 licenses shall not be entitled to share in any retention
2 generated on racing, inter-track wagering, or simulcast
3 wagering at any other Illinois wagering facility.

4 (8.1) Notwithstanding any provisions in this Act to the
5 contrary, if 2 organization licensees are conducting
6 standardbred race meetings concurrently between the hours
7 of 6:30 p.m. and 6:30 a.m., after payment of all applicable
8 State and local taxes and interstate commission fees, the
9 remainder of the amount retained from simulcast wagering
10 otherwise attributable to the host track and to host track
11 purses shall be split daily between the 2 organization
12 licensees and the purses at the tracks of the 2
13 organization licensees, respectively, based on each
14 organization licensee's share of the total live handle for
15 that day, provided that this provision shall not apply to
16 any non-host licensee that derives its license from a track
17 located in a county with a population in excess of 230,000
18 and that borders the Mississippi River.

19 (9) (Blank).

20 (10) (Blank).

21 (11) (Blank).

22 (12) The Board shall have authority to compel all host
23 tracks to receive the simulcast of any or all races
24 conducted at the Springfield or DuQuoin State fairgrounds
25 and include all such races as part of their simulcast
26 programs.

1 (13) Notwithstanding any other provision of this Act,
2 in the event that the total Illinois pari-mutuel handle on
3 Illinois horse races at all wagering facilities in any
4 calendar year is less than 75% of the total Illinois
5 pari-mutuel handle on Illinois horse races at all such
6 wagering facilities for calendar year 1994, then each
7 wagering facility that has an annual total Illinois
8 pari-mutuel handle on Illinois horse races that is less
9 than 75% of the total Illinois pari-mutuel handle on
10 Illinois horse races at such wagering facility for calendar
11 year 1994, shall be permitted to receive, from any amount
12 otherwise payable to the purse account at the race track
13 with which the wagering facility is affiliated in the
14 succeeding calendar year, an amount equal to 2% of the
15 differential in total Illinois pari-mutuel handle on
16 Illinois horse races at the wagering facility between that
17 calendar year in question and 1994 provided, however, that
18 a wagering facility shall not be entitled to any such
19 payment until the Board certifies in writing to the
20 wagering facility the amount to which the wagering facility
21 is entitled and a schedule for payment of the amount to the
22 wagering facility, based on: (i) the racing dates awarded
23 to the race track affiliated with the wagering facility
24 during the succeeding year; (ii) the sums available or
25 anticipated to be available in the purse account of the
26 race track affiliated with the wagering facility for purses

1 during the succeeding year; and (iii) the need to ensure
2 reasonable purse levels during the payment period. The
3 Board's certification shall be provided no later than
4 January 31 of the succeeding year. In the event a wagering
5 facility entitled to a payment under this paragraph (13) is
6 affiliated with a race track that maintains purse accounts
7 for both standardbred and thoroughbred racing, the amount
8 to be paid to the wagering facility shall be divided
9 between each purse account pro rata, based on the amount of
10 Illinois handle on Illinois standardbred and thoroughbred
11 racing respectively at the wagering facility during the
12 previous calendar year. Annually, the General Assembly
13 shall appropriate sufficient funds from the General
14 Revenue Fund to the Department of Agriculture for payment
15 into the thoroughbred and standardbred horse racing purse
16 accounts at Illinois pari-mutuel tracks. The amount paid to
17 each purse account shall be the amount certified by the
18 Illinois Racing Board in January to be transferred from
19 each account to each eligible racing facility in accordance
20 with the provisions of this Section.

21 (h) The Board may approve and license the conduct of
22 inter-track wagering and simulcast wagering by inter-track
23 wagering licensees and inter-track wagering location licensees
24 subject to the following terms and conditions:

25 (1) Any person licensed to conduct a race meeting (i)
26 at a track where 60 or more days of racing were conducted

1 during the immediately preceding calendar year or where
2 over the 5 immediately preceding calendar years an average
3 of 30 or more days of racing were conducted annually may be
4 issued an inter-track wagering license; (ii) at a track
5 located in a county that is bounded by the Mississippi
6 River, which has a population of less than 150,000
7 according to the 1990 decennial census, and an average of
8 at least 60 days of racing per year between 1985 and 1993
9 may be issued an inter-track wagering license; or (iii) at
10 a track located in Madison County that conducted at least
11 100 days of live racing during the immediately preceding
12 calendar year may be issued an inter-track wagering
13 license, unless a lesser schedule of live racing is the
14 result of (A) weather, unsafe track conditions, or other
15 acts of God; (B) an agreement between the organization
16 licensee and the associations representing the largest
17 number of owners, trainers, jockeys, or standardbred
18 drivers who race horses at that organization licensee's
19 racing meeting; or (C) a finding by the Board of
20 extraordinary circumstances and that it was in the best
21 interest of the public and the sport to conduct fewer than
22 100 days of live racing. Any such person having operating
23 control of the racing facility may receive inter-track
24 wagering location licenses. An eligible race track located
25 in a county that has a population of more than 230,000 and
26 that is bounded by the Mississippi River may establish up

1 to 9 inter-track wagering locations, an eligible race track
2 located in Stickney Township in Cook County may establish
3 up to 16 inter-track wagering locations, and an eligible
4 race track located in Palatine Township in Cook County may
5 establish up to 18 inter-track wagering locations. An
6 application for said license shall be filed with the Board
7 prior to such dates as may be fixed by the Board. With an
8 application for an inter-track wagering location license
9 there shall be delivered to the Board a certified check or
10 bank draft payable to the order of the Board for an amount
11 equal to \$500. The application shall be on forms prescribed
12 and furnished by the Board. The application shall comply
13 with all other rules, regulations and conditions imposed by
14 the Board in connection therewith.

15 (2) The Board shall examine the applications with
16 respect to their conformity with this Act and the rules and
17 regulations imposed by the Board. If found to be in
18 compliance with the Act and rules and regulations of the
19 Board, the Board may then issue a license to conduct
20 inter-track wagering and simulcast wagering to such
21 applicant. All such applications shall be acted upon by the
22 Board at a meeting to be held on such date as may be fixed
23 by the Board.

24 (3) In granting licenses to conduct inter-track
25 wagering and simulcast wagering, the Board shall give due
26 consideration to the best interests of the public, of horse

1 racing, and of maximizing revenue to the State.

2 (4) Prior to the issuance of a license to conduct
3 inter-track wagering and simulcast wagering, the applicant
4 shall file with the Board a bond payable to the State of
5 Illinois in the sum of \$50,000, executed by the applicant
6 and a surety company or companies authorized to do business
7 in this State, and conditioned upon (i) the payment by the
8 licensee of all taxes due under Section 27 or 27.1 and any
9 other monies due and payable under this Act, and (ii)
10 distribution by the licensee, upon presentation of the
11 winning ticket or tickets, of all sums payable to the
12 patrons of pari-mutuel pools.

13 (5) Each license to conduct inter-track wagering and
14 simulcast wagering shall specify the person to whom it is
15 issued, the dates on which such wagering is permitted, and
16 the track or location where the wagering is to be
17 conducted.

18 (6) All wagering under such license is subject to this
19 Act and to the rules and regulations from time to time
20 prescribed by the Board, and every such license issued by
21 the Board shall contain a recital to that effect.

22 (7) An inter-track wagering licensee or inter-track
23 wagering location licensee may accept wagers at the track
24 or location where it is licensed, or as otherwise provided
25 under this Act.

26 (8) Inter-track wagering or simulcast wagering shall

1 not be conducted at any track less than 5 miles from a
2 track at which a racing meeting is in progress.

3 (8.1) Inter-track wagering location licensees who
4 derive their licenses from a particular organization
5 licensee shall conduct inter-track wagering and simulcast
6 wagering only at locations that are within 160 miles of
7 that race track where the particular organization licensee
8 is licensed to conduct racing. However, inter-track
9 wagering and simulcast wagering shall not be conducted by
10 those licensees at any location within 5 miles of any race
11 track at which a horse race meeting has been licensed in
12 the current year, unless the person having operating
13 control of such race track has given its written consent to
14 such inter-track wagering location licensees, which
15 consent must be filed with the Board at or prior to the
16 time application is made. In the case of any inter-track
17 wagering location licensee initially licensed after
18 December 31, 2013, inter-track wagering and simulcast
19 wagering shall not be conducted by those inter-track
20 wagering location licensees that are located outside the
21 City of Chicago at any location within 8 miles of any race
22 track at which a horse race meeting has been licensed in
23 the current year, unless the person having operating
24 control of such race track has given its written consent to
25 such inter-track wagering location licensees, which
26 consent must be filed with the Board at or prior to the

1 time application is made.

2 (8.2) Inter-track wagering or simulcast wagering shall
3 not be conducted by an inter-track wagering location
4 licensee at any location within 500 feet of an existing
5 church or existing school, nor within 500 feet of the
6 residences of more than 50 registered voters without
7 receiving written permission from a majority of the
8 registered voters at such residences. Such written
9 permission statements shall be filed with the Board. The
10 distance of 500 feet shall be measured to the nearest part
11 of any building used for worship services, education
12 programs, residential purposes, or conducting inter-track
13 wagering by an inter-track wagering location licensee, and
14 not to property boundaries. However, inter-track wagering
15 or simulcast wagering may be conducted at a site within 500
16 feet of a church, school or residences of 50 or more
17 registered voters if such church, school or residences have
18 been erected or established, or such voters have been
19 registered, after the Board issues the original
20 inter-track wagering location license at the site in
21 question. Inter-track wagering location licensees may
22 conduct inter-track wagering and simulcast wagering only
23 in areas that are zoned for commercial or manufacturing
24 purposes or in areas for which a special use has been
25 approved by the local zoning authority. However, no license
26 to conduct inter-track wagering and simulcast wagering

1 shall be granted by the Board with respect to any
2 inter-track wagering location within the jurisdiction of
3 any local zoning authority which has, by ordinance or by
4 resolution, prohibited the establishment of an inter-track
5 wagering location within its jurisdiction. However,
6 inter-track wagering and simulcast wagering may be
7 conducted at a site if such ordinance or resolution is
8 enacted after the Board licenses the original inter-track
9 wagering location licensee for the site in question.

10 (9) (Blank).

11 (10) An inter-track wagering licensee or an
12 inter-track wagering location licensee may retain, subject
13 to the payment of the privilege taxes and the purses, an
14 amount not to exceed 17% of all money wagered. Each program
15 of racing conducted by each inter-track wagering licensee
16 or inter-track wagering location licensee shall be
17 considered a separate racing day for the purpose of
18 determining the daily handle and computing the privilege
19 tax or pari-mutuel tax on such daily handle as provided in
20 Section 27.

21 (10.1) Except as provided in subsection (g) of Section
22 27 of this Act, inter-track wagering location licensees
23 shall pay 1% of the pari-mutuel handle at each location to
24 the municipality in which such location is situated and 1%
25 of the pari-mutuel handle at each location to the county in
26 which such location is situated. In the event that an

1 inter-track wagering location licensee is situated in an
2 unincorporated area of a county, such licensee shall pay 2%
3 of the pari-mutuel handle from such location to such
4 county.

5 (10.2) Notwithstanding any other provision of this
6 Act, with respect to inter-track wagering at a race track
7 located in a county that has a population of more than
8 230,000 and that is bounded by the Mississippi River ("the
9 first race track"), or at a facility operated by an
10 inter-track wagering licensee or inter-track wagering
11 location licensee that derives its license from the
12 organization licensee that operates the first race track,
13 on races conducted at the first race track or on races
14 conducted at another Illinois race track and
15 simultaneously televised to the first race track or to a
16 facility operated by an inter-track wagering licensee or
17 inter-track wagering location licensee that derives its
18 license from the organization licensee that operates the
19 first race track, those moneys shall be allocated as
20 follows:

21 (A) That portion of all moneys wagered on
22 standardbred racing that is required under this Act to
23 be paid to purses shall be paid to purses for
24 standardbred races.

25 (B) That portion of all moneys wagered on
26 thoroughbred racing that is required under this Act to

1 be paid to purses shall be paid to purses for
2 thoroughbred races.

3 (11) (A) After payment of the privilege or pari-mutuel
4 tax, any other applicable taxes, and the costs and expenses
5 in connection with the gathering, transmission, and
6 dissemination of all data necessary to the conduct of
7 inter-track wagering, the remainder of the monies retained
8 under either Section 26 or Section 26.2 of this Act by the
9 inter-track wagering licensee on inter-track wagering
10 shall be allocated with 50% to be split between the 2
11 participating licensees and 50% to purses, except that an
12 inter-track wagering licensee that derives its license
13 from a track located in a county with a population in
14 excess of 230,000 and that borders the Mississippi River
15 shall not divide any remaining retention with the Illinois
16 organization licensee that provides the race or races, and
17 an inter-track wagering licensee that accepts wagers on
18 races conducted by an organization licensee that conducts a
19 race meet in a county with a population in excess of
20 230,000 and that borders the Mississippi River shall not
21 divide any remaining retention with that organization
22 licensee.

23 (B) From the sums permitted to be retained pursuant to
24 this Act each inter-track wagering location licensee shall
25 pay (i) the privilege or pari-mutuel tax to the State; (ii)
26 4.75% of the pari-mutuel handle on inter-track wagering at

1 such location on races as purses, except that an
2 inter-track wagering location licensee that derives its
3 license from a track located in a county with a population
4 in excess of 230,000 and that borders the Mississippi River
5 shall retain all purse moneys for its own purse account
6 consistent with distribution set forth in this subsection
7 (h), and inter-track wagering location licensees that
8 accept wagers on races conducted by an organization
9 licensee located in a county with a population in excess of
10 230,000 and that borders the Mississippi River shall
11 distribute all purse moneys to purses at the operating host
12 track; (iii) until January 1, 2000, except as provided in
13 subsection (g) of Section 27 of this Act, 1% of the
14 pari-mutuel handle wagered on inter-track wagering and
15 simulcast wagering at each inter-track wagering location
16 licensee facility to the Horse Racing Tax Allocation Fund,
17 provided that, to the extent the total amount collected and
18 distributed to the Horse Racing Tax Allocation Fund under
19 this subsection (h) during any calendar year exceeds the
20 amount collected and distributed to the Horse Racing Tax
21 Allocation Fund during calendar year 1994, that excess
22 amount shall be redistributed (I) to all inter-track
23 wagering location licensees, based on each licensee's pro
24 rata ~~pro-rata~~ share of the total handle from inter-track
25 wagering and simulcast wagering for all inter-track
26 wagering location licensees during the calendar year in

1 which this provision is applicable; then (II) the amounts
2 redistributed to each inter-track wagering location
3 licensee as described in subpart (I) shall be further
4 redistributed as provided in subparagraph (B) of paragraph
5 (5) of subsection (g) of this Section 26 provided first,
6 that the shares of those amounts, which are to be
7 redistributed to the host track or to purses at the host
8 track under subparagraph (B) of paragraph (5) of subsection
9 (g) of this Section 26 shall be redistributed based on each
10 host track's pro rata share of the total inter-track
11 wagering and simulcast wagering handle at all host tracks
12 during the calendar year in question, and second, that any
13 amounts redistributed as described in part (I) to an
14 inter-track wagering location licensee that accepts wagers
15 on races conducted by an organization licensee that
16 conducts a race meet in a county with a population in
17 excess of 230,000 and that borders the Mississippi River
18 shall be further redistributed, effective January 1, 2017,
19 as provided in paragraph (7) of subsection (g) of this
20 Section 26, with the portion of that further redistribution
21 allocated to purses at that organization licensee to be
22 divided between standardbred purses and thoroughbred
23 purses based on the amounts otherwise allocated to purses
24 at that organization licensee during the calendar year in
25 question; and (iv) 8% of the pari-mutuel handle on
26 inter-track wagering wagered at such location to satisfy

1 all costs and expenses of conducting its wagering. The
2 remainder of the monies retained by the inter-track
3 wagering location licensee shall be allocated 40% to the
4 location licensee and 60% to the organization licensee
5 which provides the Illinois races to the location, except
6 that an inter-track wagering location licensee that
7 derives its license from a track located in a county with a
8 population in excess of 230,000 and that borders the
9 Mississippi River shall not divide any remaining retention
10 with the organization licensee that provides the race or
11 races and an inter-track wagering location licensee that
12 accepts wagers on races conducted by an organization
13 licensee that conducts a race meet in a county with a
14 population in excess of 230,000 and that borders the
15 Mississippi River shall not divide any remaining retention
16 with the organization licensee. Notwithstanding the
17 provisions of clauses (ii) and (iv) of this paragraph, in
18 the case of the additional inter-track wagering location
19 licenses authorized under paragraph (1) of this subsection
20 (h) by Public Act 87-110, those licensees shall pay the
21 following amounts as purses: during the first 12 months the
22 licensee is in operation, 5.25% of the pari-mutuel handle
23 wagered at the location on races; during the second 12
24 months, 5.25%; during the third 12 months, 5.75%; during
25 the fourth 12 months, 6.25%; and during the fifth 12 months
26 and thereafter, 6.75%. The following amounts shall be

1 retained by the licensee to satisfy all costs and expenses
2 of conducting its wagering: during the first 12 months the
3 licensee is in operation, 8.25% of the pari-mutuel handle
4 wagered at the location; during the second 12 months,
5 8.25%; during the third 12 months, 7.75%; during the fourth
6 12 months, 7.25%; and during the fifth 12 months and
7 thereafter, 6.75%. For additional inter-track wagering
8 location licensees authorized under Public Act 89-16,
9 purses for the first 12 months the licensee is in operation
10 shall be 5.75% of the pari-mutuel wagered at the location,
11 purses for the second 12 months the licensee is in
12 operation shall be 6.25%, and purses thereafter shall be
13 6.75%. For additional inter-track location licensees
14 authorized under Public Act 89-16, the licensee shall be
15 allowed to retain to satisfy all costs and expenses: 7.75%
16 of the pari-mutuel handle wagered at the location during
17 its first 12 months of operation, 7.25% during its second
18 12 months of operation, and 6.75% thereafter.

19 (C) There is hereby created the Horse Racing Tax
20 Allocation Fund which shall remain in existence until
21 December 31, 1999. Moneys remaining in the Fund after
22 December 31, 1999 shall be paid into the General Revenue
23 Fund. Until January 1, 2000, all monies paid into the Horse
24 Racing Tax Allocation Fund pursuant to this paragraph (11)
25 by inter-track wagering location licensees located in park
26 districts of 500,000 population or less, or in a

1 municipality that is not included within any park district
2 but is included within a conservation district and is the
3 county seat of a county that (i) is contiguous to the state
4 of Indiana and (ii) has a 1990 population of 88,257
5 according to the United States Bureau of the Census, and
6 operating on May 1, 1994 shall be allocated by
7 appropriation as follows:

8 Two-sevenths to the Department of Agriculture.
9 Fifty percent of this two-sevenths shall be used to
10 promote the Illinois horse racing and breeding
11 industry, and shall be distributed by the Department of
12 Agriculture upon the advice of a 9-member committee
13 appointed by the Governor consisting of the following
14 members: the Director of Agriculture, who shall serve
15 as chairman; 2 representatives of organization
16 licensees conducting thoroughbred race meetings in
17 this State, recommended by those licensees; 2
18 representatives of organization licensees conducting
19 standardbred race meetings in this State, recommended
20 by those licensees; a representative of the Illinois
21 Thoroughbred Breeders and Owners Foundation,
22 recommended by that Foundation; a representative of
23 the Illinois Standardbred Owners and Breeders
24 Association, recommended by that Association; a
25 representative of the Horsemen's Benevolent and
26 Protective Association or any successor organization

1 thereto established in Illinois comprised of the
2 largest number of owners and trainers, recommended by
3 that Association or that successor organization; and a
4 representative of the Illinois Harness Horsemen's
5 Association, recommended by that Association.
6 Committee members shall serve for terms of 2 years,
7 commencing January 1 of each even-numbered year. If a
8 representative of any of the above-named entities has
9 not been recommended by January 1 of any even-numbered
10 year, the Governor shall appoint a committee member to
11 fill that position. Committee members shall receive no
12 compensation for their services as members but shall be
13 reimbursed for all actual and necessary expenses and
14 disbursements incurred in the performance of their
15 official duties. The remaining 50% of this
16 two-sevenths shall be distributed to county fairs for
17 premiums and rehabilitation as set forth in the
18 Agricultural Fair Act;

19 Four-sevenths to park districts or municipalities
20 that do not have a park district of 500,000 population
21 or less for museum purposes (if an inter-track wagering
22 location licensee is located in such a park district)
23 or to conservation districts for museum purposes (if an
24 inter-track wagering location licensee is located in a
25 municipality that is not included within any park
26 district but is included within a conservation

1 district and is the county seat of a county that (i) is
2 contiguous to the state of Indiana and (ii) has a 1990
3 population of 88,257 according to the United States
4 Bureau of the Census, except that if the conservation
5 district does not maintain a museum, the monies shall
6 be allocated equally between the county and the
7 municipality in which the inter-track wagering
8 location licensee is located for general purposes) or
9 to a municipal recreation board for park purposes (if
10 an inter-track wagering location licensee is located
11 in a municipality that is not included within any park
12 district and park maintenance is the function of the
13 municipal recreation board and the municipality has a
14 1990 population of 9,302 according to the United States
15 Bureau of the Census); provided that the monies are
16 distributed to each park district or conservation
17 district or municipality that does not have a park
18 district in an amount equal to four-sevenths of the
19 amount collected by each inter-track wagering location
20 licensee within the park district or conservation
21 district or municipality for the Fund. Monies that were
22 paid into the Horse Racing Tax Allocation Fund before
23 August 9, 1991 (the effective date of Public Act
24 87-110) by an inter-track wagering location licensee
25 located in a municipality that is not included within
26 any park district but is included within a conservation

1 district as provided in this paragraph shall, as soon
2 as practicable after August 9, 1991 (the effective date
3 of Public Act 87-110), be allocated and paid to that
4 conservation district as provided in this paragraph.
5 Any park district or municipality not maintaining a
6 museum may deposit the monies in the corporate fund of
7 the park district or municipality where the
8 inter-track wagering location is located, to be used
9 for general purposes; and

10 One-seventh to the Agricultural Premium Fund to be
11 used for distribution to agricultural home economics
12 extension councils in accordance with "An Act in
13 relation to additional support and finances for the
14 Agricultural and Home Economic Extension Councils in
15 the several counties of this State and making an
16 appropriation therefor", approved July 24, 1967.

17 Until January 1, 2000, all other monies paid into the
18 Horse Racing Tax Allocation Fund pursuant to this paragraph
19 (11) shall be allocated by appropriation as follows:

20 Two-sevenths to the Department of Agriculture.
21 Fifty percent of this two-sevenths shall be used to
22 promote the Illinois horse racing and breeding
23 industry, and shall be distributed by the Department of
24 Agriculture upon the advice of a 9-member committee
25 appointed by the Governor consisting of the following
26 members: the Director of Agriculture, who shall serve

1 as chairman; 2 representatives of organization
2 licensees conducting thoroughbred race meetings in
3 this State, recommended by those licensees; 2
4 representatives of organization licensees conducting
5 standardbred race meetings in this State, recommended
6 by those licensees; a representative of the Illinois
7 Thoroughbred Breeders and Owners Foundation,
8 recommended by that Foundation; a representative of
9 the Illinois Standardbred Owners and Breeders
10 Association, recommended by that Association; a
11 representative of the Horsemen's Benevolent and
12 Protective Association or any successor organization
13 thereto established in Illinois comprised of the
14 largest number of owners and trainers, recommended by
15 that Association or that successor organization; and a
16 representative of the Illinois Harness Horsemen's
17 Association, recommended by that Association.
18 Committee members shall serve for terms of 2 years,
19 commencing January 1 of each even-numbered year. If a
20 representative of any of the above-named entities has
21 not been recommended by January 1 of any even-numbered
22 year, the Governor shall appoint a committee member to
23 fill that position. Committee members shall receive no
24 compensation for their services as members but shall be
25 reimbursed for all actual and necessary expenses and
26 disbursements incurred in the performance of their

1 official duties. The remaining 50% of this
2 two-sevenths shall be distributed to county fairs for
3 premiums and rehabilitation as set forth in the
4 Agricultural Fair Act;

5 Four-sevenths to museums and aquariums located in
6 park districts of over 500,000 population; provided
7 that the monies are distributed in accordance with the
8 previous year's distribution of the maintenance tax
9 for such museums and aquariums as provided in Section 2
10 of the Park District Aquarium and Museum Act; and

11 One-seventh to the Agricultural Premium Fund to be
12 used for distribution to agricultural home economics
13 extension councils in accordance with "An Act in
14 relation to additional support and finances for the
15 Agricultural and Home Economic Extension Councils in
16 the several counties of this State and making an
17 appropriation therefor", approved July 24, 1967. This
18 subparagraph (C) shall be inoperative and of no force
19 and effect on and after January 1, 2000.

20 (D) Except as provided in paragraph (11) of this
21 subsection (h), with respect to purse allocation from
22 inter-track wagering, the monies so retained shall be
23 divided as follows:

24 (i) If the inter-track wagering licensee,
25 except an inter-track wagering licensee that
26 derives its license from an organization licensee

1 located in a county with a population in excess of
2 230,000 and bounded by the Mississippi River, is
3 not conducting its own race meeting during the same
4 dates, then the entire purse allocation shall be to
5 purses at the track where the races wagered on are
6 being conducted.

7 (ii) If the inter-track wagering licensee,
8 except an inter-track wagering licensee that
9 derives its license from an organization licensee
10 located in a county with a population in excess of
11 230,000 and bounded by the Mississippi River, is
12 also conducting its own race meeting during the
13 same dates, then the purse allocation shall be as
14 follows: 50% to purses at the track where the races
15 wagered on are being conducted; 50% to purses at
16 the track where the inter-track wagering licensee
17 is accepting such wagers.

18 (iii) If the inter-track wagering is being
19 conducted by an inter-track wagering location
20 licensee, except an inter-track wagering location
21 licensee that derives its license from an
22 organization licensee located in a county with a
23 population in excess of 230,000 and bounded by the
24 Mississippi River, the entire purse allocation for
25 Illinois races shall be to purses at the track
26 where the race meeting being wagered on is being

1 held.

2 (12) The Board shall have all powers necessary and
3 proper to fully supervise and control the conduct of
4 inter-track wagering and simulcast wagering by inter-track
5 wagering licensees and inter-track wagering location
6 licensees, including, but not limited to the following:

7 (A) The Board is vested with power to promulgate
8 reasonable rules and regulations for the purpose of
9 administering the conduct of this wagering and to
10 prescribe reasonable rules, regulations and conditions
11 under which such wagering shall be held and conducted.
12 Such rules and regulations are to provide for the
13 prevention of practices detrimental to the public
14 interest and for the best interests of said wagering
15 and to impose penalties for violations thereof.

16 (B) The Board, and any person or persons to whom it
17 delegates this power, is vested with the power to enter
18 the facilities of any licensee to determine whether
19 there has been compliance with the provisions of this
20 Act and the rules and regulations relating to the
21 conduct of such wagering.

22 (C) The Board, and any person or persons to whom it
23 delegates this power, may eject or exclude from any
24 licensee's facilities, any person whose conduct or
25 reputation is such that his presence on such premises
26 may, in the opinion of the Board, call into the

1 question the honesty and integrity of, or interfere
2 with the orderly conduct of such wagering; provided,
3 however, that no person shall be excluded or ejected
4 from such premises solely on the grounds of race,
5 color, creed, national origin, ancestry, or sex.

6 (D) (Blank).

7 (E) The Board is vested with the power to appoint
8 delegates to execute any of the powers granted to it
9 under this Section for the purpose of administering
10 this wagering and any rules and regulations
11 promulgated in accordance with this Act.

12 (F) The Board shall name and appoint a State
13 director of this wagering who shall be a representative
14 of the Board and whose duty it shall be to supervise
15 the conduct of inter-track wagering as may be provided
16 for by the rules and regulations of the Board; such
17 rules and regulation shall specify the method of
18 appointment and the Director's powers, authority and
19 duties.

20 (G) The Board is vested with the power to impose
21 civil penalties of up to \$5,000 against individuals and
22 up to \$10,000 against licensees for each violation of
23 any provision of this Act relating to the conduct of
24 this wagering, any rules adopted by the Board, any
25 order of the Board or any other action which in the
26 Board's discretion, is a detriment or impediment to

1 such wagering.

2 (13) The Department of Agriculture may enter into
3 agreements with licensees authorizing such licensees to
4 conduct inter-track wagering on races to be held at the
5 licensed race meetings conducted by the Department of
6 Agriculture. Such agreement shall specify the races of the
7 Department of Agriculture's licensed race meeting upon
8 which the licensees will conduct wagering. In the event
9 that a licensee conducts inter-track pari-mutuel wagering
10 on races from the Illinois State Fair or DuQuoin State Fair
11 which are in addition to the licensee's previously approved
12 racing program, those races shall be considered a separate
13 racing day for the purpose of determining the daily handle
14 and computing the privilege or pari-mutuel tax on that
15 daily handle as provided in Sections 27 and 27.1. Such
16 agreements shall be approved by the Board before such
17 wagering may be conducted. In determining whether to grant
18 approval, the Board shall give due consideration to the
19 best interests of the public and of horse racing. The
20 provisions of paragraphs (1), (8), (8.1), and (8.2) of
21 subsection (h) of this Section which are not specified in
22 this paragraph (13) shall not apply to licensed race
23 meetings conducted by the Department of Agriculture at the
24 Illinois State Fair in Sangamon County or the DuQuoin State
25 Fair in Perry County, or to any wagering conducted on those
26 race meetings.

1 (14) An inter-track wagering location license
2 authorized by the Board in 2016 that is owned and operated
3 by a race track in Rock Island County shall be transferred
4 to a commonly owned race track in Cook County on August 12,
5 2016 (the effective date of Public Act 99-757). The
6 licensee shall retain its status in relation to purse
7 distribution under paragraph (11) of this subsection (h)
8 following the transfer to the new entity. The pari-mutuel
9 tax credit under Section 32.1 shall not be applied toward
10 any pari-mutuel tax obligation of the inter-track wagering
11 location licensee of the license that is transferred under
12 this paragraph (14).

13 (i) Notwithstanding the other provisions of this Act, the
14 conduct of wagering at wagering facilities is authorized on all
15 days, except as limited by subsection (b) of Section 19 of this
16 Act.

17 (Source: P.A. 99-756, eff. 8-12-16; 99-757, eff. 8-12-16;
18 100-201, eff. 8-18-17; 100-627, eff. 7-20-18; 100-1152, eff.
19 12-14-18; revised 1-13-19.)

20 (230 ILCS 5/26.7)

21 Sec. 26.7. Advance ~~Advanced~~ deposit wagering surcharge.
22 Beginning on August 26, 2012, each advance deposit wagering
23 licensee shall impose a surcharge of 0.18% on winning wagers
24 and winnings from wagers placed through advance deposit
25 wagering. The surcharge shall be deducted from winnings prior

1 to payout. Amounts derived from a surcharge imposed under this
2 Section shall be paid to the standardbred purse accounts of
3 organization licensees conducting standardbred racing.

4 (Source: P.A. 97-1060, eff. 8-24-12; 98-18, eff. 6-7-13;
5 revised 10-22-18.)

6 Section 560. The Liquor Control Act of 1934 is amended by
7 changing Sections 3-12, 5-1, 6-4, and 6-11 as follows:

8 (235 ILCS 5/3-12)

9 Sec. 3-12. Powers and duties of State Commission.

10 (a) The State Commission shall have the following powers,
11 functions, and duties:

12 (1) To receive applications and to issue licenses to
13 manufacturers, foreign importers, importing distributors,
14 distributors, non-resident dealers, on premise consumption
15 retailers, off premise sale retailers, special event
16 retailer licensees, special use permit licenses, auction
17 liquor licenses, brew pubs, caterer retailers,
18 non-beverage users, railroads, including owners and
19 lessees of sleeping, dining and cafe cars, airplanes,
20 boats, brokers, and wine maker's premises licensees in
21 accordance with the provisions of this Act, and to suspend
22 or revoke such licenses upon the State Commission's
23 determination, upon notice after hearing, that a licensee
24 has violated any provision of this Act or any rule or

1 regulation issued pursuant thereto and in effect for 30
2 days prior to such violation. Except in the case of an
3 action taken pursuant to a violation of Section 6-3, 6-5,
4 or 6-9, any action by the State Commission to suspend or
5 revoke a licensee's license may be limited to the license
6 for the specific premises where the violation occurred. An
7 action for a violation of this Act shall be commenced by
8 the State Commission within 2 years after the date the
9 State Commission becomes aware of the violation.

10 In lieu of suspending or revoking a license, the
11 commission may impose a fine, upon the State Commission's
12 determination and notice after hearing, that a licensee has
13 violated any provision of this Act or any rule or
14 regulation issued pursuant thereto and in effect for 30
15 days prior to such violation.

16 For the purpose of this paragraph (1), when determining
17 multiple violations for the sale of alcohol to a person
18 under the age of 21, a second or subsequent violation for
19 the sale of alcohol to a person under the age of 21 shall
20 only be considered if it was committed within 5 years after
21 the date when a prior violation for the sale of alcohol to
22 a person under the age of 21 was committed.

23 The fine imposed under this paragraph may not exceed
24 \$500 for each violation. Each day that the activity, which
25 gave rise to the original fine, continues is a separate
26 violation. The maximum fine that may be levied against any

1 licensee, for the period of the license, shall not exceed
2 \$20,000. The maximum penalty that may be imposed on a
3 licensee for selling a bottle of alcoholic liquor with a
4 foreign object in it or serving from a bottle of alcoholic
5 liquor with a foreign object in it shall be the destruction
6 of that bottle of alcoholic liquor for the first 10 bottles
7 so sold or served from by the licensee. For the eleventh
8 bottle of alcoholic liquor and for each third bottle
9 thereafter sold or served from by the licensee with a
10 foreign object in it, the maximum penalty that may be
11 imposed on the licensee is the destruction of the bottle of
12 alcoholic liquor and a fine of up to \$50.

13 Any notice issued by the State Commission to a licensee
14 for a violation of this Act or any notice with respect to
15 settlement or offer in compromise shall include the field
16 report, photographs, and any other supporting
17 documentation necessary to reasonably inform the licensee
18 of the nature and extent of the violation or the conduct
19 alleged to have occurred. The failure to include such
20 required documentation shall result in the dismissal of the
21 action.

22 (2) To adopt such rules and regulations consistent with
23 the provisions of this Act which shall be necessary to
24 carry on its functions and duties to the end that the
25 health, safety and welfare of the People of the State of
26 Illinois shall be protected and temperance in the

1 consumption of alcoholic liquors shall be fostered and
2 promoted and to distribute copies of such rules and
3 regulations to all licensees affected thereby.

4 (3) To call upon other administrative departments of
5 the State, county and municipal governments, county and
6 city police departments and upon prosecuting officers for
7 such information and assistance as it deems necessary in
8 the performance of its duties.

9 (4) To recommend to local commissioners rules and
10 regulations, not inconsistent with the law, for the
11 distribution and sale of alcoholic liquors throughout the
12 State.

13 (5) To inspect, or cause to be inspected, any premises
14 in this State where alcoholic liquors are manufactured,
15 distributed, warehoused, or sold. Nothing in this Act
16 authorizes an agent of the Commission to inspect private
17 areas within the premises without reasonable suspicion or a
18 warrant during an inspection. "Private areas" include, but
19 are not limited to, safes, personal property, and closed
20 desks.

21 (5.1) Upon receipt of a complaint or upon having
22 knowledge that any person is engaged in business as a
23 manufacturer, importing distributor, distributor, or
24 retailer without a license or valid license, to notify the
25 local liquor authority, file a complaint with the State's
26 Attorney's Office of the county where the incident

1 occurred, or initiate an investigation with the
2 appropriate law enforcement officials.

3 (5.2) To issue a cease and desist notice to persons
4 shipping alcoholic liquor into this State from a point
5 outside of this State if the shipment is in violation of
6 this Act.

7 (5.3) To receive complaints from licensees, local
8 officials, law enforcement agencies, organizations, and
9 persons stating that any licensee has been or is violating
10 any provision of this Act or the rules and regulations
11 issued pursuant to this Act. Such complaints shall be in
12 writing, signed and sworn to by the person making the
13 complaint, and shall state with specificity the facts in
14 relation to the alleged violation. If the Commission has
15 reasonable grounds to believe that the complaint
16 substantially alleges a violation of this Act or rules and
17 regulations adopted pursuant to this Act, it shall conduct
18 an investigation. If, after conducting an investigation,
19 the Commission is satisfied that the alleged violation did
20 occur, it shall proceed with disciplinary action against
21 the licensee as provided in this Act.

22 (6) To hear and determine appeals from orders of a
23 local commission in accordance with the provisions of this
24 Act, as hereinafter set forth. Hearings under this
25 subsection shall be held in Springfield or Chicago, at
26 whichever location is the more convenient for the majority

1 of persons who are parties to the hearing.

2 (7) The commission shall establish uniform systems of
3 accounts to be kept by all retail licensees having more
4 than 4 employees, and for this purpose the commission may
5 classify all retail licensees having more than 4 employees
6 and establish a uniform system of accounts for each class
7 and prescribe the manner in which such accounts shall be
8 kept. The commission may also prescribe the forms of
9 accounts to be kept by all retail licensees having more
10 than 4 employees, including but not limited to accounts of
11 earnings and expenses and any distribution, payment, or
12 other distribution of earnings or assets, and any other
13 forms, records and memoranda which in the judgment of the
14 commission may be necessary or appropriate to carry out any
15 of the provisions of this Act, including but not limited to
16 such forms, records and memoranda as will readily and
17 accurately disclose at all times the beneficial ownership
18 of such retail licensed business. The accounts, forms,
19 records and memoranda shall be available at all reasonable
20 times for inspection by authorized representatives of the
21 State Commission or by any local liquor control
22 commissioner or his or her authorized representative. The
23 commission, may, from time to time, alter, amend or repeal,
24 in whole or in part, any uniform system of accounts, or the
25 form and manner of keeping accounts.

26 (8) In the conduct of any hearing authorized to be held

1 by the commission, to appoint, at the commission's
2 discretion, hearing officers to conduct hearings involving
3 complex issues or issues that will require a protracted
4 period of time to resolve, to examine, or cause to be
5 examined, under oath, any licensee, and to examine or cause
6 to be examined the books and records of such licensee; to
7 hear testimony and take proof material for its information
8 in the discharge of its duties hereunder; to administer or
9 cause to be administered oaths; for any such purpose to
10 issue subpoena or subpoenas to require the attendance of
11 witnesses and the production of books, which shall be
12 effective in any part of this State, and to adopt rules to
13 implement its powers under this paragraph (8).

14 Any circuit court may by order duly entered, require
15 the attendance of witnesses and the production of relevant
16 books subpoenaed by the State Commission and the court may
17 compel obedience to its order by proceedings for contempt.

18 (9) To investigate the administration of laws in
19 relation to alcoholic liquors in this and other states and
20 any foreign countries, and to recommend from time to time
21 to the Governor and through him or her to the legislature
22 of this State, such amendments to this Act, if any, as it
23 may think desirable and as will serve to further the
24 general broad purposes contained in Section 1-2 hereof.

25 (10) To adopt such rules and regulations consistent
26 with the provisions of this Act which shall be necessary

1 for the control, sale or disposition of alcoholic liquor
2 damaged as a result of an accident, wreck, flood, fire or
3 other similar occurrence.

4 (11) To develop industry educational programs related
5 to responsible serving and selling, particularly in the
6 areas of overserving consumers and illegal underage
7 purchasing and consumption of alcoholic beverages.

8 (11.1) To license persons providing education and
9 training to alcohol beverage sellers and servers for
10 mandatory and non-mandatory training under the Beverage
11 Alcohol Sellers and Servers Education and Training
12 (BASSET) programs and to develop and administer a public
13 awareness program in Illinois to reduce or eliminate the
14 illegal purchase and consumption of alcoholic beverage
15 products by persons under the age of 21. Application for a
16 license shall be made on forms provided by the State
17 Commission.

18 (12) To develop and maintain a repository of license
19 and regulatory information.

20 (13) (Blank).

21 (14) On or before April 30, 2008 and every 2 years
22 thereafter, the Commission shall present a written report
23 to the Governor and the General Assembly that shall be
24 based on a study of the impact of Public Act 95-634 on the
25 business of soliciting, selling, and shipping wine from
26 inside and outside of this State directly to residents of

1 this State. As part of its report, the Commission shall
2 provide all of the following information:

3 (A) The amount of State excise and sales tax
4 revenues generated.

5 (B) The amount of licensing fees received.

6 (C) The number of cases of wine shipped from inside
7 and outside of this State directly to residents of this
8 State.

9 (D) The number of alcohol compliance operations
10 conducted.

11 (E) The number of winery shipper's licenses
12 issued.

13 (F) The number of each of the following: reported
14 violations; cease and desist notices issued by the
15 Commission; notices of violations issued by the
16 Commission and to the Department of Revenue; and
17 notices and complaints of violations to law
18 enforcement officials, including, without limitation,
19 the Illinois Attorney General and the U.S. Department
20 of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

21 (15) As a means to reduce the underage consumption of
22 alcoholic liquors, the Commission shall conduct alcohol
23 compliance operations to investigate whether businesses
24 that are soliciting, selling, and shipping wine from inside
25 or outside of this State directly to residents of this
26 State are licensed by this State or are selling or

1 attempting to sell wine to persons under 21 years of age in
2 violation of this Act.

3 (16) The Commission shall, in addition to notifying any
4 appropriate law enforcement agency, submit notices of
5 complaints or violations of Sections 6-29 and 6-29.1 by
6 persons who do not hold a winery shipper's license under
7 this Act to the Illinois Attorney General and to the U.S.
8 Department of Treasury's Alcohol and Tobacco Tax and Trade
9 Bureau.

10 (17) (A) A person licensed to make wine under the laws
11 of another state who has a winery shipper's license under
12 this Act and annually produces less than 25,000 gallons of
13 wine or a person who has a first-class or second-class wine
14 manufacturer's license, a first-class or second-class
15 wine-maker's license, or a limited wine manufacturer's
16 license under this Act and annually produces less than
17 25,000 gallons of wine may make application to the
18 Commission for a self-distribution exemption to allow the
19 sale of not more than 5,000 gallons of the exemption
20 holder's wine to retail licensees per year.

21 (B) In the application, which shall be sworn under
22 penalty of perjury, such person shall state (1) the date it
23 was established; (2) its volume of production and sales for
24 each year since its establishment; (3) its efforts to
25 establish distributor relationships; (4) that a
26 self-distribution exemption is necessary to facilitate the

1 marketing of its wine; and (5) that it will comply with the
2 liquor and revenue laws of the United States, this State,
3 and any other state where it is licensed.

4 (C) The Commission shall approve the application for a
5 self-distribution exemption if such person: (1) is in
6 compliance with State revenue and liquor laws; (2) is not a
7 member of any affiliated group that produces more than
8 25,000 gallons of wine per annum or produces any other
9 alcoholic liquor; (3) will not annually produce for sale
10 more than 25,000 gallons of wine; and (4) will not annually
11 sell more than 5,000 gallons of its wine to retail
12 licensees.

13 (D) A self-distribution exemption holder shall
14 annually certify to the Commission its production of wine
15 in the previous 12 months and its anticipated production
16 and sales for the next 12 months. The Commission may fine,
17 suspend, or revoke a self-distribution exemption after a
18 hearing if it finds that the exemption holder has made a
19 material misrepresentation in its application, violated a
20 revenue or liquor law of Illinois, exceeded production of
21 25,000 gallons of wine in any calendar year, or become part
22 of an affiliated group producing more than 25,000 gallons
23 of wine or any other alcoholic liquor.

24 (E) Except in hearings for violations of this Act or
25 Public Act 95-634 or a bona fide investigation by duly
26 sworn law enforcement officials, the Commission, or its

1 agents, the Commission shall maintain the production and
2 sales information of a self-distribution exemption holder
3 as confidential and shall not release such information to
4 any person.

5 (F) The Commission shall issue regulations governing
6 self-distribution exemptions consistent with this Section
7 and this Act.

8 (G) Nothing in this paragraph ~~subsection~~ (17) shall
9 prohibit a self-distribution exemption holder from
10 entering into or simultaneously having a distribution
11 agreement with a licensed Illinois distributor.

12 (H) It is the intent of this paragraph ~~subsection~~ (17)
13 to promote and continue orderly markets. The General
14 Assembly finds that in order to preserve Illinois'
15 regulatory distribution system it is necessary to create an
16 exception for smaller makers of wine as their wines are
17 frequently adjusted in varietals, mixes, vintages, and
18 taste to find and create market niches sometimes too small
19 for distributor or importing distributor business
20 strategies. Limited self-distribution rights will afford
21 and allow smaller makers of wine access to the marketplace
22 in order to develop a customer base without impairing the
23 integrity of the 3-tier system.

24 (18)(A) A class 1 brewer licensee, who must also be
25 either a licensed brewer or licensed non-resident dealer
26 and annually manufacture less than 930,000 gallons of beer,

1 may make application to the State Commission for a
2 self-distribution exemption to allow the sale of not more
3 than 232,500 gallons of the exemption holder's beer per
4 year to retail licensees and to brewers, class 1 brewers,
5 and class 2 brewers that, pursuant to subsection (e) of
6 Section 6-4 of this Act, sell beer, cider, or both beer and
7 cider to non-licensees at their breweries.

8 (B) In the application, which shall be sworn under
9 penalty of perjury, the class 1 brewer licensee shall state
10 (1) the date it was established; (2) its volume of beer
11 manufactured and sold for each year since its
12 establishment; (3) its efforts to establish distributor
13 relationships; (4) that a self-distribution exemption is
14 necessary to facilitate the marketing of its beer; and (5)
15 that it will comply with the alcoholic beverage and revenue
16 laws of the United States, this State, and any other state
17 where it is licensed.

18 (C) Any application submitted shall be posted on the
19 State Commission's website at least 45 days prior to action
20 by the State Commission. The State Commission shall approve
21 the application for a self-distribution exemption if the
22 class 1 brewer licensee: (1) is in compliance with the
23 State, revenue, and alcoholic beverage laws; (2) is not a
24 member of any affiliated group that manufactures more than
25 930,000 gallons of beer per annum or produces any other
26 alcoholic beverages; (3) shall not annually manufacture

1 for sale more than 930,000 gallons of beer; (4) shall not
2 annually sell more than 232,500 gallons of its beer to
3 retail licensees or to brewers, class 1 brewers, and class
4 2 brewers that, pursuant to subsection (e) of Section 6-4
5 of this Act, sell beer, cider, or both beer and cider to
6 non-licensees at their breweries; and (5) has relinquished
7 any brew pub license held by the licensee, including any
8 ownership interest it held in the licensed brew pub.

9 (D) A self-distribution exemption holder shall
10 annually certify to the State Commission its manufacture of
11 beer during the previous 12 months and its anticipated
12 manufacture and sales of beer for the next 12 months. The
13 State Commission may fine, suspend, or revoke a
14 self-distribution exemption after a hearing if it finds
15 that the exemption holder has made a material
16 misrepresentation in its application, violated a revenue
17 or alcoholic beverage law of Illinois, exceeded the
18 manufacture of 930,000 gallons of beer in any calendar year
19 or became part of an affiliated group manufacturing more
20 than 930,000 gallons of beer or any other alcoholic
21 beverage.

22 (E) The State Commission shall issue rules and
23 regulations governing self-distribution exemptions
24 consistent with this Act.

25 (F) Nothing in this paragraph (18) shall prohibit a
26 self-distribution exemption holder from entering into or

1 simultaneously having a distribution agreement with a
2 licensed Illinois importing distributor or a distributor.
3 If a self-distribution exemption holder enters into a
4 distribution agreement and has assigned distribution
5 rights to an importing distributor or distributor, then the
6 self-distribution exemption holder's distribution rights
7 in the assigned territories shall cease in a reasonable
8 time not to exceed 60 days.

9 (G) It is the intent of this paragraph (18) to promote
10 and continue orderly markets. The General Assembly finds
11 that in order to preserve Illinois' regulatory
12 distribution system, it is necessary to create an exception
13 for smaller manufacturers in order to afford and allow such
14 smaller manufacturers of beer access to the marketplace in
15 order to develop a customer base without impairing the
16 integrity of the 3-tier system.

17 (b) On or before April 30, 1999, the Commission shall
18 present a written report to the Governor and the General
19 Assembly that shall be based on a study of the impact of Public
20 Act 90-739 on the business of soliciting, selling, and shipping
21 alcoholic liquor from outside of this State directly to
22 residents of this State.

23 As part of its report, the Commission shall provide the
24 following information:

25 (i) the amount of State excise and sales tax revenues
26 generated as a result of Public Act 90-739;

1 (ii) the amount of licensing fees received as a result
2 of Public Act 90-739;

3 (iii) the number of reported violations, the number of
4 cease and desist notices issued by the Commission, the
5 number of notices of violations issued to the Department of
6 Revenue, and the number of notices and complaints of
7 violations to law enforcement officials.

8 (Source: P.A. 99-78, eff. 7-20-15; 99-448, eff. 8-24-15;
9 100-134, eff. 8-18-17; 100-201, eff. 8-18-17; 100-816, eff.
10 8-13-18; 100-1012, eff. 8-21-18; 100-1050, eff. 8-23-18;
11 revised 10-24-18.)

12 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

13 Sec. 5-1. Licenses issued by the Illinois Liquor Control
14 Commission shall be of the following classes:

15 (a) Manufacturer's license - Class 1. Distiller, Class 2.
16 Rectifier, Class 3. Brewer, Class 4. First Class Wine
17 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.
18 First Class Winemaker, Class 7. Second Class Winemaker, Class
19 8. Limited Wine Manufacturer, Class 9. Craft Distiller, Class
20 10. Class 1 Brewer, Class 11. Class 2 Brewer,

21 (b) Distributor's license,

22 (c) Importing Distributor's license,

23 (d) Retailer's license,

24 (e) Special Event Retailer's license (not-for-profit),

25 (f) Railroad license,

- 1 (g) Boat license,
- 2 (h) Non-Beverage User's license,
- 3 (i) Wine-maker's premises license,
- 4 (j) Airplane license,
- 5 (k) Foreign importer's license,
- 6 (l) Broker's license,
- 7 (m) Non-resident dealer's license,
- 8 (n) Brew Pub license,
- 9 (o) Auction liquor license,
- 10 (p) Caterer retailer license,
- 11 (q) Special use permit license,
- 12 (r) Winery shipper's license,
- 13 (s) Craft distiller tasting permit,
- 14 (t) Brewer warehouse permit.

15 No person, firm, partnership, corporation, or other legal
16 business entity that is engaged in the manufacturing of wine
17 may concurrently obtain and hold a wine-maker's license and a
18 wine manufacturer's license.

19 (a) A manufacturer's license shall allow the manufacture,
20 importation in bulk, storage, distribution and sale of
21 alcoholic liquor to persons without the State, as may be
22 permitted by law and to licensees in this State as follows:

23 Class 1. A Distiller may make sales and deliveries of
24 alcoholic liquor to distillers, rectifiers, importing
25 distributors, distributors and non-beverage users and to no
26 other licensees.

1 Class 2. A Rectifier, who is not a distiller, as defined
2 herein, may make sales and deliveries of alcoholic liquor to
3 rectifiers, importing distributors, distributors, retailers
4 and non-beverage users and to no other licensees.

5 Class 3. A Brewer may make sales and deliveries of beer to
6 importing distributors and distributors and may make sales as
7 authorized under subsection (e) of Section 6-4 of this Act.

8 Class 4. A first class wine-manufacturer may make sales and
9 deliveries of up to 50,000 gallons of wine to manufacturers,
10 importing distributors and distributors, and to no other
11 licensees.

12 Class 5. A second class Wine manufacturer may make sales
13 and deliveries of more than 50,000 gallons of wine to
14 manufacturers, importing distributors and distributors and to
15 no other licensees.

16 Class 6. A first-class wine-maker's license shall allow the
17 manufacture of up to 50,000 gallons of wine per year, and the
18 storage and sale of such wine to distributors in the State and
19 to persons without the State, as may be permitted by law. A
20 person who, prior to June 1, 2008 (the effective date of Public
21 Act 95-634), is a holder of a first-class wine-maker's license
22 and annually produces more than 25,000 gallons of its own wine
23 and who distributes its wine to licensed retailers shall cease
24 this practice on or before July 1, 2008 in compliance with
25 Public Act 95-634.

26 Class 7. A second-class wine-maker's license shall allow

1 the manufacture of between 50,000 and 150,000 gallons of wine
2 per year, and the storage and sale of such wine to distributors
3 in this State and to persons without the State, as may be
4 permitted by law. A person who, prior to June 1, 2008 (the
5 effective date of Public Act 95-634), is a holder of a
6 second-class wine-maker's license and annually produces more
7 than 25,000 gallons of its own wine and who distributes its
8 wine to licensed retailers shall cease this practice on or
9 before July 1, 2008 in compliance with Public Act 95-634.

10 Class 8. A limited wine-manufacturer may make sales and
11 deliveries not to exceed 40,000 gallons of wine per year to
12 distributors, and to non-licensees in accordance with the
13 provisions of this Act.

14 Class 9. A craft distiller license shall allow the
15 manufacture of up to 100,000 gallons of spirits by distillation
16 per year and the storage of such spirits. If a craft distiller
17 licensee, including a craft distiller licensee who holds more
18 than one craft distiller license, is not affiliated with any
19 other manufacturer of spirits, then the craft distiller
20 licensee may sell such spirits to distributors in this State
21 and up to 2,500 gallons of such spirits to non-licensees to the
22 extent permitted by any exemption approved by the Commission
23 pursuant to Section 6-4 of this Act. A craft distiller license
24 holder may store such spirits at a non-contiguous licensed
25 location, but at no time shall a craft distiller license holder
26 directly or indirectly produce in the aggregate more than

1 100,000 gallons of spirits per year.

2 A craft distiller licensee may hold more than one craft
3 distiller's license. However, a craft distiller that holds more
4 than one craft distiller license shall not manufacture, in the
5 aggregate, more than 100,000 gallons of spirits by distillation
6 per year and shall not sell, in the aggregate, more than 2,500
7 gallons of such spirits to non-licensees in accordance with an
8 exemption approved by the State Commission pursuant to Section
9 6-4 of this Act.

10 Any craft distiller licensed under this Act who on July 28,
11 2010 (the effective date of Public Act 96-1367) was licensed as
12 a distiller and manufactured no more spirits than permitted by
13 this Section shall not be required to pay the initial licensing
14 fee.

15 Class 10. A class 1 brewer license, which may only be
16 issued to a licensed brewer or licensed non-resident dealer,
17 shall allow the manufacture of up to 930,000 gallons of beer
18 per year provided that the class 1 brewer licensee does not
19 manufacture more than a combined 930,000 gallons of beer per
20 year and is not a member of or affiliated with, directly or
21 indirectly, a manufacturer that produces more than 930,000
22 gallons of beer per year or any other alcoholic liquor. A class
23 1 brewer licensee may make sales and deliveries to importing
24 distributors and distributors and to retail licensees in
25 accordance with the conditions set forth in paragraph (18) of
26 subsection (a) of Section 3-12 of this Act. If the State

1 Commission provides prior approval, a class 1 brewer may
2 annually transfer up to 930,000 gallons of beer manufactured by
3 that class 1 brewer to the premises of a licensed class 1
4 brewer wholly owned and operated by the same licensee.

5 Class 11. A class 2 brewer license, which may only be
6 issued to a licensed brewer or licensed non-resident dealer,
7 shall allow the manufacture of up to 3,720,000 gallons of beer
8 per year provided that the class 2 brewer licensee does not
9 manufacture more than a combined 3,720,000 gallons of beer per
10 year and is not a member of or affiliated with, directly or
11 indirectly, a manufacturer that produces more than 3,720,000
12 gallons of beer per year or any other alcoholic liquor. A class
13 2 brewer licensee may make sales and deliveries to importing
14 distributors and distributors, but shall not make sales or
15 deliveries to any other licensee. If the State Commission
16 provides prior approval, a class 2 brewer licensee may annually
17 transfer up to 3,720,000 gallons of beer manufactured by that
18 class 2 brewer licensee to the premises of a licensed class 2
19 brewer wholly owned and operated by the same licensee.

20 A class 2 brewer may transfer beer to a brew pub wholly
21 owned and operated by the class 2 brewer subject to the
22 following limitations and restrictions: (i) the transfer shall
23 not annually exceed more than 31,000 gallons; (ii) the annual
24 amount transferred shall reduce the brew pub's annual permitted
25 production limit; (iii) all beer transferred shall be subject
26 to Article VIII of this Act; (iv) a written record shall be

1 maintained by the brewer and brew pub specifying the amount,
2 date of delivery, and receipt of the product by the brew pub;
3 and (v) the brew pub shall be located no farther than 80 miles
4 from the class 2 brewer's licensed location.

5 A class 2 brewer shall, prior to transferring beer to a
6 brew pub wholly owned by the class 2 brewer, furnish a written
7 notice to the State Commission of intent to transfer beer
8 setting forth the name and address of the brew pub and shall
9 annually submit to the State Commission a verified report
10 identifying the total gallons of beer transferred to the brew
11 pub wholly owned by the class 2 brewer.

12 (a-1) A manufacturer which is licensed in this State to
13 make sales or deliveries of alcoholic liquor to licensed
14 distributors or importing distributors and which enlists
15 agents, representatives, or individuals acting on its behalf
16 who contact licensed retailers on a regular and continual basis
17 in this State must register those agents, representatives, or
18 persons acting on its behalf with the State Commission.

19 Registration of agents, representatives, or persons acting
20 on behalf of a manufacturer is fulfilled by submitting a form
21 to the Commission. The form shall be developed by the
22 Commission and shall include the name and address of the
23 applicant, the name and address of the manufacturer he or she
24 represents, the territory or areas assigned to sell to or
25 discuss pricing terms of alcoholic liquor, and any other
26 questions deemed appropriate and necessary. All statements in

1 the forms required to be made by law or by rule shall be deemed
2 material, and any person who knowingly misstates any material
3 fact under oath in an application is guilty of a Class B
4 misdemeanor. Fraud, misrepresentation, false statements,
5 misleading statements, evasions, or suppression of material
6 facts in the securing of a registration are grounds for
7 suspension or revocation of the registration. The State
8 Commission shall post a list of registered agents on the
9 Commission's website.

10 (b) A distributor's license shall allow the wholesale
11 purchase and storage of alcoholic liquors and sale of alcoholic
12 liquors to licensees in this State and to persons without the
13 State, as may be permitted by law, and the sale of beer, cider,
14 or both beer and cider to brewers, class 1 brewers, and class 2
15 brewers that, pursuant to subsection (e) of Section 6-4 of this
16 Act, sell beer, cider, or both beer and cider to non-licensees
17 at their breweries. No person licensed as a distributor shall
18 be granted a non-resident dealer's license.

19 (c) An importing distributor's license may be issued to and
20 held by those only who are duly licensed distributors, upon the
21 filing of an application by a duly licensed distributor, with
22 the Commission and the Commission shall, without the payment of
23 any fee, immediately issue such importing distributor's
24 license to the applicant, which shall allow the importation of
25 alcoholic liquor by the licensee into this State from any point
26 in the United States outside this State, and the purchase of

1 alcoholic liquor in barrels, casks or other bulk containers and
2 the bottling of such alcoholic liquors before resale thereof,
3 but all bottles or containers so filled shall be sealed,
4 labeled, stamped and otherwise made to comply with all
5 provisions, rules and regulations governing manufacturers in
6 the preparation and bottling of alcoholic liquors. The
7 importing distributor's license shall permit such licensee to
8 purchase alcoholic liquor from Illinois licensed non-resident
9 dealers and foreign importers only. No person licensed as an
10 importing distributor shall be granted a non-resident dealer's
11 license.

12 (d) A retailer's license shall allow the licensee to sell
13 and offer for sale at retail, only in the premises specified in
14 the license, alcoholic liquor for use or consumption, but not
15 for resale in any form. Nothing in Public Act 95-634 shall
16 deny, limit, remove, or restrict the ability of a holder of a
17 retailer's license to transfer, deliver, or ship alcoholic
18 liquor to the purchaser for use or consumption subject to any
19 applicable local law or ordinance. Any retail license issued to
20 a manufacturer shall only permit the manufacturer to sell beer
21 at retail on the premises actually occupied by the
22 manufacturer. For the purpose of further describing the type of
23 business conducted at a retail licensed premises, a retailer's
24 licensee may be designated by the State Commission as (i) an on
25 premise consumption retailer, (ii) an off premise sale
26 retailer, or (iii) a combined on premise consumption and off

1 premise sale retailer.

2 Notwithstanding any other provision of this subsection
3 (d), a retail licensee may sell alcoholic liquors to a special
4 event retailer licensee for resale to the extent permitted
5 under subsection (e).

6 (e) A special event retailer's license (not-for-profit)
7 shall permit the licensee to purchase alcoholic liquors from an
8 Illinois licensed distributor (unless the licensee purchases
9 less than \$500 of alcoholic liquors for the special event, in
10 which case the licensee may purchase the alcoholic liquors from
11 a licensed retailer) and shall allow the licensee to sell and
12 offer for sale, at retail, alcoholic liquors for use or
13 consumption, but not for resale in any form and only at the
14 location and on the specific dates designated for the special
15 event in the license. An applicant for a special event retailer
16 license must (i) furnish with the application: (A) a resale
17 number issued under Section 2c of the Retailers' Occupation Tax
18 Act or evidence that the applicant is registered under Section
19 2a of the Retailers' Occupation Tax Act, (B) a current, valid
20 exemption identification number issued under Section 1g of the
21 Retailers' Occupation Tax Act, and a certification to the
22 Commission that the purchase of alcoholic liquors will be a
23 tax-exempt purchase, or (C) a statement that the applicant is
24 not registered under Section 2a of the Retailers' Occupation
25 Tax Act, does not hold a resale number under Section 2c of the
26 Retailers' Occupation Tax Act, and does not hold an exemption

1 number under Section 1g of the Retailers' Occupation Tax Act,
2 in which event the Commission shall set forth on the special
3 event retailer's license a statement to that effect; (ii)
4 submit with the application proof satisfactory to the State
5 Commission that the applicant will provide dram shop liability
6 insurance in the maximum limits; and (iii) show proof
7 satisfactory to the State Commission that the applicant has
8 obtained local authority approval.

9 Nothing in this Act prohibits an Illinois licensed
10 distributor from offering credit or a refund for unused,
11 salable alcoholic liquors to a holder of a special event
12 retailer's license or ~~from~~ the special event retailer's
13 licensee from accepting the credit or refund of alcoholic
14 liquors at the conclusion of the event specified in the
15 license.

16 (f) A railroad license shall permit the licensee to import
17 alcoholic liquors into this State from any point in the United
18 States outside this State and to store such alcoholic liquors
19 in this State; to make wholesale purchases of alcoholic liquors
20 directly from manufacturers, foreign importers, distributors
21 and importing distributors from within or outside this State;
22 and to store such alcoholic liquors in this State; provided
23 that the above powers may be exercised only in connection with
24 the importation, purchase or storage of alcoholic liquors to be
25 sold or dispensed on a club, buffet, lounge or dining car
26 operated on an electric, gas or steam railway in this State;

1 and provided further, that railroad licensees exercising the
2 above powers shall be subject to all provisions of Article VIII
3 of this Act as applied to importing distributors. A railroad
4 license shall also permit the licensee to sell or dispense
5 alcoholic liquors on any club, buffet, lounge or dining car
6 operated on an electric, gas or steam railway regularly
7 operated by a common carrier in this State, but shall not
8 permit the sale for resale of any alcoholic liquors to any
9 licensee within this State. A license shall be obtained for
10 each car in which such sales are made.

11 (g) A boat license shall allow the sale of alcoholic liquor
12 in individual drinks, on any passenger boat regularly operated
13 as a common carrier on navigable waters in this State or on any
14 riverboat operated under the Riverboat Gambling Act, which boat
15 or riverboat maintains a public dining room or restaurant
16 thereon.

17 (h) A non-beverage user's license shall allow the licensee
18 to purchase alcoholic liquor from a licensed manufacturer or
19 importing distributor, without the imposition of any tax upon
20 the business of such licensed manufacturer or importing
21 distributor as to such alcoholic liquor to be used by such
22 licensee solely for the non-beverage purposes set forth in
23 subsection (a) of Section 8-1 of this Act, and such licenses
24 shall be divided and classified and shall permit the purchase,
25 possession and use of limited and stated quantities of
26 alcoholic liquor as follows:

- 1 Class 1, not to exceed 500 gallons
- 2 Class 2, not to exceed 1,000 gallons
- 3 Class 3, not to exceed 5,000 gallons
- 4 Class 4, not to exceed 10,000 gallons
- 5 Class 5, not to exceed 50,000 gallons

6 (i) A wine-maker's premises license shall allow a licensee
7 that concurrently holds a first-class wine-maker's license to
8 sell and offer for sale at retail in the premises specified in
9 such license not more than 50,000 gallons of the first-class
10 wine-maker's wine that is made at the first-class wine-maker's
11 licensed premises per year for use or consumption, but not for
12 resale in any form. A wine-maker's premises license shall allow
13 a licensee who concurrently holds a second-class wine-maker's
14 license to sell and offer for sale at retail in the premises
15 specified in such license up to 100,000 gallons of the
16 second-class wine-maker's wine that is made at the second-class
17 wine-maker's licensed premises per year for use or consumption
18 but not for resale in any form. A wine-maker's premises license
19 shall allow a licensee that concurrently holds a first-class
20 wine-maker's license or a second-class wine-maker's license to
21 sell and offer for sale at retail at the premises specified in
22 the wine-maker's premises license, for use or consumption but
23 not for resale in any form, any beer, wine, and spirits
24 purchased from a licensed distributor. Upon approval from the
25 State Commission, a wine-maker's premises license shall allow
26 the licensee to sell and offer for sale at (i) the wine-maker's

1 licensed premises and (ii) at up to 2 additional locations for
2 use and consumption and not for resale. Each location shall
3 require additional licensing per location as specified in
4 Section 5-3 of this Act. A wine-maker's premises licensee shall
5 secure liquor liability insurance coverage in an amount at
6 least equal to the maximum liability amounts set forth in
7 subsection (a) of Section 6-21 of this Act.

8 (j) An airplane license shall permit the licensee to import
9 alcoholic liquors into this State from any point in the United
10 States outside this State and to store such alcoholic liquors
11 in this State; to make wholesale purchases of alcoholic liquors
12 directly from manufacturers, foreign importers, distributors
13 and importing distributors from within or outside this State;
14 and to store such alcoholic liquors in this State; provided
15 that the above powers may be exercised only in connection with
16 the importation, purchase or storage of alcoholic liquors to be
17 sold or dispensed on an airplane; and provided further, that
18 airplane licensees exercising the above powers shall be subject
19 to all provisions of Article VIII of this Act as applied to
20 importing distributors. An airplane licensee shall also permit
21 the sale or dispensing of alcoholic liquors on any passenger
22 airplane regularly operated by a common carrier in this State,
23 but shall not permit the sale for resale of any alcoholic
24 liquors to any licensee within this State. A single airplane
25 license shall be required of an airline company if liquor
26 service is provided on board aircraft in this State. The annual

1 fee for such license shall be as determined in Section 5-3.

2 (k) A foreign importer's license shall permit such licensee
3 to purchase alcoholic liquor from Illinois licensed
4 non-resident dealers only, and to import alcoholic liquor other
5 than in bulk from any point outside the United States and to
6 sell such alcoholic liquor to Illinois licensed importing
7 distributors and to no one else in Illinois; provided that (i)
8 the foreign importer registers with the State Commission every
9 brand of alcoholic liquor that it proposes to sell to Illinois
10 licensees during the license period, (ii) the foreign importer
11 complies with all of the provisions of Section 6-9 of this Act
12 with respect to registration of such Illinois licensees as may
13 be granted the right to sell such brands at wholesale, and
14 (iii) the foreign importer complies with the provisions of
15 Sections 6-5 and 6-6 of this Act to the same extent that these
16 provisions apply to manufacturers.

17 (l) (i) A broker's license shall be required of all persons
18 who solicit orders for, offer to sell or offer to supply
19 alcoholic liquor to retailers in the State of Illinois, or who
20 offer to retailers to ship or cause to be shipped or to make
21 contact with distillers, rectifiers, brewers or manufacturers
22 or any other party within or without the State of Illinois in
23 order that alcoholic liquors be shipped to a distributor,
24 importing distributor or foreign importer, whether such
25 solicitation or offer is consummated within or without the
26 State of Illinois.

1 No holder of a retailer's license issued by the Illinois
2 Liquor Control Commission shall purchase or receive any
3 alcoholic liquor, the order for which was solicited or offered
4 for sale to such retailer by a broker unless the broker is the
5 holder of a valid broker's license.

6 The broker shall, upon the acceptance by a retailer of the
7 broker's solicitation of an order or offer to sell or supply or
8 deliver or have delivered alcoholic liquors, promptly forward
9 to the Illinois Liquor Control Commission a notification of
10 said transaction in such form as the Commission may by
11 regulations prescribe.

12 (ii) A broker's license shall be required of a person
13 within this State, other than a retail licensee, who, for a fee
14 or commission, promotes, solicits, or accepts orders for
15 alcoholic liquor, for use or consumption and not for resale, to
16 be shipped from this State and delivered to residents outside
17 of this State by an express company, common carrier, or
18 contract carrier. This Section does not apply to any person who
19 promotes, solicits, or accepts orders for wine as specifically
20 authorized in Section 6-29 of this Act.

21 A broker's license under this subsection (1) shall not
22 entitle the holder to buy or sell any alcoholic liquors for his
23 own account or to take or deliver title to such alcoholic
24 liquors.

25 This subsection (1) shall not apply to distributors,
26 employees of distributors, or employees of a manufacturer who

1 has registered the trademark, brand or name of the alcoholic
2 liquor pursuant to Section 6-9 of this Act, and who regularly
3 sells such alcoholic liquor in the State of Illinois only to
4 its registrants thereunder.

5 Any agent, representative, or person subject to
6 registration pursuant to subsection (a-1) of this Section shall
7 not be eligible to receive a broker's license.

8 (m) A non-resident dealer's license shall permit such
9 licensee to ship into and warehouse alcoholic liquor into this
10 State from any point outside of this State, and to sell such
11 alcoholic liquor to Illinois licensed foreign importers and
12 importing distributors and to no one else in this State;
13 provided that (i) said non-resident dealer shall register with
14 the Illinois Liquor Control Commission each and every brand of
15 alcoholic liquor which it proposes to sell to Illinois
16 licensees during the license period, (ii) it shall comply with
17 all of the provisions of Section 6-9 hereof with respect to
18 registration of such Illinois licensees as may be granted the
19 right to sell such brands at wholesale by duly filing such
20 registration statement, thereby authorizing the non-resident
21 dealer to proceed to sell such brands at wholesale, and (iii)
22 the non-resident dealer shall comply with the provisions of
23 Sections 6-5 and 6-6 of this Act to the same extent that these
24 provisions apply to manufacturers. No person licensed as a
25 non-resident dealer shall be granted a distributor's or
26 importing distributor's license.

1 (n) A brew pub license shall allow the licensee to only (i)
2 manufacture up to 155,000 gallons of beer per year only on the
3 premises specified in the license, (ii) make sales of the beer
4 manufactured on the premises or, with the approval of the
5 Commission, beer manufactured on another brew pub licensed
6 premises that is wholly owned and operated by the same licensee
7 to importing distributors, distributors, and to non-licensees
8 for use and consumption, (iii) store the beer upon the
9 premises, (iv) sell and offer for sale at retail from the
10 licensed premises for off-premises consumption no more than
11 155,000 gallons per year so long as such sales are only made
12 in-person, (v) sell and offer for sale at retail for use and
13 consumption on the premises specified in the license any form
14 of alcoholic liquor purchased from a licensed distributor or
15 importing distributor, and (vi) with the prior approval of the
16 Commission, annually transfer no more than 155,000 gallons of
17 beer manufactured on the premises to a licensed brew pub wholly
18 owned and operated by the same licensee.

19 A brew pub licensee shall not under any circumstance sell
20 or offer for sale beer manufactured by the brew pub licensee to
21 retail licensees.

22 A person who holds a class 2 brewer license may
23 simultaneously hold a brew pub license if the class 2 brewer
24 (i) does not, under any circumstance, sell or offer for sale
25 beer manufactured by the class 2 brewer to retail licensees;
26 (ii) does not hold more than 3 brew pub licenses in this State;

1 (iii) does not manufacture more than a combined 3,720,000
2 gallons of beer per year, including the beer manufactured at
3 the brew pub; and (iv) is not a member of or affiliated with,
4 directly or indirectly, a manufacturer that produces more than
5 3,720,000 gallons of beer per year or any other alcoholic
6 liquor.

7 Notwithstanding any other provision of this Act, a licensed
8 brewer, class 2 brewer, or non-resident dealer who before July
9 1, 2015 manufactured less than 3,720,000 gallons of beer per
10 year and held a brew pub license on or before July 1, 2015 may
11 (i) continue to qualify for and hold that brew pub license for
12 the licensed premises and (ii) manufacture more than 3,720,000
13 gallons of beer per year and continue to qualify for and hold
14 that brew pub license if that brewer, class 2 brewer, or
15 non-resident dealer does not simultaneously hold a class 1
16 brewer license and is not a member of or affiliated with,
17 directly or indirectly, a manufacturer that produces more than
18 3,720,000 gallons of beer per year or that produces any other
19 alcoholic liquor.

20 (o) A caterer retailer license shall allow the holder to
21 serve alcoholic liquors as an incidental part of a food service
22 that serves prepared meals which excludes the serving of snacks
23 as the primary meal, either on or off-site whether licensed or
24 unlicensed.

25 (p) An auction liquor license shall allow the licensee to
26 sell and offer for sale at auction wine and spirits for use or

1 consumption, or for resale by an Illinois liquor licensee in
2 accordance with provisions of this Act. An auction liquor
3 license will be issued to a person and it will permit the
4 auction liquor licensee to hold the auction anywhere in the
5 State. An auction liquor license must be obtained for each
6 auction at least 14 days in advance of the auction date.

7 (q) A special use permit license shall allow an Illinois
8 licensed retailer to transfer a portion of its alcoholic liquor
9 inventory from its retail licensed premises to the premises
10 specified in the license hereby created, and to sell or offer
11 for sale at retail, only in the premises specified in the
12 license hereby created, the transferred alcoholic liquor for
13 use or consumption, but not for resale in any form. A special
14 use permit license may be granted for the following time
15 periods: one day or less; 2 or more days to a maximum of 15 days
16 per location in any 12-month period. An applicant for the
17 special use permit license must also submit with the
18 application proof satisfactory to the State Commission that the
19 applicant will provide dram shop liability insurance to the
20 maximum limits and have local authority approval.

21 (r) A winery shipper's license shall allow a person with a
22 first-class or second-class wine manufacturer's license, a
23 first-class or second-class wine-maker's license, or a limited
24 wine manufacturer's license or who is licensed to make wine
25 under the laws of another state to ship wine made by that
26 licensee directly to a resident of this State who is 21 years

1 of age or older for that resident's personal use and not for
2 resale. Prior to receiving a winery shipper's license, an
3 applicant for the license must provide the Commission with a
4 true copy of its current license in any state in which it is
5 licensed as a manufacturer of wine. An applicant for a winery
6 shipper's license must also complete an application form that
7 provides any other information the Commission deems necessary.
8 The application form shall include all addresses from which the
9 applicant for a winery shipper's license intends to ship wine,
10 including the name and address of any third party, except for a
11 common carrier, authorized to ship wine on behalf of the
12 manufacturer. The application form shall include an
13 acknowledgement consenting to the jurisdiction of the
14 Commission, the Illinois Department of Revenue, and the courts
15 of this State concerning the enforcement of this Act and any
16 related laws, rules, and regulations, including authorizing
17 the Department of Revenue and the Commission to conduct audits
18 for the purpose of ensuring compliance with Public Act 95-634,
19 and an acknowledgement that the wine manufacturer is in
20 compliance with Section 6-2 of this Act. Any third party,
21 except for a common carrier, authorized to ship wine on behalf
22 of a first-class or second-class wine manufacturer's licensee,
23 a first-class or second-class wine-maker's licensee, a limited
24 wine manufacturer's licensee, or a person who is licensed to
25 make wine under the laws of another state shall also be
26 disclosed by the winery shipper's licensee, and a copy of the

1 written appointment of the third-party wine provider, except
2 for a common carrier, to the wine manufacturer shall be filed
3 with the State Commission as a supplement to the winery
4 shipper's license application or any renewal thereof. The
5 winery shipper's license holder shall affirm under penalty of
6 perjury, as part of the winery shipper's license application or
7 renewal, that he or she only ships wine, either directly or
8 indirectly through a third-party provider, from the licensee's
9 own production.

10 Except for a common carrier, a third-party provider
11 shipping wine on behalf of a winery shipper's license holder is
12 the agent of the winery shipper's license holder and, as such,
13 a winery shipper's license holder is responsible for the acts
14 and omissions of the third-party provider acting on behalf of
15 the license holder. A third-party provider, except for a common
16 carrier, that engages in shipping wine into Illinois on behalf
17 of a winery shipper's license holder shall consent to the
18 jurisdiction of the State Commission and the State. Any
19 third-party, except for a common carrier, holding such an
20 appointment shall, by February 1 of each calendar year and upon
21 request by the State Commission or the Department of Revenue,
22 file with the State Commission a statement detailing each
23 shipment made to an Illinois resident. The statement shall
24 include the name and address of the third-party provider filing
25 the statement, the time period covered by the statement, and
26 the following information:

- 1 (1) the name, address, and license number of the winery
- 2 shipper on whose behalf the shipment was made;
- 3 (2) the quantity of the products delivered; and
- 4 (3) the date and address of the shipment.

5 If the Department of Revenue or the State Commission requests a
6 statement under this paragraph, the third-party provider must
7 provide that statement no later than 30 days after the request
8 is made. Any books, records, supporting papers, and documents
9 containing information and data relating to a statement under
10 this paragraph shall be kept and preserved for a period of 3
11 years, unless their destruction sooner is authorized, in
12 writing, by the Director of Revenue, and shall be open and
13 available to inspection by the Director of Revenue or the State
14 Commission or any duly authorized officer, agent, or employee
15 of the State Commission or the Department of Revenue, at all
16 times during business hours of the day. Any person who violates
17 any provision of this paragraph or any rule of the State
18 Commission for the administration and enforcement of the
19 provisions of this paragraph is guilty of a Class C
20 misdemeanor. In case of a continuing violation, each day's
21 continuance thereof shall be a separate and distinct offense.

22 The State Commission shall adopt rules as soon as
23 practicable to implement the requirements of Public Act 99-904
24 and shall adopt rules prohibiting any such third-party
25 appointment of a third-party provider, except for a common
26 carrier, that has been deemed by the State Commission to have

1 violated the provisions of this Act with regard to any winery
2 shipper licensee.

3 A winery shipper licensee must pay to the Department of
4 Revenue the State liquor gallonage tax under Section 8-1 for
5 all wine that is sold by the licensee and shipped to a person
6 in this State. For the purposes of Section 8-1, a winery
7 shipper licensee shall be taxed in the same manner as a
8 manufacturer of wine. A licensee who is not otherwise required
9 to register under the Retailers' Occupation Tax Act must
10 register under the Use Tax Act to collect and remit use tax to
11 the Department of Revenue for all gallons of wine that are sold
12 by the licensee and shipped to persons in this State. If a
13 licensee fails to remit the tax imposed under this Act in
14 accordance with the provisions of Article VIII of this Act, the
15 winery shipper's license shall be revoked in accordance with
16 the provisions of Article VII of this Act. If a licensee fails
17 to properly register and remit tax under the Use Tax Act or the
18 Retailers' Occupation Tax Act for all wine that is sold by the
19 winery shipper and shipped to persons in this State, the winery
20 shipper's license shall be revoked in accordance with the
21 provisions of Article VII of this Act.

22 A winery shipper licensee must collect, maintain, and
23 submit to the Commission on a semi-annual basis the total
24 number of cases per resident of wine shipped to residents of
25 this State. A winery shipper licensed under this subsection (r)
26 must comply with the requirements of Section 6-29 of this Act.

1 Pursuant to paragraph (5.1) or (5.3) of subsection (a) of
2 Section 3-12, the State Commission may receive, respond to, and
3 investigate any complaint and impose any of the remedies
4 specified in paragraph (1) of subsection (a) of Section 3-12.

5 As used in this subsection, "third-party provider" means
6 any entity that provides fulfillment house services, including
7 warehousing, packaging, distribution, order processing, or
8 shipment of wine, but not the sale of wine, on behalf of a
9 licensed winery shipper.

10 (s) A craft distiller tasting permit license shall allow an
11 Illinois licensed craft distiller to transfer a portion of its
12 alcoholic liquor inventory from its craft distiller licensed
13 premises to the premises specified in the license hereby
14 created and to conduct a sampling, only in the premises
15 specified in the license hereby created, of the transferred
16 alcoholic liquor in accordance with subsection (c) of Section
17 6-31 of this Act. The transferred alcoholic liquor may not be
18 sold or resold in any form. An applicant for the craft
19 distiller tasting permit license must also submit with the
20 application proof satisfactory to the State Commission that the
21 applicant will provide dram shop liability insurance to the
22 maximum limits and have local authority approval.

23 A brewer warehouse permit may be issued to the holder of a
24 class 1 brewer license or a class 2 brewer license. If the
25 holder of the permit is a class 1 brewer licensee, the brewer
26 warehouse permit shall allow the holder to store or warehouse

1 up to 930,000 gallons of tax-determined beer manufactured by
2 the holder of the permit at the premises specified on the
3 permit. If the holder of the permit is a class 2 brewer
4 licensee, the brewer warehouse permit shall allow the holder to
5 store or warehouse up to 3,720,000 gallons of tax-determined
6 beer manufactured by the holder of the permit at the premises
7 specified on the permit. Sales to non-licensees are prohibited
8 at the premises specified in the brewer warehouse permit.

9 (Source: P.A. 99-448, eff. 8-24-15; 99-642, eff. 7-28-16;
10 99-800, eff. 8-12-16; 99-902, eff. 8-26-16; 99-904, eff.
11 1-1-17; 100-17, eff. 6-30-17; 100-201, eff. 8-18-17; 100-816,
12 eff. 8-13-18; 100-885, eff. 8-14-18; 100-1050, eff. 8-23-18;
13 revised 10-2-18.)

14 (235 ILCS 5/6-4) (from Ch. 43, par. 121)

15 Sec. 6-4. (a) No person licensed by any licensing authority
16 as a distiller, or a wine manufacturer, or any subsidiary or
17 affiliate thereof, or any officer, associate, member, partner,
18 representative, employee, agent or shareholder owning more
19 than 5% of the outstanding shares of such person shall be
20 issued an importing distributor's or distributor's license,
21 nor shall any person licensed by any licensing authority as an
22 importing distributor, distributor or retailer, or any
23 subsidiary or affiliate thereof, or any officer or associate,
24 member, partner, representative, employee, agent or
25 shareholder owning more than 5% of the outstanding shares of

1 such person be issued a distiller's license, a craft
2 distiller's license, or a wine manufacturer's license; and no
3 person or persons licensed as a distiller or craft distiller by
4 any licensing authority shall have any interest, directly or
5 indirectly, with such distributor or importing distributor.

6 However, an importing distributor or distributor, which on
7 January 1, 1985 is owned by a brewer, or any subsidiary or
8 affiliate thereof or any officer, associate, member, partner,
9 representative, employee, agent or shareholder owning more
10 than 5% of the outstanding shares of the importing distributor
11 or distributor referred to in this paragraph, may own or
12 acquire an ownership interest of more than 5% of the
13 outstanding shares of a wine manufacturer and be issued a wine
14 manufacturer's license by any licensing authority.

15 (b) The foregoing provisions shall not apply to any person
16 licensed by any licensing authority as a distiller or wine
17 manufacturer, or to any subsidiary or affiliate of any
18 distiller or wine manufacturer who shall have been heretofore
19 licensed by the State Commission as either an importing
20 distributor or distributor during the annual licensing period
21 expiring June 30, 1947, and shall actually have made sales
22 regularly to retailers.

23 (c) Provided, however, that in such instances where a
24 distributor's or importing distributor's license has been
25 issued to any distiller or wine manufacturer or to any
26 subsidiary or affiliate of any distiller or wine manufacturer

1 who has, during the licensing period ending June 30, 1947, sold
2 or distributed as such licensed distributor or importing
3 distributor alcoholic liquors and wines to retailers, such
4 distiller or wine manufacturer or any subsidiary or affiliate
5 of any distiller or wine manufacturer holding such
6 distributor's or importing distributor's license may continue
7 to sell or distribute to retailers such alcoholic liquors and
8 wines which are manufactured, distilled, processed or marketed
9 by distillers and wine manufacturers whose products it sold or
10 distributed to retailers during the whole or any part of its
11 licensing periods; and such additional brands and additional
12 products may be added to the line of such distributor or
13 importing distributor, provided, that such brands and such
14 products were not sold or distributed by any distributor or
15 importing distributor licensed by the State Commission during
16 the licensing period ending June 30, 1947, but can not sell or
17 distribute to retailers any other alcoholic liquors or wines.

18 (d) It shall be unlawful for any distiller licensed
19 anywhere to have any stock ownership or interest in any
20 distributor's or importing distributor's license wherein any
21 other person has an interest therein who is not a distiller and
22 does not own more than 5% of any stock in any distillery.
23 Nothing herein contained shall apply to such distillers or
24 their subsidiaries or affiliates, who had a distributor's or
25 importing distributor's license during the licensing period
26 ending June 30, 1947, which license was owned in whole by such

1 distiller, or subsidiaries or affiliates of such distiller.

2 (e) Any person licensed as a brewer, class 1 brewer, or
3 class 2 brewer shall be permitted to sell on the licensed
4 premises to non-licensees for on or off-premises consumption
5 for the premises in which he or she actually conducts such
6 business: (i) beer manufactured by the brewer, class 1 brewer,
7 or class 2 brewer; (ii) beer manufactured by any other brewer,
8 class 1 brewer, or class 2 brewer; and (iii) cider. Such sales
9 shall be limited to on-premises, in-person sales only, for
10 lawful consumption on or off premises. Such authorization shall
11 be considered a privilege granted by the brewer license and,
12 other than a manufacturer of beer as stated above, no
13 manufacturer or distributor or importing distributor,
14 excluding airplane licensees exercising powers provided in
15 paragraph (i) of Section 5-1 of this Act, or any subsidiary or
16 affiliate thereof, or any officer, associate, member, partner,
17 representative, employee or agent, or shareholder shall be
18 issued a retailer's license, nor shall any person having a
19 retailer's license, excluding airplane licensees exercising
20 powers provided in paragraph (i) of Section 5-1 of this Act, or
21 any subsidiary or affiliate thereof, or any officer, associate,
22 member, partner, representative or agent, or shareholder be
23 issued a manufacturer's license or importing distributor's
24 license.

25 A manufacturer of beer that imports or transfers beer into
26 this State must comply with Sections 6-8 and 8-1 of this Act.

1 A person who holds a class 1 or class 2 brewer license and
2 is authorized by this Section to sell beer to non-licensees
3 shall not sell beer to non-licensees from more than 3 total
4 brewer or commonly owned brew pub licensed locations in this
5 State. The class 1 or class 2 brewer shall designate to the
6 State Commission the brewer or brew pub locations from which it
7 will sell beer to non-licensees.

8 A person licensed as a craft distiller, including a person
9 who holds more than one craft distiller license, not affiliated
10 with any other person manufacturing spirits may be authorized
11 by the Commission to sell up to 2,500 gallons of spirits
12 produced by the person to non-licensees for on or off-premises
13 consumption for the premises in which he or she actually
14 conducts business permitting only the retail sale of spirits
15 manufactured at such premises. Such sales shall be limited to
16 on-premises, in-person sales only, for lawful consumption on or
17 off premises, and such authorization shall be considered a
18 privilege granted by the craft distiller license. A craft
19 distiller licensed for retail sale shall secure liquor
20 liability insurance coverage in an amount at least equal to the
21 maximum liability amounts set forth in subsection (a) of
22 Section 6-21 of this Act.

23 A craft distiller license holder shall not deliver any
24 alcoholic liquor to any non-licensee off the licensed premises.
25 A craft distiller shall affirm in its annual craft distiller's
26 license application that it does not produce more than 100,000

1 gallons of distilled spirits annually and that the craft
2 distiller does not sell more than 2,500 gallons of spirits to
3 non-licensees for on or off-premises consumption. In the
4 application, which shall be sworn under penalty of perjury, the
5 craft distiller shall state the volume of production and sales
6 for each year since the craft distiller's establishment.

7 (f) (Blank).

8 (g) Notwithstanding any of the foregoing prohibitions, a
9 limited wine manufacturer may sell at retail at its
10 manufacturing site for on or off premises consumption and may
11 sell to distributors. A limited wine manufacturer licensee
12 shall secure liquor liability insurance coverage in an amount
13 at least equal to the maximum liability amounts set forth in
14 subsection (a) of Section 6-21 of this Act.

15 (h) The changes made to this Section by Public Act 99-47
16 shall not diminish or impair the rights of any person, whether
17 a distiller, wine manufacturer, agent, or affiliate thereof,
18 who requested in writing and submitted documentation to the
19 State Commission on or before February 18, 2015 to be approved
20 for a retail license pursuant to what has heretofore been
21 subsection (f); provided that, on or before that date, the
22 State Commission considered the intent of that person to apply
23 for the retail license under that subsection and, by recorded
24 vote, the State Commission approved a resolution indicating
25 that such a license application could be lawfully approved upon
26 that person duly filing a formal application for a retail

1 license and if that person, within 90 days of the State
2 Commission appearance and recorded vote, first filed an
3 application with the appropriate local commission, which
4 application was subsequently approved by the appropriate local
5 commission prior to consideration by the State Commission of
6 that person's application for a retail license. It is further
7 provided that the State Commission may approve the person's
8 application for a retail license or renewals of such license if
9 such person continues to diligently adhere to all
10 representations made in writing to the State Commission on or
11 before February 18, 2015, or thereafter, or in the affidavit
12 filed by that person with the State Commission to support the
13 issuance of a retail license and to abide by all applicable
14 laws and duly adopted rules.

15 (Source: P.A. 99-47, eff. 7-15-15; 99-448, eff. 8-24-15;
16 99-642, eff. 7-28-16; 99-902, eff. 8-26-16; 100-201, eff.
17 8-18-17; 100-816, eff. 8-13-18; 100-885, eff. 8-14-18; revised
18 10-24-18.)

19 (235 ILCS 5/6-11)

20 Sec. 6-11. Sale near churches, schools, and hospitals.

21 (a) No license shall be issued for the sale at retail of
22 any alcoholic liquor within 100 feet of any church, school
23 other than an institution of higher learning, hospital, home
24 for aged or indigent persons or for veterans, their spouses or
25 children or any military or naval station, provided, that this

1 prohibition shall not apply to hotels offering restaurant
2 service, regularly organized clubs, or to restaurants, food
3 shops or other places where sale of alcoholic liquors is not
4 the principal business carried on if the place of business so
5 exempted is not located in a municipality of more than 500,000
6 persons, unless required by local ordinance; nor to the renewal
7 of a license for the sale at retail of alcoholic liquor on
8 premises within 100 feet of any church or school where the
9 church or school has been established within such 100 feet
10 since the issuance of the original license. In the case of a
11 church, the distance of 100 feet shall be measured to the
12 nearest part of any building used for worship services or
13 educational programs and not to property boundaries.

14 (a-5) Notwithstanding any provision of this Section to the
15 contrary, a local liquor control commissioner may grant an
16 exemption to the prohibition in subsection (a) of this Section
17 if a local rule or ordinance authorizes the local liquor
18 control commissioner to grant that exemption.

19 (b) Nothing in this Section shall prohibit the issuance of
20 a retail license authorizing the sale of alcoholic liquor to a
21 restaurant, the primary business of which is the sale of goods
22 baked on the premises if (i) the restaurant is newly
23 constructed and located on a lot of not less than 10,000 square
24 feet, (ii) the restaurant costs at least \$1,000,000 to
25 construct, (iii) the licensee is the titleholder to the
26 premises and resides on the premises, and (iv) the construction

1 of the restaurant is completed within 18 months of July 10,
2 1998 (the effective date of Public Act 90-617).

3 (c) Nothing in this Section shall prohibit the issuance of
4 a retail license authorizing the sale of alcoholic liquor
5 incidental to a restaurant if (1) the primary business of the
6 restaurant consists of the sale of food where the sale of
7 liquor is incidental to the sale of food and the applicant is a
8 completely new owner of the restaurant, (2) the immediately
9 prior owner or operator of the premises where the restaurant is
10 located operated the premises as a restaurant and held a valid
11 retail license authorizing the sale of alcoholic liquor at the
12 restaurant for at least part of the 24 months before the change
13 of ownership, and (3) the restaurant is located 75 or more feet
14 from a school.

15 (d) In the interest of further developing Illinois' economy
16 in the area of commerce, tourism, convention, and banquet
17 business, nothing in this Section shall prohibit issuance of a
18 retail license authorizing the sale of alcoholic beverages to a
19 restaurant, banquet facility, grocery store, or hotel having
20 not fewer than 150 guest room accommodations located in a
21 municipality of more than 500,000 persons, notwithstanding the
22 proximity of such hotel, restaurant, banquet facility, or
23 grocery store to any church or school, if the licensed premises
24 described on the license are located within an enclosed mall or
25 building of a height of at least 6 stories, or 60 feet in the
26 case of a building that has been registered as a national

1 landmark, or in a grocery store having a minimum of 56,010
2 square feet of floor space in a single story building in an
3 open mall of at least 3.96 acres that is adjacent to a public
4 school that opened as a boys technical high school in 1934, or
5 in a grocery store having a minimum of 31,000 square feet of
6 floor space in a single story building located a distance of
7 more than 90 feet but less than 100 feet from a high school
8 that opened in 1928 as a junior high school and became a senior
9 high school in 1933, and in each of these cases if the sale of
10 alcoholic liquors is not the principal business carried on by
11 the licensee.

12 For purposes of this Section, a "banquet facility" is any
13 part of a building that caters to private parties and where the
14 sale of alcoholic liquors is not the principal business.

15 (e) Nothing in this Section shall prohibit the issuance of
16 a license to a church or private school to sell at retail
17 alcoholic liquor if any such sales are limited to periods when
18 groups are assembled on the premises solely for the promotion
19 of some common object other than the sale or consumption of
20 alcoholic liquors.

21 (f) Nothing in this Section shall prohibit a church or
22 church affiliated school located in a home rule municipality or
23 in a municipality with 75,000 or more inhabitants from locating
24 within 100 feet of a property for which there is a preexisting
25 license to sell alcoholic liquor at retail. In these instances,
26 the local zoning authority may, by ordinance adopted

1 simultaneously with the granting of an initial special use
2 zoning permit for the church or church affiliated school,
3 provide that the 100-foot restriction in this Section shall not
4 apply to that church or church affiliated school and future
5 retail liquor licenses.

6 (g) Nothing in this Section shall prohibit the issuance of
7 a retail license authorizing the sale of alcoholic liquor at
8 premises within 100 feet, but not less than 90 feet, of a
9 public school if (1) the premises have been continuously
10 licensed to sell alcoholic liquor for a period of at least 50
11 years, (2) the premises are located in a municipality having a
12 population of over 500,000 inhabitants, (3) the licensee is an
13 individual who is a member of a family that has held the
14 previous 3 licenses for that location for more than 25 years,
15 (4) the principal of the school and the alderman of the ward in
16 which the school is located have delivered a written statement
17 to the local liquor control commissioner stating that they do
18 not object to the issuance of a license under this subsection
19 (g), and (5) the local liquor control commissioner has received
20 the written consent of a majority of the registered voters who
21 live within 200 feet of the premises.

22 (h) Notwithstanding any provision of this Section to the
23 contrary, nothing in this Section shall prohibit the issuance
24 or renewal of a license authorizing the sale of alcoholic
25 liquor within premises and at an outdoor patio area attached to
26 premises that are located in a municipality with a population

1 in excess of 300,000 inhabitants and that are within 100 feet
2 of a church if:

3 (1) the sale of alcoholic liquor at the premises is
4 incidental to the sale of food,

5 (2) the sale of liquor is not the principal business
6 carried on by the licensee at the premises,

7 (3) the premises are less than 1,000 square feet,

8 (4) the premises are owned by the University of
9 Illinois,

10 (5) the premises are immediately adjacent to property
11 owned by a church and are not less than 20 nor more than 40
12 feet from the church space used for worship services, and

13 (6) the principal religious leader at the place of
14 worship has indicated his or her support for the issuance
15 of the license in writing.

16 (i) Notwithstanding any provision in this Section to the
17 contrary, nothing in this Section shall prohibit the issuance
18 or renewal of a license to sell alcoholic liquor at a premises
19 that is located within a municipality with a population in
20 excess of 300,000 inhabitants and is within 100 feet of a
21 church, synagogue, or other place of worship if:

22 (1) the primary entrance of the premises and the
23 primary entrance of the church, synagogue, or other place
24 of worship are at least 100 feet apart, on parallel
25 streets, and separated by an alley; and

26 (2) the principal religious leader at the place of

1 worship has not indicated his or her opposition to the
2 issuance or renewal of the license in writing.

3 (j) Notwithstanding any provision in this Section to the
4 contrary, nothing in this Section shall prohibit the issuance
5 of a retail license authorizing the sale of alcoholic liquor at
6 a theater that is within 100 feet of a church if (1) the church
7 owns the theater, (2) the church leases the theater to one or
8 more entities, and (3) the theater is used by at least 5
9 different not-for-profit theater groups.

10 (k) Notwithstanding any provision in this Section to the
11 contrary, nothing in this Section shall prohibit the issuance
12 or renewal of a license authorizing the sale of alcoholic
13 liquor at a premises that is located within a municipality with
14 a population in excess of 1,000,000 inhabitants and is within
15 100 feet of a school if:

16 (1) the primary entrance of the premises and the
17 primary entrance of the school are parallel, on different
18 streets, and separated by an alley;

19 (2) the southeast corner of the premises are at least
20 350 feet from the southwest corner of the school;

21 (3) the school was built in 1978;

22 (4) the sale of alcoholic liquor at the premises is
23 incidental to the sale of food;

24 (5) the sale of alcoholic liquor is not the principal
25 business carried on by the licensee at the premises;

26 (6) the applicant is the owner of the restaurant and

1 has held a valid license authorizing the sale of alcoholic
2 liquor for the business to be conducted on the premises at
3 a different location for more than 7 years; and

4 (7) the premises is at least 2,300 square feet and sits
5 on a lot that is between 6,100 and 6,150 square feet.

6 (1) Notwithstanding any provision in this Section to the
7 contrary, nothing in this Section shall prohibit the issuance
8 or renewal of a license authorizing the sale of alcoholic
9 liquor at a premises that is located within a municipality with
10 a population in excess of 1,000,000 inhabitants and is within
11 100 feet of a church or school if:

12 (1) the primary entrance of the premises and the
13 closest entrance of the church or school is at least 90
14 feet apart and no greater than 95 feet apart;

15 (2) the shortest distance between the premises and the
16 church or school is at least 80 feet apart and no greater
17 than 85 feet apart;

18 (3) the applicant is the owner of the restaurant and on
19 November 15, 2006 held a valid license authorizing the sale
20 of alcoholic liquor for the business to be conducted on the
21 premises for at least 14 different locations;

22 (4) the sale of alcoholic liquor at the premises is
23 incidental to the sale of food;

24 (5) the sale of alcoholic liquor is not the principal
25 business carried on by the licensee at the premises;

26 (6) the premises is at least 3,200 square feet and sits

1 on a lot that is between 7,150 and 7,200 square feet; and

2 (7) the principal religious leader at the place of
3 worship has not indicated his or her opposition to the
4 issuance or renewal of the license in writing.

5 (m) Notwithstanding any provision in this Section to the
6 contrary, nothing in this Section shall prohibit the issuance
7 or renewal of a license authorizing the sale of alcoholic
8 liquor at a premises that is located within a municipality with
9 a population in excess of 1,000,000 inhabitants and is within
10 100 feet of a church if:

11 (1) the premises and the church are perpendicular, and
12 the primary entrance of the premises faces South while the
13 primary entrance of the church faces West and the distance
14 between the two entrances is more than 100 feet;

15 (2) the shortest distance between the premises lot line
16 and the exterior wall of the church is at least 80 feet;

17 (3) the church was established at the current location
18 in 1916 and the present structure was erected in 1925;

19 (4) the premises is a single story, single use building
20 with at least 1,750 square feet and no more than 2,000
21 square feet;

22 (5) the sale of alcoholic liquor at the premises is
23 incidental to the sale of food;

24 (6) the sale of alcoholic liquor is not the principal
25 business carried on by the licensee at the premises; and

26 (7) the principal religious leader at the place of

1 worship has not indicated his or her opposition to the
2 issuance or renewal of the license in writing.

3 (n) Notwithstanding any provision in this Section to the
4 contrary, nothing in this Section shall prohibit the issuance
5 or renewal of a license authorizing the sale of alcoholic
6 liquor at a premises that is located within a municipality with
7 a population in excess of 1,000,000 inhabitants and is within
8 100 feet of a school if:

9 (1) the school is a City of Chicago School District 299
10 school;

11 (2) the school is located within subarea E of City of
12 Chicago Residential Business Planned Development Number
13 70;

14 (3) the sale of alcoholic liquor is not the principal
15 business carried on by the licensee on the premises;

16 (4) the sale of alcoholic liquor at the premises is
17 incidental to the sale of food; and

18 (5) the administration of City of Chicago School
19 District 299 has expressed, in writing, its support for the
20 issuance of the license.

21 (o) Notwithstanding any provision of this Section to the
22 contrary, nothing in this Section shall prohibit the issuance
23 or renewal of a retail license authorizing the sale of
24 alcoholic liquor at a premises that is located within a
25 municipality in excess of 1,000,000 inhabitants and within 100
26 feet of a church if:

1 (1) the sale of alcoholic liquor at the premises is
2 incidental to the sale of food;

3 (2) the sale of alcoholic liquor is not the principal
4 business carried on by the licensee at the premises;

5 (3) the premises is located on a street that runs
6 perpendicular to the street on which the church is located;

7 (4) the primary entrance of the premises is at least
8 100 feet from the primary entrance of the church;

9 (5) the shortest distance between any part of the
10 premises and any part of the church is at least 60 feet;

11 (6) the premises is between 3,600 and 4,000 square feet
12 and sits on a lot that is between 3,600 and 4,000 square
13 feet; and

14 (7) the premises was built in the year 1909.

15 For purposes of this subsection (o), "premises" means a
16 place of business together with a privately owned outdoor
17 location that is adjacent to the place of business.

18 (p) Notwithstanding any provision in this Section to the
19 contrary, nothing in this Section shall prohibit the issuance
20 or renewal of a license authorizing the sale of alcoholic
21 liquor at a premises that is located within a municipality with
22 a population in excess of 1,000,000 inhabitants and within 100
23 feet of a church if:

24 (1) the shortest distance between the backdoor of the
25 premises, which is used as an emergency exit, and the
26 church is at least 80 feet;

1 (2) the church was established at the current location
2 in 1889; and

3 (3) liquor has been sold on the premises since at least
4 1985.

5 (q) Notwithstanding any provision of this Section to the
6 contrary, nothing in this Section shall prohibit the issuance
7 or renewal of a license authorizing the sale of alcoholic
8 liquor within a premises that is located in a municipality with
9 a population in excess of 1,000,000 inhabitants and within 100
10 feet of a church-owned property if:

11 (1) the premises is located within a larger building
12 operated as a grocery store;

13 (2) the area of the premises does not exceed 720 square
14 feet and the area of the larger building exceeds 18,000
15 square feet;

16 (3) the larger building containing the premises is
17 within 100 feet of the nearest property line of a
18 church-owned property on which a church-affiliated school
19 is located;

20 (4) the sale of liquor is not the principal business
21 carried on within the larger building;

22 (5) the primary entrance of the larger building and the
23 premises and the primary entrance of the church-affiliated
24 school are on different, parallel streets, and the distance
25 between the 2 primary entrances is more than 100 feet;

26 (6) the larger building is separated from the

1 church-owned property and church-affiliated school by an
2 alley;

3 (7) the larger building containing the premises and the
4 church building front are on perpendicular streets and are
5 separated by a street; and

6 (8) (Blank).

7 (r) Notwithstanding any provision of this Section to the
8 contrary, nothing in this Section shall prohibit the issuance,
9 renewal, or maintenance of a license authorizing the sale of
10 alcoholic liquor incidental to the sale of food within a
11 restaurant established in a premises that is located in a
12 municipality with a population in excess of 1,000,000
13 inhabitants and within 100 feet of a church if:

14 (1) the primary entrance of the church and the primary
15 entrance of the restaurant are at least 100 feet apart;

16 (2) the restaurant has operated on the ground floor and
17 lower level of a multi-story, multi-use building for more
18 than 40 years;

19 (3) the primary business of the restaurant consists of
20 the sale of food where the sale of liquor is incidental to
21 the sale of food;

22 (4) the sale of alcoholic liquor is conducted primarily
23 in the below-grade level of the restaurant to which the
24 only public access is by a staircase located inside the
25 restaurant; and

26 (5) the restaurant has held a license authorizing the

1 sale of alcoholic liquor on the premises for more than 40
2 years.

3 (s) Notwithstanding any provision of this Section to the
4 contrary, nothing in this Section shall prohibit renewal of a
5 license authorizing the sale of alcoholic liquor at a premises
6 that is located within a municipality with a population more
7 than 5,000 and less than 10,000 and is within 100 feet of a
8 church if:

9 (1) the church was established at the location within
10 100 feet of the premises after a license for the sale of
11 alcoholic liquor at the premises was first issued;

12 (2) a license for sale of alcoholic liquor at the
13 premises was first issued before January 1, 2007; and

14 (3) a license for the sale of alcoholic liquor on the
15 premises has been continuously in effect since January 1,
16 2007, except for interruptions between licenses of no more
17 than 90 days.

18 (t) Notwithstanding any provision of this Section to the
19 contrary, nothing in this Section shall prohibit the issuance
20 or renewal of a license authorizing the sale of alcoholic
21 liquor incidental to the sale of food within a restaurant that
22 is established in a premises that is located in a municipality
23 with a population in excess of 1,000,000 inhabitants and within
24 100 feet of a school and a church if:

25 (1) the restaurant is located inside a five-story
26 building with over 16,800 square feet of commercial space;

1 (2) the area of the premises does not exceed 31,050
2 square feet;

3 (3) the area of the restaurant does not exceed 5,800
4 square feet;

5 (4) the building has no less than 78 condominium units;

6 (5) the construction of the building in which the
7 restaurant is located was completed in 2006;

8 (6) the building has 10 storefront properties, 3 of
9 which are used for the restaurant;

10 (7) the restaurant will open for business in 2010;

11 (8) the building is north of the school and separated
12 by an alley; and

13 (9) the principal religious leader of the church and
14 either the alderman of the ward in which the school is
15 located or the principal of the school have delivered a
16 written statement to the local liquor control commissioner
17 stating that he or she does not object to the issuance of a
18 license under this subsection (t).

19 (u) Notwithstanding any provision in this Section to the
20 contrary, nothing in this Section shall prohibit the issuance
21 or renewal of a license to sell alcoholic liquor at a premises
22 that is located within a municipality with a population in
23 excess of 1,000,000 inhabitants and within 100 feet of a school
24 if:

25 (1) the premises operates as a restaurant and has been
26 in operation since February 2008;

- 1 (2) the applicant is the owner of the premises;
- 2 (3) the sale of alcoholic liquor is incidental to the
3 sale of food;
- 4 (4) the sale of alcoholic liquor is not the principal
5 business carried on by the licensee on the premises;
- 6 (5) the premises occupy the first floor of a 3-story
7 building that is at least 90 years old;
- 8 (6) the rear lot of the school and the rear corner of
9 the building that the premises occupy are separated by an
10 alley;
- 11 (7) the distance from the southwest corner of the
12 property line of the school and the northeast corner of the
13 building that the premises occupy is at least 16 feet, 5
14 inches;
- 15 (8) the distance from the rear door of the premises to
16 the southwest corner of the property line of the school is
17 at least 93 feet;
- 18 (9) the school is a City of Chicago School District 299
19 school;
- 20 (10) the school's main structure was erected in 1902
21 and an addition was built to the main structure in 1959;
22 and
- 23 (11) the principal of the school and the alderman in
24 whose district the premises are located have expressed, in
25 writing, their support for the issuance of the license.
- 26 (v) Notwithstanding any provision in this Section to the

1 contrary, nothing in this Section shall prohibit the issuance
2 or renewal of a license authorizing the sale of alcoholic
3 liquor at a premises that is located within a municipality with
4 a population in excess of 1,000,000 inhabitants and is within
5 100 feet of a school if:

6 (1) the total land area of the premises for which the
7 license or renewal is sought is more than 600,000 square
8 feet;

9 (2) the premises for which the license or renewal is
10 sought has more than 600 parking stalls;

11 (3) the total area of all buildings on the premises for
12 which the license or renewal is sought exceeds 140,000
13 square feet;

14 (4) the property line of the premises for which the
15 license or renewal is sought is separated from the property
16 line of the school by a street;

17 (5) the distance from the school's property line to the
18 property line of the premises for which the license or
19 renewal is sought is at least 60 feet;

20 (6) as of June 14, 2011 (the effective date of Public
21 Act 97-9), the premises for which the license or renewal is
22 sought is located in the Illinois Medical District.

23 (w) Notwithstanding any provision in this Section to the
24 contrary, nothing in this Section shall prohibit the issuance
25 or renewal of a license to sell alcoholic liquor at a premises
26 that is located within a municipality with a population in

1 excess of 1,000,000 inhabitants and within 100 feet of a church
2 if:

3 (1) the sale of alcoholic liquor at the premises is
4 incidental to the sale of food;

5 (2) the sale of alcoholic liquor is not the principal
6 business carried on by the licensee at the premises;

7 (3) the premises occupy the first floor and basement of
8 a 2-story building that is 106 years old;

9 (4) the premises is at least 7,000 square feet and
10 located on a lot that is at least 11,000 square feet;

11 (5) the premises is located directly west of the
12 church, on perpendicular streets, and separated by an
13 alley;

14 (6) the distance between the property line of the
15 premises and the property line of the church is at least 20
16 feet;

17 (7) the distance between the primary entrance of the
18 premises and the primary entrance of the church is at least
19 130 feet; and

20 (8) the church has been at its location for at least 40
21 years.

22 (x) Notwithstanding any provision of this Section to the
23 contrary, nothing in this Section shall prohibit the issuance
24 or renewal of a license authorizing the sale of alcoholic
25 liquor at a premises that is located within a municipality with
26 a population in excess of 1,000,000 inhabitants and within 100

1 feet of a church if:

2 (1) the sale of alcoholic liquor is not the principal
3 business carried on by the licensee at the premises;

4 (2) the church has been operating in its current
5 location since 1973;

6 (3) the premises has been operating in its current
7 location since 1988;

8 (4) the church and the premises are owned by the same
9 parish;

10 (5) the premises is used for cultural and educational
11 purposes;

12 (6) the primary entrance to the premises and the
13 primary entrance to the church are located on the same
14 street;

15 (7) the principal religious leader of the church has
16 indicated his support of the issuance of the license;

17 (8) the premises is a 2-story building of approximately
18 23,000 square feet; and

19 (9) the premises houses a ballroom on its ground floor
20 of approximately 5,000 square feet.

21 (y) Notwithstanding any provision of this Section to the
22 contrary, nothing in this Section shall prohibit the issuance
23 or renewal of a license authorizing the sale of alcoholic
24 liquor at a premises that is located within a municipality with
25 a population in excess of 1,000,000 inhabitants and within 100
26 feet of a school if:

1 (1) the sale of alcoholic liquor is not the principal
2 business carried on by the licensee at the premises;

3 (2) the sale of alcoholic liquor at the premises is
4 incidental to the sale of food;

5 (3) according to the municipality, the distance
6 between the east property line of the premises and the west
7 property line of the school is 97.8 feet;

8 (4) the school is a City of Chicago School District 299
9 school;

10 (5) the school has been operating since 1959;

11 (6) the primary entrance to the premises and the
12 primary entrance to the school are located on the same
13 street;

14 (7) the street on which the entrances of the premises
15 and the school are located is a major diagonal
16 thoroughfare;

17 (8) the premises is a single-story building of
18 approximately 2,900 square feet; and

19 (9) the premises is used for commercial purposes only.

20 (z) Notwithstanding any provision of this Section to the
21 contrary, nothing in this Section shall prohibit the issuance
22 or renewal of a license authorizing the sale of alcoholic
23 liquor at a premises that is located within a municipality with
24 a population in excess of 1,000,000 inhabitants and within 100
25 feet of a mosque if:

26 (1) the sale of alcoholic liquor is not the principal

1 business carried on by the licensee at the premises;

2 (2) the licensee shall only sell packaged liquors at
3 the premises;

4 (3) the licensee is a national retail chain having over
5 100 locations within the municipality;

6 (4) the licensee has over 8,000 locations nationwide;

7 (5) the licensee has locations in all 50 states;

8 (6) the premises is located in the North-East quadrant
9 of the municipality;

10 (7) the premises is a free-standing building that has
11 "drive-through" pharmacy service;

12 (8) the premises has approximately 14,490 square feet
13 of retail space;

14 (9) the premises has approximately 799 square feet of
15 pharmacy space;

16 (10) the premises is located on a major arterial street
17 that runs east-west and accepts truck traffic; and

18 (11) the alderman of the ward in which the premises is
19 located has expressed, in writing, his or her support for
20 the issuance of the license.

21 (aa) Notwithstanding any provision of this Section to the
22 contrary, nothing in this Section shall prohibit the issuance
23 or renewal of a license authorizing the sale of alcoholic
24 liquor at a premises that is located within a municipality with
25 a population in excess of 1,000,000 inhabitants and within 100
26 feet of a church if:

1 (1) the sale of alcoholic liquor is not the principal
2 business carried on by the licensee at the premises;

3 (2) the licensee shall only sell packaged liquors at
4 the premises;

5 (3) the licensee is a national retail chain having over
6 100 locations within the municipality;

7 (4) the licensee has over 8,000 locations nationwide;

8 (5) the licensee has locations in all 50 states;

9 (6) the premises is located in the North-East quadrant
10 of the municipality;

11 (7) the premises is located across the street from a
12 national grocery chain outlet;

13 (8) the premises has approximately 16,148 square feet
14 of retail space;

15 (9) the premises has approximately 992 square feet of
16 pharmacy space;

17 (10) the premises is located on a major arterial street
18 that runs north-south and accepts truck traffic; and

19 (11) the alderman of the ward in which the premises is
20 located has expressed, in writing, his or her support for
21 the issuance of the license.

22 (bb) Notwithstanding any provision of this Section to the
23 contrary, nothing in this Section shall prohibit the issuance
24 or renewal of a license authorizing the sale of alcoholic
25 liquor at a premises that is located within a municipality with
26 a population in excess of 1,000,000 inhabitants and within 100

1 feet of a church if:

2 (1) the sale of alcoholic liquor is not the principal
3 business carried on by the licensee at the premises;

4 (2) the sale of alcoholic liquor at the premises is
5 incidental to the sale of food;

6 (3) the primary entrance to the premises and the
7 primary entrance to the church are located on the same
8 street;

9 (4) the premises is across the street from the church;

10 (5) the street on which the premises and the church are
11 located is a major arterial street that runs east-west;

12 (6) the church is an elder-led and Bible-based Assyrian
13 church;

14 (7) the premises and the church are both single-story
15 buildings;

16 (8) the storefront directly west of the church is being
17 used as a restaurant; and

18 (9) the distance between the northern-most property
19 line of the premises and the southern-most property line of
20 the church is 65 feet.

21 (cc) Notwithstanding any provision of this Section to the
22 contrary, nothing in this Section shall prohibit the issuance
23 or renewal of a license authorizing the sale of alcoholic
24 liquor at a premises that is located within a municipality with
25 a population in excess of 1,000,000 inhabitants and within 100
26 feet of a school if:

1 (1) the sale of alcoholic liquor is not the principal
2 business carried on by the licensee at the premises;

3 (2) the licensee shall only sell packaged liquors at
4 the premises;

5 (3) the licensee is a national retail chain;

6 (4) as of October 25, 2011, the licensee has 1,767
7 stores operating nationwide, 87 stores operating in the
8 State, and 10 stores operating within the municipality;

9 (5) the licensee shall occupy approximately 124,000
10 square feet of space in the basement and first and second
11 floors of a building located across the street from a
12 school;

13 (6) the school opened in August of 2009 and occupies
14 approximately 67,000 square feet of space; and

15 (7) the building in which the premises shall be located
16 has been listed on the National Register of Historic Places
17 since April 17, 1970.

18 (dd) Notwithstanding any provision in this Section to the
19 contrary, nothing in this Section shall prohibit the issuance
20 or renewal of a license authorizing the sale of alcoholic
21 liquor within a full-service grocery store at a premises that
22 is located within a municipality with a population in excess of
23 1,000,000 inhabitants and is within 100 feet of a school if:

24 (1) the premises is constructed on land that was
25 purchased from the municipality at a fair market price;

26 (2) the premises is constructed on land that was

1 previously used as a parking facility for public safety
2 employees;

3 (3) the sale of alcoholic liquor is not the principal
4 business carried on by the licensee at the premises;

5 (4) the main entrance to the store is more than 100
6 feet from the main entrance to the school;

7 (5) the premises is to be new construction;

8 (6) the school is a private school;

9 (7) the principal of the school has given written
10 approval for the license;

11 (8) the alderman of the ward where the premises is
12 located has given written approval of the issuance of the
13 license;

14 (9) the grocery store level of the premises is between
15 60,000 and 70,000 square feet; and

16 (10) the owner and operator of the grocery store
17 operates 2 other grocery stores that have alcoholic liquor
18 licenses within the same municipality.

19 (ee) Notwithstanding any provision in this Section to the
20 contrary, nothing in this Section shall prohibit the issuance
21 or renewal of a license authorizing the sale of alcoholic
22 liquor within a full-service grocery store at a premises that
23 is located within a municipality with a population in excess of
24 1,000,000 inhabitants and is within 100 feet of a school if:

25 (1) the premises is constructed on land that once
26 contained an industrial steel facility;

1 (2) the premises is located on land that has undergone
2 environmental remediation;

3 (3) the premises is located within a retail complex
4 containing retail stores where some of the stores sell
5 alcoholic beverages;

6 (4) the principal activity of any restaurant in the
7 retail complex is the sale of food, and the sale of
8 alcoholic liquor is incidental to the sale of food;

9 (5) the sale of alcoholic liquor is not the principal
10 business carried on by the grocery store;

11 (6) the entrance to any business that sells alcoholic
12 liquor is more than 100 feet from the entrance to the
13 school;

14 (7) the alderman of the ward where the premises is
15 located has given written approval of the issuance of the
16 license; and

17 (8) the principal of the school has given written
18 consent to the issuance of the license.

19 (ff) Notwithstanding any provision of this Section to the
20 contrary, nothing in this Section shall prohibit the issuance
21 or renewal of a license authorizing the sale of alcoholic
22 liquor at a premises that is located within a municipality with
23 a population in excess of 1,000,000 inhabitants and within 100
24 feet of a school if:

25 (1) the sale of alcoholic liquor is not the principal
26 business carried on at the premises;

1 (2) the sale of alcoholic liquor at the premises is
2 incidental to the operation of a theater;

3 (3) the premises is a one and one-half-story building
4 of approximately 10,000 square feet;

5 (4) the school is a City of Chicago School District 299
6 school;

7 (5) the primary entrance of the premises and the
8 primary entrance of the school are at least 300 feet apart
9 and no more than 400 feet apart;

10 (6) the alderman of the ward in which the premises is
11 located has expressed, in writing, his support for the
12 issuance of the license; and

13 (7) the principal of the school has expressed, in
14 writing, that there is no objection to the issuance of a
15 license under this subsection (ff).

16 (gg) Notwithstanding any provision of this Section to the
17 contrary, nothing in this Section shall prohibit the issuance
18 or renewal of a license authorizing the sale of alcoholic
19 liquor incidental to the sale of food within a restaurant or
20 banquet facility established in a premises that is located in a
21 municipality with a population in excess of 1,000,000
22 inhabitants and within 100 feet of a church if:

23 (1) the sale of alcoholic liquor is not the principal
24 business carried on by the licensee at the premises;

25 (2) the property on which the church is located and the
26 property on which the premises are located are both within

1 a district originally listed on the National Register of
2 Historic Places on February 14, 1979;

3 (3) the property on which the premises are located
4 contains one or more multi-story buildings that are at
5 least 95 years old and have no more than three stories;

6 (4) the building in which the church is located is at
7 least 120 years old;

8 (5) the property on which the church is located is
9 immediately adjacent to and west of the property on which
10 the premises are located;

11 (6) the western boundary of the property on which the
12 premises are located is no less than 118 feet in length and
13 no more than 122 feet in length;

14 (7) as of December 31, 2012, both the church property
15 and the property on which the premises are located are
16 within 250 feet of City of Chicago Business-Residential
17 Planned Development Number 38;

18 (8) the principal religious leader at the place of
19 worship has indicated his or her support for the issuance
20 of the license in writing; and

21 (9) the alderman in whose district the premises are
22 located has expressed his or her support for the issuance
23 of the license in writing.

24 For the purposes of this subsection, "banquet facility"
25 means the part of the building that is located on the floor
26 above a restaurant and caters to private parties and where the

1 sale of alcoholic liquors is not the principal business.

2 (hh) Notwithstanding any provision of this Section to the
3 contrary, nothing in this Section shall prohibit the issuance
4 or renewal of a license authorizing the sale of alcoholic
5 liquor within a hotel and at an outdoor patio area attached to
6 the hotel that are located in a municipality with a population
7 in excess of 1,000,000 inhabitants and that are within 100 feet
8 of a hospital if:

9 (1) the sale of alcoholic liquor is not the principal
10 business carried on by the licensee at the hotel;

11 (2) the hotel is located within the City of Chicago
12 Business Planned Development Number 468; and

13 (3) the hospital is located within the City of Chicago
14 Institutional Planned Development Number 3.

15 (ii) Notwithstanding any provision of this Section to the
16 contrary, nothing in this Section shall prohibit the issuance
17 or renewal of a license authorizing the sale of alcoholic
18 liquor within a restaurant and at an outdoor patio area
19 attached to the restaurant that are located in a municipality
20 with a population in excess of 1,000,000 inhabitants and that
21 are within 100 feet of a church if:

22 (1) the sale of alcoholic liquor at the premises is not
23 the principal business carried on by the licensee and is
24 incidental to the sale of food;

25 (2) the restaurant has been operated on the street
26 level of a 2-story building located on a corner lot since

1 2008;

2 (3) the restaurant is between 3,700 and 4,000 square
3 feet and sits on a lot that is no more than 6,200 square
4 feet;

5 (4) the primary entrance to the restaurant and the
6 primary entrance to the church are located on the same
7 street;

8 (5) the street on which the restaurant and the church
9 are located is a major east-west street;

10 (6) the restaurant and the church are separated by a
11 one-way northbound street;

12 (7) the church is located to the west of and no more
13 than 65 feet from the restaurant; and

14 (8) the principal religious leader at the place of
15 worship has indicated his or her consent to the issuance of
16 the license in writing.

17 (jj) Notwithstanding any provision of this Section to the
18 contrary, nothing in this Section shall prohibit the issuance
19 or renewal of a license authorizing the sale of alcoholic
20 liquor at premises located within a municipality with a
21 population in excess of 1,000,000 inhabitants and within 100
22 feet of a church if:

23 (1) the sale of alcoholic liquor is not the principal
24 business carried on by the licensee at the premises;

25 (2) the sale of alcoholic liquor is incidental to the
26 sale of food;

1 (3) the premises are located east of the church, on
2 perpendicular streets, and separated by an alley;

3 (4) the distance between the primary entrance of the
4 premises and the primary entrance of the church is at least
5 175 feet;

6 (5) the distance between the property line of the
7 premises and the property line of the church is at least 40
8 feet;

9 (6) the licensee has been operating at the premises
10 since 2012;

11 (7) the church was constructed in 1904;

12 (8) the alderman of the ward in which the premises is
13 located has expressed, in writing, his or her support for
14 the issuance of the license; and

15 (9) the principal religious leader of the church has
16 delivered a written statement that he or she does not
17 object to the issuance of a license under this subsection
18 (jj).

19 (kk) Notwithstanding any provision of this Section to the
20 contrary, nothing in this Section shall prohibit the issuance
21 or renewal of a license authorizing the sale of alcoholic
22 liquor at a premises that is located within a municipality with
23 a population in excess of 1,000,000 inhabitants and within 100
24 feet of a school if:

25 (1) the sale of alcoholic liquor is not the principal
26 business carried on by the licensee at the premises;

1 (2) the licensee shall only sell packaged liquors on
2 the premises;

3 (3) the licensee is a national retail chain;

4 (4) as of February 27, 2013, the licensee had 1,778
5 stores operating nationwide, 89 operating in this State,
6 and 11 stores operating within the municipality;

7 (5) the licensee shall occupy approximately 169,048
8 square feet of space within a building that is located
9 across the street from a tuition-based preschool; and

10 (6) the alderman of the ward in which the premises is
11 located has expressed, in writing, his or her support for
12 the issuance of the license.

13 (11) Notwithstanding any provision of this Section to the
14 contrary, nothing in this Section shall prohibit the issuance
15 or renewal of a license authorizing the sale of alcoholic
16 liquor at a premises that is located within a municipality with
17 a population in excess of 1,000,000 inhabitants and within 100
18 feet of a school if:

19 (1) the sale of alcoholic liquor is not the principal
20 business carried on by the licensee at the premises;

21 (2) the licensee shall only sell packaged liquors on
22 the premises;

23 (3) the licensee is a national retail chain;

24 (4) as of February 27, 2013, the licensee had 1,778
25 stores operating nationwide, 89 operating in this State,
26 and 11 stores operating within the municipality;

1 (5) the licensee shall occupy approximately 191,535
2 square feet of space within a building that is located
3 across the street from an elementary school; and

4 (6) the alderman of the ward in which the premises is
5 located has expressed, in writing, his or her support for
6 the issuance of the license.

7 (mm) Notwithstanding any provision of this Section to the
8 contrary, nothing in this Section shall prohibit the issuance
9 or renewal of a license authorizing the sale of alcoholic
10 liquor within premises and at an outdoor patio or sidewalk
11 cafe, or both, attached to premises that are located in a
12 municipality with a population in excess of 1,000,000
13 inhabitants and that are within 100 feet of a hospital if:

14 (1) the primary business of the restaurant consists of
15 the sale of food where the sale of liquor is incidental to
16 the sale of food;

17 (2) as a restaurant, the premises may or may not offer
18 catering as an incidental part of food service;

19 (3) the primary business of the restaurant is conducted
20 in space owned by a hospital or an entity owned or
21 controlled by, under common control with, or that controls
22 a hospital, and the chief hospital administrator has
23 expressed his or her support for the issuance of the
24 license in writing; and

25 (4) the hospital is an adult acute care facility
26 primarily located within the City of Chicago Institutional

1 Planned Development Number 3.

2 (nn) Notwithstanding any provision of this Section to the
3 contrary, nothing in this Section shall prohibit the issuance
4 or renewal of a license authorizing the sale of alcoholic
5 liquor at a premises that is located within a municipality with
6 a population in excess of 1,000,000 inhabitants and within 100
7 feet of a church if:

8 (1) the sale of alcoholic liquor is not the principal
9 business carried out on the premises;

10 (2) the sale of alcoholic liquor at the premises is
11 incidental to the operation of a theater;

12 (3) the premises are a building that was constructed in
13 1913 and opened on May 24, 1915 as a vaudeville theater,
14 and the premises were converted to a motion picture theater
15 in 1935;

16 (4) the church was constructed in 1889 with a stone
17 exterior;

18 (5) the primary entrance of the premises and the
19 primary entrance of the church are at least 100 feet apart;

20 (6) the principal religious leader at the place of
21 worship has indicated his or her consent to the issuance of
22 the license in writing; and

23 (7) the alderman in whose ward the premises are located
24 has expressed his or her support for the issuance of the
25 license in writing.

26 (oo) Notwithstanding any provision of this Section to the

1 contrary, nothing in this Section shall prohibit the issuance
2 or renewal of a license authorizing the sale of alcoholic
3 liquor at a premises that is located within a municipality with
4 a population in excess of 1,000,000 inhabitants and within 100
5 feet of a mosque, church, or other place of worship if:

6 (1) the primary entrance of the premises and the
7 primary entrance of the mosque, church, or other place of
8 worship are perpendicular and are on different streets;

9 (2) the primary entrance to the premises faces West and
10 the primary entrance to the mosque, church, or other place
11 of worship faces South;

12 (3) the distance between the 2 primary entrances is at
13 least 100 feet;

14 (4) the mosque, church, or other place of worship was
15 established in a location within 100 feet of the premises
16 after a license for the sale of alcohol at the premises was
17 first issued;

18 (5) the mosque, church, or other place of worship was
19 established on or around January 1, 2011;

20 (6) a license for the sale of alcohol at the premises
21 was first issued on or before January 1, 1985;

22 (7) a license for the sale of alcohol at the premises
23 has been continuously in effect since January 1, 1985,
24 except for interruptions between licenses of no more than
25 90 days; and

26 (8) the premises are a single-story, single-use

1 building of at least 3,000 square feet and no more than
2 3,380 square feet.

3 (pp) Notwithstanding any provision of this Section to the
4 contrary, nothing in this Section shall prohibit the issuance
5 or renewal of a license authorizing the sale of alcoholic
6 liquor incidental to the sale of food within a restaurant or
7 banquet facility established on premises that are located in a
8 municipality with a population in excess of 1,000,000
9 inhabitants and within 100 feet of at least one church if:

10 (1) the sale of liquor shall not be the principal
11 business carried on by the licensee at the premises;

12 (2) the premises are at least 2,000 square feet and no
13 more than 10,000 square feet and is located in a
14 single-story building;

15 (3) the property on which the premises are located is
16 within an area that, as of 2009, was designated as a
17 Renewal Community by the United States Department of
18 Housing and Urban Development;

19 (4) the property on which the premises are located and
20 the properties on which the churches are located are on the
21 same street;

22 (5) the property on which the premises are located is
23 immediately adjacent to and east of the property on which
24 at least one of the churches is located;

25 (6) the property on which the premises are located is
26 across the street and southwest of the property on which

1 another church is located;

2 (7) the principal religious leaders of the churches
3 have indicated their support for the issuance of the
4 license in writing; and

5 (8) the alderman in whose ward the premises are located
6 has expressed his or her support for the issuance of the
7 license in writing.

8 For purposes of this subsection (pp), "banquet facility"
9 means the part of the building that caters to private parties
10 and where the sale of alcoholic liquors is not the principal
11 business.

12 (qq) Notwithstanding any provision of this Section to the
13 contrary, nothing in this Section shall prohibit the issuance
14 or renewal of a license authorizing the sale of alcoholic
15 liquor on premises that are located within a municipality with
16 a population in excess of 1,000,000 inhabitants and within 100
17 feet of a church or school if:

18 (1) the primary entrance of the premises and the
19 closest entrance of the church or school are at least 200
20 feet apart and no greater than 300 feet apart;

21 (2) the shortest distance between the premises and the
22 church or school is at least 66 feet apart and no greater
23 than 81 feet apart;

24 (3) the premises are a single-story, steel-framed
25 commercial building with at least 18,042 square feet, and
26 was constructed in 1925 and 1997;

1 (4) the owner of the business operated within the
2 premises has been the general manager of a similar
3 supermarket within one mile from the premises, which has
4 had a valid license authorizing the sale of alcoholic
5 liquor since 2002, and is in good standing with the City of
6 Chicago;

7 (5) the principal religious leader at the place of
8 worship has indicated his or her support to the issuance or
9 renewal of the license in writing;

10 (6) the alderman of the ward has indicated his or her
11 support to the issuance or renewal of the license in
12 writing; and

13 (7) the principal of the school has indicated his or
14 her support to the issuance or renewal of the license in
15 writing.

16 (rr) Notwithstanding any provision of this Section to the
17 contrary, nothing in this Section shall prohibit the issuance
18 or renewal of a license authorizing the sale of alcoholic
19 liquor at premises located within a municipality with a
20 population in excess of 1,000,000 inhabitants and within 100
21 feet of a club that leases space to a school if:

22 (1) the sale of alcoholic liquor is not the principal
23 business carried out on the premises;

24 (2) the sale of alcoholic liquor at the premises is
25 incidental to the operation of a grocery store;

26 (3) the premises are a building of approximately 1,750

1 square feet and is rented by the owners of the grocery
2 store from a family member;

3 (4) the property line of the premises is approximately
4 68 feet from the property line of the club;

5 (5) the primary entrance of the premises and the
6 primary entrance of the club where the school leases space
7 are at least 100 feet apart;

8 (6) the director of the club renting space to the
9 school has indicated his or her consent to the issuance of
10 the license in writing; and

11 (7) the alderman in whose district the premises are
12 located has expressed his or her support for the issuance
13 of the license in writing.

14 (ss) Notwithstanding any provision of this Section to the
15 contrary, nothing in this Section shall prohibit the issuance
16 or renewal of a license authorizing the sale of alcoholic
17 liquor at premises located within a municipality with a
18 population in excess of 1,000,000 inhabitants and within 100
19 feet of a church if:

20 (1) the premises are located within a 15 unit building
21 with 13 residential apartments and 2 commercial spaces, and
22 the licensee will occupy both commercial spaces;

23 (2) a restaurant has been operated on the premises
24 since June 2011;

25 (3) the restaurant currently occupies 1,075 square
26 feet, but will be expanding to include 975 additional

1 square feet;

2 (4) the sale of alcoholic liquor is not the principal
3 business carried on by the licensee at the premises;

4 (5) the premises are located south of the church and on
5 the same street and are separated by a one-way westbound
6 street;

7 (6) the primary entrance of the premises is at least 93
8 feet from the primary entrance of the church;

9 (7) the shortest distance between any part of the
10 premises and any part of the church is at least 72 feet;

11 (8) the building in which the restaurant is located was
12 built in 1910;

13 (9) the alderman of the ward in which the premises are
14 located has expressed, in writing, his or her support for
15 the issuance of the license; and

16 (10) the principal religious leader of the church has
17 delivered a written statement that he or she does not
18 object to the issuance of a license under this subsection
19 (ss).

20 (tt) Notwithstanding any provision of this Section to the
21 contrary, nothing in this Section shall prohibit the issuance
22 or renewal of a license authorizing the sale of alcoholic
23 liquor at premises located within a municipality with a
24 population in excess of 1,000,000 inhabitants and within 100
25 feet of a church if:

26 (1) the sale of alcoholic liquor is not the principal

1 business carried on by the licensee at the premises;

2 (2) the sale of alcoholic liquor is incidental to the
3 sale of food;

4 (3) the sale of alcoholic liquor at the premises was
5 previously authorized by a package goods liquor license;

6 (4) the premises are at least 40,000 square feet with
7 25 parking spaces in the contiguous surface lot to the
8 north of the store and 93 parking spaces on the roof;

9 (5) the shortest distance between the lot line of the
10 parking lot of the premises and the exterior wall of the
11 church is at least 80 feet;

12 (6) the distance between the building in which the
13 church is located and the building in which the premises
14 are located is at least 180 feet;

15 (7) the main entrance to the church faces west and is
16 at least 257 feet from the main entrance of the premises;
17 and

18 (8) the applicant is the owner of 10 similar grocery
19 stores within the City of Chicago and the surrounding area
20 and has been in business for more than 30 years.

21 (uu) Notwithstanding any provision of this Section to the
22 contrary, nothing in this Section shall prohibit the issuance
23 or renewal of a license authorizing the sale of alcoholic
24 liquor at premises located within a municipality with a
25 population in excess of 1,000,000 inhabitants and within 100
26 feet of a church if:

1 (1) the sale of alcoholic liquor is not the principal
2 business carried on by the licensee at the premises;

3 (2) the sale of alcoholic liquor is incidental to the
4 operation of a grocery store;

5 (3) the premises are located in a building that is
6 approximately 68,000 square feet with 157 parking spaces on
7 property that was previously vacant land;

8 (4) the main entrance to the church faces west and is
9 at least 500 feet from the entrance of the premises, which
10 faces north;

11 (5) the church and the premises are separated by an
12 alley;

13 (6) the applicant is the owner of 9 similar grocery
14 stores in the City of Chicago and the surrounding area and
15 has been in business for more than 40 years; and

16 (7) the alderman of the ward in which the premises are
17 located has expressed, in writing, his or her support for
18 the issuance of the license.

19 (vv) Notwithstanding any provision of this Section to the
20 contrary, nothing in this Section shall prohibit the issuance
21 or renewal of a license authorizing the sale of alcoholic
22 liquor at premises located within a municipality with a
23 population in excess of 1,000,000 inhabitants and within 100
24 feet of a church if:

25 (1) the sale of alcoholic liquor is the principal
26 business carried on by the licensee at the premises;

1 (2) the sale of alcoholic liquor is primary to the sale
2 of food;

3 (3) the premises are located south of the church and on
4 perpendicular streets and are separated by a driveway;

5 (4) the primary entrance of the premises is at least
6 100 feet from the primary entrance of the church;

7 (5) the shortest distance between any part of the
8 premises and any part of the church is at least 15 feet;

9 (6) the premises are less than 100 feet from the church
10 center, but greater than 100 feet from the area within the
11 building where church services are held;

12 (7) the premises are 25,830 square feet and sit on a
13 lot that is 0.48 acres;

14 (8) the premises were once designated as a Korean
15 American Presbyterian Church and were once used as a
16 Masonic Temple;

17 (9) the premises were built in 1910;

18 (10) the alderman of the ward in which the premises are
19 located has expressed, in writing, his or her support for
20 the issuance of the license; and

21 (11) the principal religious leader of the church has
22 delivered a written statement that he or she does not
23 object to the issuance of a license under this subsection
24 (vv).

25 For the purposes of this subsection (vv), "premises" means
26 a place of business together with a privately owned outdoor

1 location that is adjacent to the place of business.

2 (ww) Notwithstanding any provision of this Section to the
3 contrary, nothing in this Section shall prohibit the issuance
4 or renewal of a license authorizing the sale of alcoholic
5 liquor at premises located within a municipality with a
6 population in excess of 1,000,000 inhabitants and within 100
7 feet of a school if:

8 (1) the school is located within Sub Area III of City
9 of Chicago Residential-Business Planned Development Number
10 523, as amended; and

11 (2) the premises are located within Sub Area I, Sub
12 Area II, or Sub Area IV of City of Chicago
13 Residential-Business Planned Development Number 523, as
14 amended.

15 (xx) Notwithstanding any provision of this Section to the
16 contrary, nothing in this Section shall prohibit the issuance
17 or renewal of a license authorizing the sale of alcoholic
18 liquor at premises located within a municipality with a
19 population in excess of 1,000,000 inhabitants and within 100
20 feet of a church if:

21 (1) the sale of wine or wine-related products is the
22 exclusive business carried on by the licensee at the
23 premises;

24 (2) the primary entrance of the premises and the
25 primary entrance of the church are at least 100 feet apart
26 and are located on different streets;

1 (3) the building in which the premises are located and
2 the building in which the church is located are separated
3 by an alley;

4 (4) the premises consists of less than 2,000 square
5 feet of floor area dedicated to the sale of wine or
6 wine-related products;

7 (5) the premises are located on the first floor of a
8 2-story building that is at least 99 years old and has a
9 residential unit on the second floor; and

10 (6) the principal religious leader at the church has
11 indicated his or her support for the issuance or renewal of
12 the license in writing.

13 (yy) Notwithstanding any provision of this Section to the
14 contrary, nothing in this Section shall prohibit the issuance
15 or renewal of a license authorizing the sale of alcoholic
16 liquor at premises located within a municipality with a
17 population in excess of 1,000,000 inhabitants and within 100
18 feet of a church if:

19 (1) the premises are a 27-story hotel containing 191
20 guest rooms;

21 (2) the sale of alcoholic liquor is not the principal
22 business carried on by the licensee at the premises and is
23 limited to a restaurant located on the first floor of the
24 hotel;

25 (3) the hotel is adjacent to the church;

26 (4) the site is zoned as DX-16;

1 (5) the principal religious leader of the church has
2 delivered a written statement that he or she does not
3 object to the issuance of a license under this subsection
4 (yy); and

5 (6) the alderman of the ward in which the premises are
6 located has expressed, in writing, his or her support for
7 the issuance of the license.

8 (zz) Notwithstanding any provision of this Section to the
9 contrary, nothing in this Section shall prohibit the issuance
10 or renewal of a license authorizing the sale of alcoholic
11 liquor at premises located within a municipality with a
12 population in excess of 1,000,000 inhabitants and within 100
13 feet of a church if:

14 (1) the premises are a 15-story hotel containing 143
15 guest rooms;

16 (2) the premises are approximately 85,691 square feet;

17 (3) a restaurant is operated on the premises;

18 (4) the restaurant is located in the first floor lobby
19 of the hotel;

20 (5) the sale of alcoholic liquor is not the principal
21 business carried on by the licensee at the premises;

22 (6) the hotel is located approximately 50 feet from the
23 church and is separated from the church by a public street
24 on the ground level and by air space on the upper level,
25 which is where the public entrances are located;

26 (7) the site is zoned as DX-16;

1 (8) the principal religious leader of the church has
2 delivered a written statement that he or she does not
3 object to the issuance of a license under this subsection
4 (zz); and

5 (9) the alderman of the ward in which the premises are
6 located has expressed, in writing, his or her support for
7 the issuance of the license.

8 (aaa) Notwithstanding any provision in this Section to the
9 contrary, nothing in this Section shall prohibit the issuance
10 or renewal of a license authorizing the sale of alcoholic
11 liquor within a full-service grocery store at premises located
12 within a municipality with a population in excess of 1,000,000
13 inhabitants and within 100 feet of a school if:

14 (1) the sale of alcoholic liquor is not the primary
15 business activity of the grocery store;

16 (2) the premises are newly constructed on land that was
17 formerly used by the Young Men's Christian Association;

18 (3) the grocery store is located within a planned
19 development that was approved by the municipality in 2007;

20 (4) the premises are located in a multi-building,
21 mixed-use complex;

22 (5) the entrance to the grocery store is located more
23 than 200 feet from the entrance to the school;

24 (6) the entrance to the grocery store is located across
25 the street from the back of the school building, which is
26 not used for student or public access;

1 (7) the grocery store executed a binding lease for the
2 property in 2008;

3 (8) the premises consist of 2 levels and occupy more
4 than 80,000 square feet;

5 (9) the owner and operator of the grocery store
6 operates at least 10 other grocery stores that have
7 alcoholic liquor licenses within the same municipality;
8 and

9 (10) the director of the school has expressed, in
10 writing, his or her support for the issuance of the
11 license.

12 (bbb) Notwithstanding any provision of this Section to the
13 contrary, nothing in this Section shall prohibit the issuance
14 or renewal of a license authorizing the sale of alcoholic
15 liquor at premises located within a municipality with a
16 population in excess of 1,000,000 inhabitants and within 100
17 feet of a church if:

18 (1) the sale of alcoholic liquor at the premises is
19 incidental to the sale of food;

20 (2) the premises are located in a single-story building
21 of primarily brick construction containing at least 6
22 commercial units constructed before 1940;

23 (3) the premises are located in a B3-2 zoning district;

24 (4) the premises are less than 4,000 square feet;

25 (5) the church established its congregation in 1891 and
26 completed construction of the church building in 1990;

1 (6) the premises are located south of the church;

2 (7) the premises and church are located on the same
3 street and are separated by a one-way westbound street; and

4 (8) the principal religious leader of the church has
5 not indicated his or her opposition to the issuance or
6 renewal of the license in writing.

7 (ccc) Notwithstanding any provision of this Section to the
8 contrary, nothing in this Section shall prohibit the issuance
9 or renewal of a license authorizing the sale of alcoholic
10 liquor within a full-service grocery store at premises located
11 within a municipality with a population in excess of 1,000,000
12 inhabitants and within 100 feet of a church and school if:

13 (1) as of March 14, 2007, the premises are located in a
14 City of Chicago Residential-Business Planned Development
15 No. 1052;

16 (2) the sale of alcoholic liquor is not the principal
17 business carried on by the licensee at the premises;

18 (3) the sale of alcoholic liquor is incidental to the
19 operation of a grocery store and comprises no more than 10%
20 of the total in-store sales;

21 (4) the owner and operator of the grocery store
22 operates at least 10 other grocery stores that have
23 alcoholic liquor licenses within the same municipality;

24 (5) the premises are new construction when the license
25 is first issued;

26 (6) the constructed premises are to be no less than

1 50,000 square feet;

2 (7) the school is a private church-affiliated school;

3 (8) the premises and the property containing the church
4 and church-affiliated school are located on perpendicular
5 streets and the school and church are adjacent to one
6 another;

7 (9) the pastor of the church and school has expressed,
8 in writing, support for the issuance of the license; and

9 (10) the alderman of the ward in which the premises are
10 located has expressed, in writing, his or her support for
11 the issuance of the license.

12 (ddd) Notwithstanding any provision of this Section to the
13 contrary, nothing in this Section shall prohibit the issuance
14 or renewal of a license authorizing the sale of alcoholic
15 liquor at premises located within a municipality with a
16 population in excess of 1,000,000 inhabitants and within 100
17 feet of a church or school if:

18 (1) the business has been issued a license from the
19 municipality to allow the business to operate a theater on
20 the premises;

21 (2) the theater has less than 200 seats;

22 (3) the premises are approximately 2,700 to 3,100
23 square feet of space;

24 (4) the premises are located to the north of the
25 church;

26 (5) the primary entrance of the premises and the

1 primary entrance of any church within 100 feet of the
2 premises are located either on a different street or across
3 a right-of-way from the premises;

4 (6) the primary entrance of the premises and the
5 primary entrance of any school within 100 feet of the
6 premises are located either on a different street or across
7 a right-of-way from the premises;

8 (7) the premises are located in a building that is at
9 least 100 years old; and

10 (8) any church or school located within 100 feet of the
11 premises has indicated its support for the issuance or
12 renewal of the license to the premises in writing.

13 (eee) Notwithstanding any provision of this Section to the
14 contrary, nothing in this Section shall prohibit the issuance
15 or renewal of a license authorizing the sale of alcoholic
16 liquor at premises located within a municipality with a
17 population in excess of 1,000,000 inhabitants and within 100
18 feet of a church and school if:

19 (1) the sale of alcoholic liquor is incidental to the
20 sale of food;

21 (2) the sale of alcoholic liquor is not the principal
22 business carried on by the applicant on the premises;

23 (3) a family-owned restaurant has operated on the
24 premises since 1957;

25 (4) the premises occupy the first floor of a 3-story
26 building that is at least 90 years old;

1 (5) the distance between the property line of the
2 premises and the property line of the church is at least 20
3 feet;

4 (6) the church was established at its current location
5 and the present structure was erected before 1900;

6 (7) the primary entrance of the premises is at least 75
7 feet from the primary entrance of the church;

8 (8) the school is affiliated with the church;

9 (9) the principal religious leader at the place of
10 worship has indicated his or her support for the issuance
11 of the license in writing;

12 (10) the principal of the school has indicated in
13 writing that he or she is not opposed to the issuance of
14 the license; and

15 (11) the alderman of the ward in which the premises are
16 located has expressed, in writing, his or her lack of an
17 objection to the issuance of the license.

18 (ff) Notwithstanding any provision of this Section to the
19 contrary, nothing in this Section shall prohibit the issuance
20 or renewal of a license authorizing the sale of alcoholic
21 liquor at premises located within a municipality with a
22 population in excess of 1,000,000 inhabitants and within 100
23 feet of a church if:

24 (1) the sale of alcoholic liquor is not the principal
25 business carried on by the licensee at the premises;

26 (2) the sale of alcoholic liquor at the premises is

1 incidental to the operation of a grocery store;

2 (3) the premises are a one-story building containing
3 approximately 10,000 square feet and are rented by the
4 owners of the grocery store;

5 (4) the sale of alcoholic liquor at the premises occurs
6 in a retail area of the grocery store that is approximately
7 3,500 square feet;

8 (5) the grocery store has operated at the location
9 since 1984;

10 (6) the grocery store is closed on Sundays;

11 (7) the property on which the premises are located is a
12 corner lot that is bound by 3 streets and an alley, where
13 one street is a one-way street that runs north-south, one
14 street runs east-west, and one street runs
15 northwest-southeast;

16 (8) the property line of the premises is approximately
17 16 feet from the property line of the building where the
18 church is located;

19 (9) the premises are separated from the building
20 containing the church by a public alley;

21 (10) the primary entrance of the premises and the
22 primary entrance of the church are at least 100 feet apart;

23 (11) representatives of the church have delivered a
24 written statement that the church does not object to the
25 issuance of a license under this subsection (fff); and

26 (12) the alderman of the ward in which the grocery

1 store is located has expressed, in writing, his or her
2 support for the issuance of the license.

3 (ggg) Notwithstanding any provision of this Section to the
4 contrary, nothing in this Section shall prohibit the issuance
5 or renewal of licenses authorizing the sale of alcoholic liquor
6 within a restaurant or lobby coffee house at premises located
7 within a municipality with a population in excess of 1,000,000
8 inhabitants and within 100 feet of a church and school if:

9 (1) a residential retirement home formerly operated on
10 the premises and the premises are being converted into a
11 new apartment living complex containing studio and
12 one-bedroom apartments with ground floor retail space;

13 (2) the restaurant and lobby coffee house are located
14 within a Community Shopping District within the
15 municipality;

16 (3) the premises are located in a single-building,
17 mixed-use complex that, in addition to the restaurant and
18 lobby coffee house, contains apartment residences, a
19 fitness center for the residents of the apartment building,
20 a lobby designed as a social center for the residents, a
21 rooftop deck, and a patio with a dog run for the exclusive
22 use of the residents;

23 (4) the sale of alcoholic liquor is not the primary
24 business activity of the apartment complex, restaurant, or
25 lobby coffee house;

26 (5) the entrance to the apartment residence is more

1 than 310 feet from the entrance to the school and church;

2 (6) the entrance to the apartment residence is located
3 at the end of the block around the corner from the south
4 side of the school building;

5 (7) the school is affiliated with the church;

6 (8) the pastor of the parish, principal of the school,
7 and the titleholder to the church and school have given
8 written consent to the issuance of the license;

9 (9) the alderman of the ward in which the premises are
10 located has given written consent to the issuance of the
11 license; and

12 (10) the neighborhood block club has given written
13 consent to the issuance of the license.

14 (hhh) Notwithstanding any provision of this Section to the
15 contrary, nothing in this Section shall prohibit the issuance
16 or renewal of a license to sell alcoholic liquor at premises
17 located within a municipality with a population in excess of
18 1,000,000 inhabitants and within 100 feet of a home for
19 indigent persons or a church if:

20 (1) a restaurant operates on the premises and has been
21 in operation since January of 2014;

22 (2) the sale of alcoholic liquor is incidental to the
23 sale of food;

24 (3) the sale of alcoholic liquor is not the principal
25 business carried on by the licensee on the premises;

26 (4) the premises occupy the first floor of a 3-story

1 building that is at least 100 years old;

2 (5) the primary entrance to the premises is more than
3 100 feet from the primary entrance to the home for indigent
4 persons, which opened in 1989 and is operated to address
5 homelessness and provide shelter;

6 (6) the primary entrance to the premises and the
7 primary entrance to the home for indigent persons are
8 located on different streets;

9 (7) the executive director of the home for indigent
10 persons has given written consent to the issuance of the
11 license;

12 (8) the entrance to the premises is located within 100
13 feet of a Buddhist temple;

14 (9) the entrance to the premises is more than 100 feet
15 from where any worship or educational programming is
16 conducted by the Buddhist temple and is located in an area
17 used only for other purposes; and

18 (10) the president and the board of directors of the
19 Buddhist temple have given written consent to the issuance
20 of the license.

21 (iii) Notwithstanding any provision of this Section to the
22 contrary, nothing in this Section shall prohibit the issuance
23 or renewal of a license authorizing the sale of alcoholic
24 liquor at premises located within a municipality in excess of
25 1,000,000 inhabitants and within 100 feet of a home for the
26 aged if:

1 (1) the sale of alcoholic liquor is not the principal
2 business carried on by the licensee on the premises;

3 (2) the sale of alcoholic liquor at the premises is
4 incidental to the operation of a restaurant;

5 (3) the premises are on the ground floor of a
6 multi-floor, university-affiliated housing facility;

7 (4) the premises occupy 1,916 square feet of space,
8 with the total square footage from which liquor will be
9 sold, served, and consumed to be 900 square feet;

10 (5) the premises are separated from the home for the
11 aged by an alley;

12 (6) the primary entrance to the premises and the
13 primary entrance to the home for the aged are at least 500
14 feet apart and located on different streets;

15 (7) representatives of the home for the aged have
16 expressed, in writing, that the home does not object to the
17 issuance of a license under this subsection; and

18 (8) the alderman of the ward in which the restaurant is
19 located has expressed, in writing, his or her support for
20 the issuance of the license.

21 (jjj) Notwithstanding any provision of this Section to the
22 contrary, nothing in this Section shall prohibit the issuance
23 or renewal of a license authorizing the sale of alcoholic
24 liquor at premises located within a municipality with a
25 population in excess of 1,000,000 inhabitants and within 100
26 feet of a school if:

1 (1) as of January 1, 2016, the premises were used for
2 the sale of alcoholic liquor for consumption on the
3 premises and were authorized to do so pursuant to a retail
4 tavern license held by an individual as the sole proprietor
5 of the premises;

6 (2) the primary entrance to the school and the primary
7 entrance to the premises are on the same street;

8 (3) the school was founded in 1949;

9 (4) the building in which the premises are situated was
10 constructed before 1930;

11 (5) the building in which the premises are situated is
12 immediately across the street from the school; and

13 (6) the school has not indicated its opposition to the
14 issuance or renewal of the license in writing.

15 (kkk) (Blank).

16 (111) Notwithstanding any provision of this Section to the
17 contrary, nothing in this Section shall prohibit the issuance
18 or renewal of a license authorizing the sale of alcoholic
19 liquor at premises located within a municipality with a
20 population in excess of 1,000,000 inhabitants and within 100
21 feet of a synagogue or school if:

22 (1) the sale of alcoholic liquor at the premises is
23 incidental to the sale of food;

24 (2) the sale of alcoholic liquor is not the principal
25 business carried on by the licensee at the premises;

26 (3) the premises are located on the same street on

1 which the synagogue or school is located;

2 (4) the primary entrance to the premises and the
3 closest entrance to the synagogue or school is at least 100
4 feet apart;

5 (5) the shortest distance between the premises and the
6 synagogue or school is at least 65 feet apart and no
7 greater than 70 feet apart;

8 (6) the premises are between 1,800 and 2,000 square
9 feet;

10 (7) the synagogue was founded in 1861; and

11 (8) the leader of the synagogue has indicated, in
12 writing, the synagogue's support for the issuance or
13 renewal of the license.

14 (mmm) Notwithstanding any provision of this Section to the
15 contrary, nothing in this Section shall prohibit the issuance
16 or renewal of licenses authorizing the sale of alcoholic liquor
17 within a restaurant or lobby coffee house at premises located
18 within a municipality with a population in excess of 1,000,000
19 inhabitants and within 100 feet of a church if:

20 (1) the sale of alcoholic liquor is not the principal
21 business carried on by the licensee at the premises;

22 (2) the sale of alcoholic liquor at the premises is
23 incidental to the sale of food in a restaurant;

24 (3) the restaurant has been run by the same family for
25 at least 19 consecutive years;

26 (4) the premises are located in a 3-story building in

1 the most easterly part of the first floor;

2 (5) the building in which the premises are located has
3 residential housing on the second and third floors;

4 (6) the primary entrance to the premises is on a
5 north-south street around the corner and across an alley
6 from the primary entrance to the church, which is on an
7 east-west street;

8 (7) the primary entrance to the church and the primary
9 entrance to the premises are more than 160 feet apart; and

10 (8) the church has expressed, in writing, its support
11 for the issuance of a license under this subsection.

12 (nnn) Notwithstanding any provision of this Section to the
13 contrary, nothing in this Section shall prohibit the issuance
14 or renewal of licenses authorizing the sale of alcoholic liquor
15 within a restaurant or lobby coffee house at premises located
16 within a municipality with a population in excess of 1,000,000
17 inhabitants and within 100 feet of a school and church or
18 synagogue if:

19 (1) the sale of alcoholic liquor is not the principal
20 business carried on by the licensee at the premises;

21 (2) the sale of alcoholic liquor at the premises is
22 incidental to the sale of food in a restaurant;

23 (3) the front door of the synagogue faces east on the
24 next north-south street east of and parallel to the
25 north-south street on which the restaurant is located where
26 the restaurant's front door faces west;

1 (4) the closest exterior pedestrian entrance that
2 leads to the school or the synagogue is across an east-west
3 street and at least 300 feet from the primary entrance to
4 the restaurant;

5 (5) the nearest church-related or school-related
6 building is a community center building;

7 (6) the restaurant is on the ground floor of a 3-story
8 building constructed in 1896 with a brick façade;

9 (7) the restaurant shares the ground floor with a
10 theater, and the second and third floors of the building in
11 which the restaurant is located consists of residential
12 housing;

13 (8) the leader of the synagogue and school has
14 expressed, in writing, that the synagogue does not object
15 to the issuance of a license under this subsection; and

16 (9) the alderman of the ward in which the premises is
17 located has expressed, in writing, his or her support for
18 the issuance of the license.

19 (ooo) Notwithstanding any provision of this Section to the
20 contrary, nothing in this Section shall prohibit the issuance
21 or renewal of a license authorizing the sale of alcoholic
22 liquor at premises located within a municipality with a
23 population in excess of 2,000 but less than 5,000 inhabitants
24 in a county with a population in excess of 3,000,000 and within
25 100 feet of a home for the aged if:

26 (1) as of March 1, 2016, the premises were used to sell

1 alcohol pursuant to a retail tavern and packaged goods
2 license issued by the municipality and held by a limited
3 liability company as the proprietor of the premises;

4 (2) the home for the aged was completed in 2015;

5 (3) the home for the aged is a 5-story structure;

6 (4) the building in which the premises are situated is
7 directly adjacent to the home for the aged;

8 (5) the building in which the premises are situated was
9 constructed before 1950;

10 (6) the home for the aged has not indicated its
11 opposition to the issuance or renewal of the license; and

12 (7) the president of the municipality has expressed in
13 writing that he or she does not object to the issuance or
14 renewal of the license.

15 (ppp) Notwithstanding any provision of this Section to the
16 contrary, nothing in this Section shall prohibit the issuance
17 or renewal of a license authorizing the sale of alcoholic
18 liquor at premises located within a municipality with a
19 population in excess of 1,000,000 inhabitants and within 100
20 feet of a church or churches if:

21 (1) the shortest distance between the premises and a
22 church is at least 78 feet apart and no greater than 95
23 feet apart;

24 (2) the premises are a single-story, brick commercial
25 building and between 3,600 to 4,000 square feet and the
26 original building was built before 1922;

1 (3) the premises are located in a B3-2 zoning district;

2 (4) the premises are separated from the buildings
3 containing the churches by a street;

4 (5) the previous owners of the business located on the
5 premises held a liquor license for at least 10 years;

6 (6) the new owner of the business located on the
7 premises has managed 2 other food and liquor stores since
8 1997;

9 (7) the principal religious leaders at the places of
10 worship have indicated their support for the issuance or
11 renewal of the license in writing; and

12 (8) the alderman of the ward in which the premises are
13 located has indicated his or her support for the issuance
14 or renewal of the license in writing.

15 (qqq) Notwithstanding any provision of this Section to the
16 contrary, nothing in this Section shall prohibit the issuance
17 or renewal of a license authorizing the sale of alcoholic
18 liquor at premises located within a municipality with a
19 population in excess of 1,000,000 inhabitants and within 100
20 feet of a church if:

21 (1) the sale of alcoholic liquor at the premises is
22 incidental to the sale of food;

23 (2) the sale of alcoholic liquor is not the principal
24 business carried on by the licensee at the premises;

25 (3) the premises are located on the opposite side of
26 the same street on which the church is located;

1 (4) the church is located on a corner lot;

2 (5) the shortest distance between the premises and the
3 church is at least 90 feet apart and no greater than 95
4 feet apart;

5 (6) the premises are at least 3,000 but no more than
6 5,000 square feet;

7 (7) the church's original chapel was built in 1858;

8 (8) the church's first congregation was organized in
9 1860; and

10 (9) the leaders of the church and the alderman of the
11 ward in which the premises are located has expressed, in
12 writing, their support for the issuance of the license.

13 (rrr) Notwithstanding any provision of this Section to the
14 contrary, nothing in this Section shall prohibit the issuance
15 or renewal of a license authorizing the sale of alcoholic
16 liquor at a restaurant or banquet facility established within
17 premises located within a municipality with a population in
18 excess of 1,000,000 inhabitants and within 100 feet of a church
19 or school if:

20 (1) the sale of alcoholic liquor at the premises is
21 incidental to the sale of food;

22 (2) the sale of alcoholic liquor is not the principal
23 business carried on by the licensee at the premises;

24 (3) the immediately prior owner or the operator of the
25 restaurant or banquet facility held a valid retail license
26 authorizing the sale of alcoholic liquor at the premises

1 for at least part of the 24 months before a change of
2 ownership;

3 (4) the premises are located immediately east and
4 across the street from an elementary school;

5 (5) the premises and elementary school are part of an
6 approximately 100-acre campus owned by the church;

7 (6) the school opened in 1999 and was named after the
8 founder of the church; and

9 (7) the alderman of the ward in which the premises are
10 located has expressed, in writing, his or her support for
11 the issuance of the license.

12 (sss) Notwithstanding any provision of this Section to the
13 contrary, nothing in this Section shall prohibit the issuance
14 or renewal of a license authorizing the sale of alcoholic
15 liquor at premises located within a municipality with a
16 population in excess of 1,000,000 inhabitants and within 100
17 feet of a church or school if:

18 (1) the premises are at least 5,300 square feet and
19 located in a building that was built prior to 1940;

20 (2) the shortest distance between the property line of
21 the premises and the exterior wall of the building in which
22 the church is located is at least 109 feet;

23 (3) the distance between the building in which the
24 church is located and the building in which the premises
25 are located is at least 118 feet;

26 (4) the main entrance to the church faces west and is

1 at least 602 feet from the main entrance of the premises;

2 (5) the shortest distance between the property line of
3 the premises and the property line of the school is at
4 least 177 feet;

5 (6) the applicant has been in business for more than 10
6 years;

7 (7) the principal religious leader of the church has
8 indicated his or her support for the issuance or renewal of
9 the license in writing;

10 (8) the principal of the school has indicated in
11 writing that he or she is not opposed to the issuance of
12 the license; and

13 (9) the alderman of the ward in which the premises are
14 located has expressed, in writing, his or her support for
15 the issuance of the license.

16 (ttt) Notwithstanding any provision of this Section to the
17 contrary, nothing in this Section shall prohibit the issuance
18 or renewal of a license authorizing the sale of alcoholic
19 liquor at premises located within a municipality with a
20 population in excess of 1,000,000 inhabitants and within 100
21 feet of a church or school if:

22 (1) the premises are at least 59,000 square feet and
23 located in a building that was built prior to 1940;

24 (2) the shortest distance between the west property
25 line of the premises and the exterior wall of the church is
26 at least 99 feet;

1 (3) the distance between the building in which the
2 church is located and the building in which the premises
3 are located is at least 102 feet;

4 (4) the main entrance to the church faces west and is
5 at least 457 feet from the main entrance of the premises;

6 (5) the shortest distance between the property line of
7 the premises and the property line of the school is at
8 least 66 feet;

9 (6) the applicant has been in business for more than 10
10 years;

11 (7) the principal religious leader of the church has
12 indicated his or her support for the issuance or renewal of
13 the license in writing;

14 (8) the principal of the school has indicated in
15 writing that he or she is not opposed to the issuance of
16 the license; and

17 (9) the alderman of the ward in which the premises are
18 located has expressed, in writing, his or her support for
19 the issuance of the license.

20 (uuu) Notwithstanding any provision of this Section to the
21 contrary, nothing in this Section shall prohibit the issuance
22 or renewal of a license authorizing the sale of alcoholic
23 liquor at premises located within a municipality with a
24 population in excess of 1,000,000 inhabitants and within 100
25 feet of a place of worship if:

26 (1) the sale of liquor is incidental to the sale of

1 food;

2 (2) the premises are at least 7,100 square feet;

3 (3) the shortest distance between the north property
4 line of the premises and the nearest exterior wall of the
5 place of worship is at least 86 feet;

6 (4) the main entrance to the place of worship faces
7 north and is more than 150 feet from the main entrance of
8 the premises;

9 (5) the applicant has been in business for more than 20
10 years at the location;

11 (6) the principal religious leader of the place of
12 worship has indicated his or her support for the issuance
13 or renewal of the license in writing; and

14 (7) the alderman of the ward in which the premises are
15 located has expressed, in writing, his or her support for
16 the issuance of the license.

17 (vvv) Notwithstanding any provision of this Section to the
18 contrary, nothing in this Section shall prohibit the issuance
19 or renewal of a license authorizing the sale of alcoholic
20 liquor at premises located within a municipality with a
21 population in excess of 1,000,000 inhabitants and within 100
22 feet of 2 churches if:

23 (1) as of January 1, 2015, the premises were used for
24 the sale of alcoholic liquor for consumption on the
25 premises and the sale was authorized pursuant to a retail
26 tavern license held by an individual as the sole proprietor

1 of the premises;

2 (2) a primary entrance of the church situated to the
3 south of the premises is located on a street running
4 perpendicular to the street upon which a primary entrance
5 of the premises is situated;

6 (3) the church located to the south of the premises is
7 a 3-story structure that was constructed in 2006;

8 (4) a parking lot separates the premises from the
9 church located to the south of the premises;

10 (5) the building in which the premises are situated was
11 constructed before 1930;

12 (6) the building in which the premises are situated is
13 a 2-story, mixed-use commercial and residential structure
14 containing more than 20,000 total square feet and
15 containing at least 7 residential units on the second floor
16 and 3 commercial units on the first floor;

17 (7) the building in which the premises are situated is
18 immediately adjacent to the church located to the north of
19 the premises;

20 (8) the primary entrance of the church located to the
21 north of the premises and the primary entrance of the
22 premises are located on the same street;

23 (9) the churches have not indicated their opposition to
24 the issuance or renewal of the license in writing; and

25 (10) the alderman of the ward in which the premises are
26 located has expressed, in writing, his or her support for

1 the issuance of the license.

2 (www) Notwithstanding any provision of this Section to the
3 contrary, nothing in this Section shall prohibit the issuance
4 or renewal of licenses authorizing the sale of alcoholic liquor
5 within a restaurant at premises located within a municipality
6 with a population in excess of 1,000,000 inhabitants and within
7 100 feet of a school if:

8 (1) the sale of alcoholic liquor is incidental to the
9 sale of food and is not the principal business of the
10 restaurant;

11 (2) the building in which the restaurant is located was
12 constructed in 1909 and is a 2-story structure;

13 (3) the restaurant has been operating continuously
14 since 1962, has been located at the existing premises since
15 1989, and has been owned and operated by the same family,
16 which also operates a deli in a building located
17 immediately to the east and adjacent and connected to the
18 restaurant;

19 (4) the entrance to the restaurant is more than 200
20 feet from the entrance to the school;

21 (5) the building in which the restaurant is located and
22 the building in which the school is located are separated
23 by a traffic-congested major street;

24 (6) the building in which the restaurant is located
25 faces a public park located to the east of the school,
26 cannot be seen from the windows of the school, and is not

1 directly across the street from the school;

2 (7) the school building is located 2 blocks from a
3 major private university;

4 (8) the school is a public school that has
5 pre-kindergarten through eighth grade classes, is an open
6 enrollment school, and has a preschool program that has
7 earned a Gold Circle of Quality award;

8 (9) the local school council has given written consent
9 for the issuance of the liquor license; and

10 (10) the alderman of the ward in which the premises are
11 located has given written consent for the issuance of the
12 liquor license.

13 (xxx) (Blank).

14 (yyy) Notwithstanding any provision in this Section to the
15 contrary, nothing in this Section shall prohibit the issuance
16 or renewal of a license authorizing the sale of alcoholic
17 liquor at a store that is located within a municipality with a
18 population in excess of 1,000,000 inhabitants and within 100
19 feet of a church if:

20 (1) the premises are primarily used for the sale of
21 alcoholic liquor;

22 (2) on January 1, 2017, the store was authorized to
23 sell alcoholic liquor pursuant to a package goods liquor
24 license;

25 (3) on January 1, 2017, the store occupied
26 approximately 5,560 square feet and will be expanded to

1 include 440 additional square feet for the purpose of
2 storage;

3 (4) the store was in existence before the church;

4 (5) the building in which the store is located was
5 built in 1956 and is immediately south of the church;

6 (6) the store and church are separated by an east-west
7 street;

8 (7) the owner of the store received his first liquor
9 license in 1986;

10 (8) the church has not indicated its opposition to the
11 issuance or renewal of the license in writing; and

12 (9) the alderman of the ward in which the store is
13 located has expressed his or her support for the issuance
14 or renewal of the license.

15 (zzz) Notwithstanding any provision of this Section to the
16 contrary, nothing in this Section shall prohibit the issuance
17 or renewal of a license authorizing the sale of alcoholic
18 liquor at premises located within a municipality with a
19 population in excess of 1,000,000 inhabitants and within 100
20 feet of a church if:

21 (1) the premises are approximately 2,800 square feet
22 with east frontage on South Allport Street and north
23 frontage on West 18th Street in the City of Chicago;

24 (2) the shortest distance between the north property
25 line of the premises and the nearest exterior wall of the
26 church is 95 feet;

1 (3) the main entrance to the church is on West 18th
2 Street, faces south, and is more than 100 feet from the
3 main entrance to the premises;

4 (4) the sale of alcoholic liquor is incidental to the
5 sale of food in a restaurant;

6 (5) the principal religious leader of the church has
7 not indicated his or her opposition to the issuance or
8 renewal of the license in writing; and

9 (6) the alderman of the ward in which the premises are
10 located has indicated his or her support for the issuance
11 or renewal of the license in writing.

12 (aaaa) Notwithstanding any provision of this Section to the
13 contrary, nothing in this Section shall prohibit the issuance
14 or renewal of a license authorizing the sale of alcoholic
15 liquor at premises located within a municipality with a
16 population in excess of 1,000,000 inhabitants and within 100
17 feet of a church if:

18 (1) the shortest distance between the premises and the
19 church is at least 65 feet apart and no greater than 70
20 feet apart;

21 (2) the premises are located on the ground floor of a
22 freestanding, 3-story building of brick construction with
23 2 stories of residential apartments above the premises;

24 (3) the premises are approximately 2,557 square feet;

25 (4) the premises and the church are located on opposite
26 corners and are separated by sidewalks and a street;

1 (5) the sale of alcohol is not the principal business
2 carried on by the licensee at the premises;

3 (6) the pastor of the church has not indicated his or
4 her opposition to the issuance or renewal of the license in
5 writing; and

6 (7) the alderman of the ward in which the premises are
7 located has not indicated his or her opposition to the
8 issuance or renewal of the license in writing.

9 (bbbb) Notwithstanding any other provision of this Section
10 to the contrary, nothing in this Section shall prohibit the
11 issuance or renewal of a license authorizing the sale of
12 alcoholic liquor at premises or an outdoor location at the
13 premises located within a municipality with a population in
14 excess of 1,000,000 inhabitants and that are within 100 feet of
15 a church or school if:

16 (1) the church was a Catholic cathedral on January 1,
17 2018;

18 (2) the church has been in existence for at least 150
19 years;

20 (3) the school is affiliated with the church;

21 (4) the premises are bordered by State Street on the
22 east, Superior Street on the south, Dearborn Street on the
23 west, and Chicago Avenue on the north;

24 (5) the premises are located within 2 miles of Lake
25 Michigan and the Chicago River;

26 (6) the premises are located in and adjacent to a

1 building for which construction commenced after January 1,
2 2018;

3 (7) the alderman who represents the district in which
4 the premises are located has written a letter of support
5 for the issuance of a license; and

6 (8) the principal religious leader of the church and
7 the principal of the school have both signed a letter of
8 support for the issuance of a license.

9 (cccc) Notwithstanding any other provision of this Section
10 to the contrary, nothing in this Section shall prohibit the
11 issuance or renewal of a license authorizing the sale of
12 alcoholic liquor within a restaurant at premises located within
13 a municipality with a population in excess of 1,000,000
14 inhabitants and within 100 feet of a school if:

15 (1) the sale of alcoholic liquor is incidental to the
16 sale of food and is not the principal business of the
17 restaurant;

18 (2) the building in which the restaurant is located was
19 constructed in 1912 and is a 3-story structure;

20 (3) the restaurant has been in operation since 2015 and
21 its entrance faces North Western Avenue;

22 (4) the entrance to the school faces West Augusta
23 Boulevard;

24 (5) the entrance to the restaurant is more than 100
25 feet from the entrance to the school;

26 (6) the school is a Catholic school affiliated with the

1 nearby Catholic Parish church;

2 (7) the building in which the restaurant is located and
3 the building in which the school is located are separated
4 by an alley;

5 (8) the principal of the school has not indicated his
6 or her opposition to the issuance or renewal of the license
7 in writing; and

8 (9) the alderman of the ward in which the restaurant is
9 located has expressed his or her support for the issuance
10 or renewal of the license.

11 (dddd) Notwithstanding any provision of this Section to the
12 contrary, nothing in this Section shall prohibit the issuance
13 or renewal of a license authorizing the sale of alcoholic
14 liquor at premises located within a municipality with a
15 population in excess of 1,000,000 inhabitants and within 100
16 feet of a school if:

17 (1) the premises are approximately 6,250 square feet
18 with south frontage on Bryn Mawr Avenue and north frontage
19 on the alley 125 feet north of Bryn Mawr Avenue in the City
20 of Chicago;

21 (2) the shortest distance between the south property
22 line of the premises and the nearest exterior wall of the
23 school is 248 feet;

24 (3) the main entrance to the school is on Christiana
25 Avenue, faces east, and is more than 100 feet from the main
26 entrance to the premises;

1 (4) the sale of alcoholic liquor is incidental to the
2 sale of food in a restaurant;

3 (5) the principal of the school has not indicated his
4 or her opposition to the issuance or renewal of the license
5 in writing; and

6 (6) the alderman of the ward in which the premises are
7 located has indicated his or her support for the issuance
8 or renewal of the license in writing.

9 (eee) Notwithstanding any provision of this Section to the
10 contrary, nothing in this Section shall prohibit the issuance
11 or renewal of a license authorizing the sale of alcoholic
12 liquor at premises located within a municipality with a
13 population in excess of 1,000,000 inhabitants and within 100
14 feet of a school if:

15 (1) the premises are approximately 2,300 square feet
16 with south frontage on 53rd Street in the City of Chicago
17 and the eastern property line of the premises abuts a
18 private alleyway;

19 (2) the shortest distance between the south property
20 line of the premises and the nearest exterior wall of the
21 school is approximately 187 feet;

22 (3) the main entrance to the school is on Cornell
23 Avenue, faces west, and is more than 100 feet from the main
24 entrance to the premises;

25 (4) the sale of alcoholic liquor is incidental to the
26 sale of food in a restaurant;

1 (5) the principal of the school has not indicated his
2 or her opposition to the issuance or renewal of the license
3 in writing; and

4 (6) the alderman of the ward in which the premises are
5 located has indicated his or her support for the issuance
6 or renewal of the license in writing.

7 (Source: P.A. 99-46, eff. 7-15-15; 99-47, eff. 7-15-15; 99-477,
8 eff. 8-27-15; 99-484, eff. 10-30-15; 99-558, eff. 7-15-16;
9 99-642, eff. 7-28-16; 99-936, eff. 2-24-17; 100-36, eff.
10 8-4-17; 100-38, eff. 8-4-17; 100-201, eff. 8-18-17; 100-579,
11 eff. 2-13-18; 100-663, eff. 8-2-18; 100-863, eff. 8-14-18;
12 100-1036, eff. 8-22-18; revised 10-24-18.)

13 Section 565. The Illinois Public Aid Code is amended by
14 changing Sections 5-4.2, 5-5.02, 5-5.25, 5-16.8, 5A-15, 9A-11,
15 12-4.51, and 14-12 and by setting forth, renumbering, and
16 changing multiple versions of Sections 5-30.6 and 5-30.8 as
17 follows:

18 (305 ILCS 5/5-4.2) (from Ch. 23, par. 5-4.2)

19 Sec. 5-4.2. Ambulance services payments.

20 (a) For ambulance services provided to a recipient of aid
21 under this Article on or after January 1, 1993, the Illinois
22 Department shall reimburse ambulance service providers at
23 rates calculated in accordance with this Section. It is the
24 intent of the General Assembly to provide adequate

1 reimbursement for ambulance services so as to ensure adequate
2 access to services for recipients of aid under this Article and
3 to provide appropriate incentives to ambulance service
4 providers to provide services in an efficient and
5 cost-effective manner. Thus, it is the intent of the General
6 Assembly that the Illinois Department implement a
7 reimbursement system for ambulance services that, to the extent
8 practicable and subject to the availability of funds
9 appropriated by the General Assembly for this purpose, is
10 consistent with the payment principles of Medicare. To ensure
11 uniformity between the payment principles of Medicare and
12 Medicaid, the Illinois Department shall follow, to the extent
13 necessary and practicable and subject to the availability of
14 funds appropriated by the General Assembly for this purpose,
15 the statutes, laws, regulations, policies, procedures,
16 principles, definitions, guidelines, and manuals used to
17 determine the amounts paid to ambulance service providers under
18 Title XVIII of the Social Security Act (Medicare).

19 (b) For ambulance services provided to a recipient of aid
20 under this Article on or after January 1, 1996, the Illinois
21 Department shall reimburse ambulance service providers based
22 upon the actual distance traveled if a natural disaster,
23 weather conditions, road repairs, or traffic congestion
24 necessitates the use of a route other than the most direct
25 route.

26 (c) For purposes of this Section, "ambulance services"

1 includes medical transportation services provided by means of
2 an ambulance, medi-car, service car, or taxi.

3 (c-1) For purposes of this Section, "ground ambulance
4 service" means medical transportation services that are
5 described as ground ambulance services by the Centers for
6 Medicare and Medicaid Services and provided in a vehicle that
7 is licensed as an ambulance by the Illinois Department of
8 Public Health pursuant to the Emergency Medical Services (EMS)
9 Systems Act.

10 (c-2) For purposes of this Section, "ground ambulance
11 service provider" means a vehicle service provider as described
12 in the Emergency Medical Services (EMS) Systems Act that
13 operates licensed ambulances for the purpose of providing
14 emergency ambulance services, or non-emergency ambulance
15 services, or both. For purposes of this Section, this includes
16 both ambulance providers and ambulance suppliers as described
17 by the Centers for Medicare and Medicaid Services.

18 (c-3) For purposes of this Section, "medi-car" means
19 transportation services provided to a patient who is confined
20 to a wheelchair and requires the use of a hydraulic or electric
21 lift or ramp and wheelchair lockdown when the patient's
22 condition does not require medical observation, medical
23 supervision, medical equipment, the administration of
24 medications, or the administration of oxygen.

25 (c-4) For purposes of this Section, "service car" means
26 transportation services provided to a patient by a passenger

1 vehicle where that patient does not require the specialized
2 modes described in subsection (c-1) or (c-3).

3 (d) This Section does not prohibit separate billing by
4 ambulance service providers for oxygen furnished while
5 providing advanced life support services.

6 (e) Beginning with services rendered on or after July 1,
7 2008, all providers of non-emergency medi-car and service car
8 transportation must certify that the driver and employee
9 attendant, as applicable, have completed a safety program
10 approved by the Department to protect both the patient and the
11 driver, prior to transporting a patient. The provider must
12 maintain this certification in its records. The provider shall
13 produce such documentation upon demand by the Department or its
14 representative. Failure to produce documentation of such
15 training shall result in recovery of any payments made by the
16 Department for services rendered by a non-certified driver or
17 employee attendant. Medi-car and service car providers must
18 maintain legible documentation in their records of the driver
19 and, as applicable, employee attendant that actually
20 transported the patient. Providers must recertify all drivers
21 and employee attendants every 3 years.

22 Notwithstanding the requirements above, any public
23 transportation provider of medi-car and service car
24 transportation that receives federal funding under 49 U.S.C.
25 5307 and 5311 need not certify its drivers and employee
26 attendants under this Section, since safety training is already

1 federally mandated.

2 (f) With respect to any policy or program administered by
3 the Department or its agent regarding approval of non-emergency
4 medical transportation by ground ambulance service providers,
5 including, but not limited to, the Non-Emergency
6 Transportation Services Prior Approval Program (NETSPAP), the
7 Department shall establish by rule a process by which ground
8 ambulance service providers of non-emergency medical
9 transportation may appeal any decision by the Department or its
10 agent for which no denial was received prior to the time of
11 transport that either (i) denies a request for approval for
12 payment of non-emergency transportation by means of ground
13 ambulance service or (ii) grants a request for approval of
14 non-emergency transportation by means of ground ambulance
15 service at a level of service that entitles the ground
16 ambulance service provider to a lower level of compensation
17 from the Department than the ground ambulance service provider
18 would have received as compensation for the level of service
19 requested. The rule shall be filed by December 15, 2012 and
20 shall provide that, for any decision rendered by the Department
21 or its agent on or after the date the rule takes effect, the
22 ground ambulance service provider shall have 60 days from the
23 date the decision is received to file an appeal. The rule
24 established by the Department shall be, insofar as is
25 practical, consistent with the Illinois Administrative
26 Procedure Act. The Director's decision on an appeal under this

1 Section shall be a final administrative decision subject to
2 review under the Administrative Review Law.

3 (f-5) Beginning 90 days after July 20, 2012 (the effective
4 date of Public Act 97-842), (i) no denial of a request for
5 approval for payment of non-emergency transportation by means
6 of ground ambulance service, and (ii) no approval of
7 non-emergency transportation by means of ground ambulance
8 service at a level of service that entitles the ground
9 ambulance service provider to a lower level of compensation
10 from the Department than would have been received at the level
11 of service submitted by the ground ambulance service provider,
12 may be issued by the Department or its agent unless the
13 Department has submitted the criteria for determining the
14 appropriateness of the transport for first notice publication
15 in the Illinois Register pursuant to Section 5-40 of the
16 Illinois Administrative Procedure Act.

17 (g) Whenever a patient covered by a medical assistance
18 program under this Code or by another medical program
19 administered by the Department, including a patient covered
20 under the State's Medicaid managed care program, is being
21 transported from a facility and requires non-emergency
22 transportation including ground ambulance, medi-car, or
23 service car transportation, a Physician Certification
24 Statement as described in this Section shall be required for
25 each patient. Facilities shall develop procedures for a
26 licensed medical professional to provide a written and signed

1 Physician Certification Statement. The Physician Certification
2 Statement shall specify the level of transportation services
3 needed and complete a medical certification establishing the
4 criteria for approval of non-emergency ambulance
5 transportation, as published by the Department of Healthcare
6 and Family Services, that is met by the patient. This
7 certification shall be completed prior to ordering the
8 transportation service and prior to patient discharge. The
9 Physician Certification Statement is not required prior to
10 transport if a delay in transport can be expected to negatively
11 affect the patient outcome.

12 The medical certification specifying the level and type of
13 non-emergency transportation needed shall be in the form of the
14 Physician Certification Statement on a standardized form
15 prescribed by the Department of Healthcare and Family Services.
16 Within 75 days after July 27, 2018 (the effective date of
17 Public Act 100-646) ~~this amendatory Act of the 100th General~~
18 ~~Assembly~~, the Department of Healthcare and Family Services
19 shall develop a standardized form of the Physician
20 Certification Statement specifying the level and type of
21 transportation services needed in consultation with the
22 Department of Public Health, Medicaid managed care
23 organizations, a statewide association representing ambulance
24 providers, a statewide association representing hospitals, 3
25 statewide associations representing nursing homes, and other
26 stakeholders. The Physician Certification Statement shall

1 include, but is not limited to, the criteria necessary to
2 demonstrate medical necessity for the level of transport needed
3 as required by (i) the Department of Healthcare and Family
4 Services and (ii) the federal Centers for Medicare and Medicaid
5 Services as outlined in the Centers for Medicare and Medicaid
6 Services' Medicare Benefit Policy Manual, Pub. 100-02, Chap.
7 10, Sec. 10.2.1, et seq. The use of the Physician Certification
8 Statement shall satisfy the obligations of hospitals under
9 Section 6.22 of the Hospital Licensing Act and nursing homes
10 under Section 2-217 of the Nursing Home Care Act.
11 Implementation and acceptance of the Physician Certification
12 Statement shall take place no later than 90 days after the
13 issuance of the Physician Certification Statement by the
14 Department of Healthcare and Family Services.

15 Pursuant to subsection (E) of Section 12-4.25 of this Code,
16 the Department is entitled to recover overpayments paid to a
17 provider or vendor, including, but not limited to, from the
18 discharging physician, the discharging facility, and the
19 ground ambulance service provider, in instances where a
20 non-emergency ground ambulance service is rendered as the
21 result of improper or false certification.

22 Beginning October 1, 2018, the Department of Healthcare and
23 Family Services shall collect data from Medicaid managed care
24 organizations and transportation brokers, including the
25 Department's NETSPAP broker, regarding denials and appeals
26 related to the missing or incomplete Physician Certification

1 Statement forms and overall compliance with this subsection.
2 The Department of Healthcare and Family Services shall publish
3 quarterly results on its website within 15 days following the
4 end of each quarter.

5 (h) On and after July 1, 2012, the Department shall reduce
6 any rate of reimbursement for services or other payments or
7 alter any methodologies authorized by this Code to reduce any
8 rate of reimbursement for services or other payments in
9 accordance with Section 5-5e.

10 (i) On and after July 1, 2018, the Department shall
11 increase the base rate of reimbursement for both base charges
12 and mileage charges for ground ambulance service providers for
13 medical transportation services provided by means of a ground
14 ambulance to a level not lower than 112% of the base rate in
15 effect as of June 30, 2018.

16 (Source: P.A. 100-587, eff. 6-4-18; 100-646, eff. 7-27-18;
17 revised 8-27-18.)

18 (305 ILCS 5/5-5.02) (from Ch. 23, par. 5-5.02)

19 Sec. 5-5.02. Hospital reimbursements.

20 (a) Reimbursement to hospitals; July 1, 1992 through
21 September 30, 1992. Notwithstanding any other provisions of
22 this Code or the Illinois Department's Rules promulgated under
23 the Illinois Administrative Procedure Act, reimbursement to
24 hospitals for services provided during the period July 1, 1992
25 through September 30, 1992, shall be as follows:

1 (1) For inpatient hospital services rendered, or if
2 applicable, for inpatient hospital discharges occurring,
3 on or after July 1, 1992 and on or before September 30,
4 1992, the Illinois Department shall reimburse hospitals
5 for inpatient services under the reimbursement
6 methodologies in effect for each hospital, and at the
7 inpatient payment rate calculated for each hospital, as of
8 June 30, 1992. For purposes of this paragraph,
9 "reimbursement methodologies" means all reimbursement
10 methodologies that pertain to the provision of inpatient
11 hospital services, including, but not limited to, any
12 adjustments for disproportionate share, targeted access,
13 critical care access and uncompensated care, as defined by
14 the Illinois Department on June 30, 1992.

15 (2) For the purpose of calculating the inpatient
16 payment rate for each hospital eligible to receive
17 quarterly adjustment payments for targeted access and
18 critical care, as defined by the Illinois Department on
19 June 30, 1992, the adjustment payment for the period July
20 1, 1992 through September 30, 1992, shall be 25% of the
21 annual adjustment payments calculated for each eligible
22 hospital, as of June 30, 1992. The Illinois Department
23 shall determine by rule the adjustment payments for
24 targeted access and critical care beginning October 1,
25 1992.

26 (3) For the purpose of calculating the inpatient

1 payment rate for each hospital eligible to receive
2 quarterly adjustment payments for uncompensated care, as
3 defined by the Illinois Department on June 30, 1992, the
4 adjustment payment for the period August 1, 1992 through
5 September 30, 1992, shall be one-sixth of the total
6 uncompensated care adjustment payments calculated for each
7 eligible hospital for the uncompensated care rate year, as
8 defined by the Illinois Department, ending on July 31,
9 1992. The Illinois Department shall determine by rule the
10 adjustment payments for uncompensated care beginning
11 October 1, 1992.

12 (b) Inpatient payments. For inpatient services provided on
13 or after October 1, 1993, in addition to rates paid for
14 hospital inpatient services pursuant to the Illinois Health
15 Finance Reform Act, as now or hereafter amended, or the
16 Illinois Department's prospective reimbursement methodology,
17 or any other methodology used by the Illinois Department for
18 inpatient services, the Illinois Department shall make
19 adjustment payments, in an amount calculated pursuant to the
20 methodology described in paragraph (c) of this Section, to
21 hospitals that the Illinois Department determines satisfy any
22 one of the following requirements:

23 (1) Hospitals that are described in Section 1923 of the
24 federal Social Security Act, as now or hereafter amended,
25 except that for rate year 2015 and after a hospital
26 described in Section 1923(b)(1)(B) of the federal Social

1 Security Act and qualified for the payments described in
2 subsection (c) of this Section for rate year 2014 provided
3 the hospital continues to meet the description in Section
4 1923(b) (1) (B) in the current determination year; or

5 (2) Illinois hospitals that have a Medicaid inpatient
6 utilization rate which is at least one-half a standard
7 deviation above the mean Medicaid inpatient utilization
8 rate for all hospitals in Illinois receiving Medicaid
9 payments from the Illinois Department; or

10 (3) Illinois hospitals that on July 1, 1991 had a
11 Medicaid inpatient utilization rate, as defined in
12 paragraph (h) of this Section, that was at least the mean
13 Medicaid inpatient utilization rate for all hospitals in
14 Illinois receiving Medicaid payments from the Illinois
15 Department and which were located in a planning area with
16 one-third or fewer excess beds as determined by the Health
17 Facilities and Services Review Board, and that, as of June
18 30, 1992, were located in a federally designated Health
19 Manpower Shortage Area; or

20 (4) Illinois hospitals that:

21 (A) have a Medicaid inpatient utilization rate
22 that is at least equal to the mean Medicaid inpatient
23 utilization rate for all hospitals in Illinois
24 receiving Medicaid payments from the Department; and

25 (B) also have a Medicaid obstetrical inpatient
26 utilization rate that is at least one standard

1 deviation above the mean Medicaid obstetrical
2 inpatient utilization rate for all hospitals in
3 Illinois receiving Medicaid payments from the
4 Department for obstetrical services; or

5 (5) Any children's hospital, which means a hospital
6 devoted exclusively to caring for children. A hospital
7 which includes a facility devoted exclusively to caring for
8 children shall be considered a children's hospital to the
9 degree that the hospital's Medicaid care is provided to
10 children if either (i) the facility devoted exclusively to
11 caring for children is separately licensed as a hospital by
12 a municipality prior to February 28, 2013; (ii) the
13 hospital has been designated by the State as a Level III
14 perinatal care facility, has a Medicaid Inpatient
15 Utilization rate greater than 55% for the rate year 2003
16 disproportionate share determination, and has more than
17 10,000 qualified children days as defined by the Department
18 in rulemaking; (iii) the hospital has been designated as a
19 Perinatal Level III center by the State as of December 1,
20 2017, is a Pediatric Critical Care Center designated by the
21 State as of December 1, 2017 and has a 2017 Medicaid
22 inpatient utilization rate equal to or greater than 45%; or
23 (iv) the hospital has been designated as a Perinatal Level
24 II center by the State as of December 1, 2017, has a 2017
25 Medicaid Inpatient Utilization Rate greater than 70%, and
26 has at least 10 pediatric beds as listed on the IDPH 2015

1 calendar year hospital profile.

2 (c) Inpatient adjustment payments. The adjustment payments
3 required by paragraph (b) shall be calculated based upon the
4 hospital's Medicaid inpatient utilization rate as follows:

5 (1) hospitals with a Medicaid inpatient utilization
6 rate below the mean shall receive a per day adjustment
7 payment equal to \$25;

8 (2) hospitals with a Medicaid inpatient utilization
9 rate that is equal to or greater than the mean Medicaid
10 inpatient utilization rate but less than one standard
11 deviation above the mean Medicaid inpatient utilization
12 rate shall receive a per day adjustment payment equal to
13 the sum of \$25 plus \$1 for each one percent that the
14 hospital's Medicaid inpatient utilization rate exceeds the
15 mean Medicaid inpatient utilization rate;

16 (3) hospitals with a Medicaid inpatient utilization
17 rate that is equal to or greater than one standard
18 deviation above the mean Medicaid inpatient utilization
19 rate but less than 1.5 standard deviations above the mean
20 Medicaid inpatient utilization rate shall receive a per day
21 adjustment payment equal to the sum of \$40 plus \$7 for each
22 one percent that the hospital's Medicaid inpatient
23 utilization rate exceeds one standard deviation above the
24 mean Medicaid inpatient utilization rate; and

25 (4) hospitals with a Medicaid inpatient utilization
26 rate that is equal to or greater than 1.5 standard

1 deviations above the mean Medicaid inpatient utilization
2 rate shall receive a per day adjustment payment equal to
3 the sum of \$90 plus \$2 for each one percent that the
4 hospital's Medicaid inpatient utilization rate exceeds 1.5
5 standard deviations above the mean Medicaid inpatient
6 utilization rate.

7 (d) Supplemental adjustment payments. In addition to the
8 adjustment payments described in paragraph (c), hospitals as
9 defined in clauses (1) through (5) of paragraph (b), excluding
10 county hospitals (as defined in subsection (c) of Section 15-1
11 of this Code) and a hospital organized under the University of
12 Illinois Hospital Act, shall be paid supplemental inpatient
13 adjustment payments of \$60 per day. For purposes of Title XIX
14 of the federal Social Security Act, these supplemental
15 adjustment payments shall not be classified as adjustment
16 payments to disproportionate share hospitals.

17 (e) The inpatient adjustment payments described in
18 paragraphs (c) and (d) shall be increased on October 1, 1993
19 and annually thereafter by a percentage equal to the lesser of
20 (i) the increase in the DRI hospital cost index for the most
21 recent 12 month period for which data are available, or (ii)
22 the percentage increase in the statewide average hospital
23 payment rate over the previous year's statewide average
24 hospital payment rate. The sum of the inpatient adjustment
25 payments under paragraphs (c) and (d) to a hospital, other than
26 a county hospital (as defined in subsection (c) of Section 15-1

1 of this Code) or a hospital organized under the University of
2 Illinois Hospital Act, however, shall not exceed \$275 per day;
3 that limit shall be increased on October 1, 1993 and annually
4 thereafter by a percentage equal to the lesser of (i) the
5 increase in the DRI hospital cost index for the most recent
6 12-month period for which data are available or (ii) the
7 percentage increase in the statewide average hospital payment
8 rate over the previous year's statewide average hospital
9 payment rate.

10 (f) Children's hospital inpatient adjustment payments. For
11 children's hospitals, as defined in clause (5) of paragraph
12 (b), the adjustment payments required pursuant to paragraphs
13 (c) and (d) shall be multiplied by 2.0.

14 (g) County hospital inpatient adjustment payments. For
15 county hospitals, as defined in subsection (c) of Section 15-1
16 of this Code, there shall be an adjustment payment as
17 determined by rules issued by the Illinois Department.

18 (h) For the purposes of this Section the following terms
19 shall be defined as follows:

20 (1) "Medicaid inpatient utilization rate" means a
21 fraction, the numerator of which is the number of a
22 hospital's inpatient days provided in a given 12-month
23 period to patients who, for such days, were eligible for
24 Medicaid under Title XIX of the federal Social Security
25 Act, and the denominator of which is the total number of
26 the hospital's inpatient days in that same period.

1 (2) "Mean Medicaid inpatient utilization rate" means
2 the total number of Medicaid inpatient days provided by all
3 Illinois Medicaid-participating hospitals divided by the
4 total number of inpatient days provided by those same
5 hospitals.

6 (3) "Medicaid obstetrical inpatient utilization rate"
7 means the ratio of Medicaid obstetrical inpatient days to
8 total Medicaid inpatient days for all Illinois hospitals
9 receiving Medicaid payments from the Illinois Department.

10 (i) Inpatient adjustment payment limit. In order to meet
11 the limits of Public Law 102-234 and Public Law 103-66, the
12 Illinois Department shall by rule adjust disproportionate
13 share adjustment payments.

14 (j) University of Illinois Hospital inpatient adjustment
15 payments. For hospitals organized under the University of
16 Illinois Hospital Act, there shall be an adjustment payment as
17 determined by rules adopted by the Illinois Department.

18 (k) The Illinois Department may by rule establish criteria
19 for and develop methodologies for adjustment payments to
20 hospitals participating under this Article.

21 (l) On and after July 1, 2012, the Department shall reduce
22 any rate of reimbursement for services or other payments or
23 alter any methodologies authorized by this Code to reduce any
24 rate of reimbursement for services or other payments in
25 accordance with Section 5-5e.

26 (m) The Department shall establish a cost-based

1 reimbursement methodology for determining payments to
2 hospitals for approved graduate medical education (GME)
3 programs for dates of service on and after July 1, 2018.

4 (1) As used in this subsection, "hospitals" means the
5 University of Illinois Hospital as defined in the
6 University of Illinois Hospital Act and a county hospital
7 in a county of over 3,000,000 inhabitants.

8 (2) An amendment to the Illinois Title XIX State Plan
9 defining GME shall maximize reimbursement, shall not be
10 limited to the education programs or special patient care
11 payments allowed under Medicare, and shall include:

12 (A) inpatient days;

13 (B) outpatient days;

14 (C) direct costs;

15 (D) indirect costs;

16 (E) managed care days;

17 (F) all stages of medical training and education
18 including students, interns, residents, and fellows
19 with no caps on the number of persons who may qualify;
20 and

21 (G) patient care payments related to the
22 complexities of treating Medicaid enrollees including
23 clinical and social determinants of health.

24 (3) The Department shall make all GME payments directly
25 to hospitals including such costs in support of clients
26 enrolled in Medicaid managed care entities.

1 (4) The Department shall promptly take all actions
2 necessary for reimbursement to be effective for dates of
3 service on and after July 1, 2018 including publishing all
4 appropriate public notices, amendments to the Illinois
5 Title XIX State Plan, and adoption of administrative rules
6 if necessary.

7 (5) As used in this subsection, "managed care days"
8 means costs associated with services rendered to enrollees
9 of Medicaid managed care entities. "Medicaid managed care
10 entities" means any entity which contracts with the
11 Department to provide services paid for on a capitated
12 basis. "Medicaid managed care entities" includes a managed
13 care organization and a managed care community network.

14 (6) All payments under this Section are contingent upon
15 federal approval of changes to the Illinois Title XIX State
16 Plan, if that approval is required.

17 (7) The Department may adopt rules necessary to
18 implement Public Act 100-581 ~~this amendatory Act of the~~
19 ~~100th General Assembly~~ through the use of emergency
20 rulemaking in accordance with subsection (aa) of Section
21 5-45 of the Illinois Administrative Procedure Act. For
22 purposes of that Act, the General Assembly finds that the
23 adoption of rules to implement Public Act 100-581 ~~this~~
24 ~~amendatory Act of the 100th General Assembly~~ is deemed an
25 emergency and necessary for the public interest, safety,
26 and welfare.

1 (Source: P.A. 100-580, eff. 3-12-18; 100-581, eff. 3-12-18;
2 revised 3-13-18.)

3 (305 ILCS 5/5-5.25)

4 Sec. 5-5.25. Access to behavioral health and medical
5 services.

6 (a) The General Assembly finds that providing access to
7 behavioral health and medical services in a timely manner will
8 improve the quality of life for persons suffering from illness
9 and will contain health care costs by avoiding the need for
10 more costly inpatient hospitalization.

11 (b) The Department of Healthcare and Family Services shall
12 reimburse psychiatrists, federally qualified health centers as
13 defined in Section 1905(1)(2)(B) of the federal Social Security
14 Act, clinical psychologists, clinical social workers, advanced
15 practice registered nurses certified in psychiatric and mental
16 health nursing, and mental health professionals and clinicians
17 authorized by Illinois law to provide behavioral health
18 services ~~and advanced practice registered nurses certified in~~
19 ~~psychiatric and mental health nursing~~ to recipients via
20 telehealth. The Department, by rule, shall establish: (i)
21 criteria for such services to be reimbursed, including
22 appropriate facilities and equipment to be used at both sites
23 and requirements for a physician or other licensed health care
24 professional to be present at the site where the patient is
25 located; however, the Department shall not require that a

1 physician or other licensed health care professional be
2 physically present in the same room as the patient for the
3 entire time during which the patient is receiving telehealth
4 services; and (ii) a method to reimburse providers for mental
5 health services provided by telehealth.

6 (c) The Department shall reimburse any Medicaid certified
7 eligible facility or provider organization that acts as the
8 location of the patient at the time a telehealth service is
9 rendered, including substance abuse centers licensed by the
10 Department of Human Services' Division of Alcoholism and
11 Substance Abuse.

12 (d) On and after July 1, 2012, the Department shall reduce
13 any rate of reimbursement for services or other payments or
14 alter any methodologies authorized by this Code to reduce any
15 rate of reimbursement for services or other payments in
16 accordance with Section 5-5e.

17 (Source: P.A. 100-385, eff. 1-1-18; 100-790, eff. 8-10-18;
18 100-1019, eff. 1-1-19; revised 10-3-18.)

19 (305 ILCS 5/5-16.8)

20 Sec. 5-16.8. Required health benefits. The medical
21 assistance program shall (i) provide the post-mastectomy care
22 benefits required to be covered by a policy of accident and
23 health insurance under Section 356t and the coverage required
24 under Sections 356g.5, 356u, 356w, 356x, 356z.6, 356z.26, ~~and~~
25 356z.29, and 356z.32 of the Illinois Insurance Code and (ii) be

1 subject to the provisions of Sections 356z.19, 364.01, 370c,
2 and 370c.1 of the Illinois Insurance Code.

3 On and after July 1, 2012, the Department shall reduce any
4 rate of reimbursement for services or other payments or alter
5 any methodologies authorized by this Code to reduce any rate of
6 reimbursement for services or other payments in accordance with
7 Section 5-5e.

8 To ensure full access to the benefits set forth in this
9 Section, on and after January 1, 2016, the Department shall
10 ensure that provider and hospital reimbursement for
11 post-mastectomy care benefits required under this Section are
12 no lower than the Medicare reimbursement rate.

13 (Source: P.A. 99-433, eff. 8-21-15; 99-480, eff. 9-9-15;
14 99-642, eff. 7-28-16; 100-138, eff. 8-18-17; 100-863, eff.
15 8-14-18; 100-1057, eff. 1-1-19; 100-1102, eff. 1-1-19; revised
16 10-4-18.)

17 (305 ILCS 5/5-30.6)

18 Sec. 5-30.6. Managed care organization contracts
19 procurement requirement. Beginning on March 12, 2018 (the
20 effective date of Public Act 100-580) ~~this amendatory Act of~~
21 ~~the 100th General Assembly~~, any new contract between the
22 Department and a managed care organization as defined in
23 Section 5-30.1 shall be procured in accordance with the
24 Illinois Procurement Code.

25 (a) Application.

1 (1) This Section does not apply to the State of
2 Illinois Medicaid Managed Care Organization Request for
3 Proposals (2018-24-001) or any agreement, regardless of
4 what it may be called, related to or arising from this
5 procurement, including, but not limited to, contracts,
6 renewals, renegotiated contracts, amendments, and change
7 orders.

8 (2) This Section does not apply to Medicare-Medicaid
9 Alignment Initiative contracts executed under Article V-F
10 of this Code.

11 (b) In the event any provision of this Section or of the
12 Illinois Procurement Code is inconsistent with applicable
13 federal law or would have the effect of foreclosing the use,
14 potential use, or receipt of federal financial participation,
15 the applicable federal law or funding condition shall prevail,
16 but only to the extent of such inconsistency.

17 (Source: P.A. 100-580, eff. 3-12-18; revised 10-22-18.)

18 (305 ILCS 5/5-30.8)

19 Sec. 5-30.8. Managed care organization rate transparency.

20 (a) For the establishment of managed care organization
21 (MCO) capitation base rate payments from the State, including,
22 but not limited to: (i) hospital fee schedule reforms and
23 updates, (ii) rates related to a single State-mandated
24 preferred drug list, (iii) rate updates related to the State's
25 preferred drug list, (iv) inclusion of coverage for children

1 with special needs, (v) inclusion of coverage for children
2 within the child welfare system, (vi) annual MCO capitation
3 rates, and (vii) any retroactive provider fee schedule
4 adjustments or other changes required by legislation or other
5 actions, the Department of Healthcare and Family Services shall
6 implement a capitation base rate setting process beginning on
7 July 27, 2018 (the effective date of Public Act 100-646) ~~this~~
8 ~~amendatory Act of the 100th General Assembly~~ which shall
9 include all of the following elements of transparency:

10 (1) The Department shall include participating MCOs
11 and a statewide trade association representing a majority
12 of participating MCOs in meetings to discuss the impact to
13 base capitation rates as a result of any new or updated
14 hospital fee schedules or other provider fee schedules.
15 Additionally, the Department shall share any data or
16 reports used to develop MCO capitation rates with
17 participating MCOs. This data shall be comprehensive
18 enough for MCO actuaries to recreate and verify the
19 accuracy of the capitation base rate build-up.

20 (2) The Department shall not limit the number of
21 experts that each MCO is allowed to bring to the draft
22 capitation base rate meeting or the final capitation base
23 rate review meeting. Draft and final capitation base rate
24 review meetings shall be held in at least 2 locations.

25 (3) The Department and its contracted actuary shall
26 meet with all participating MCOs simultaneously and

1 together along with consulting actuaries contracted with
2 statewide trade association representing a majority of
3 Medicaid health plans at the request of the plans.
4 Participating MCOs shall additionally, at their request,
5 be granted individual capitation rate development meetings
6 with the Department.

7 (4) Any quality incentive or other incentive
8 withholding of any portion of the actuarially certified
9 capitation rates must be budget-neutral. The entirety of
10 any aggregate withheld amounts must be returned to the MCOs
11 in proportion to their performance on the relevant
12 performance metric. No amounts shall be returned to the
13 Department if all performance measures are not achieved to
14 the extent allowable by federal law and regulations.

15 (5) Upon request, the Department shall provide written
16 responses to questions regarding MCO capitation base
17 rates, the capitation base development methodology, and
18 MCO capitation rate data, and all other requests regarding
19 capitation rates from MCOs. Upon request, the Department
20 shall also provide to the MCOs materials used in
21 incorporating provider fee schedules into base capitation
22 rates.

23 (b) For the development of capitation base rates for new
24 capitation rate years:

25 (1) The Department shall take into account emerging
26 experience in the development of the annual MCO capitation

1 base rates, including, but not limited to, current-year
2 cost and utilization trends observed by MCOs in an
3 actuarially sound manner and in accordance with federal law
4 and regulations.

5 (2) No later than January 1 of each year, the
6 Department shall release an agreed upon annual calendar
7 that outlines dates for capitation rate setting meetings
8 for that year. The calendar shall include at least the
9 following meetings and deadlines:

10 (A) An initial meeting for the Department to review
11 MCO data and draft rate assumptions to be used in the
12 development of capitation base rates for the following
13 year.

14 (B) A draft rate meeting after the Department
15 provides the MCOs with the draft capitation base rates
16 to discuss, review, and seek feedback regarding the
17 draft capitation base rates.

18 (3) Prior to the submission of final capitation rates
19 to the federal Centers for Medicare and Medicaid Services,
20 the Department shall provide the MCOs with a final
21 actuarial report including the final capitation base rates
22 for the following year and subsequently conduct a final
23 capitation base review meeting. Final capitation rates
24 shall be marked final.

25 (c) For the development of capitation base rates reflecting
26 policy changes:

1 (1) Unless contrary to federal law and regulation, the
2 Department must provide notice to MCOs of any significant
3 operational policy change no later than 60 days prior to
4 the effective date of an operational policy change in order
5 to give MCOs time to prepare for and implement the
6 operational policy change and to ensure that the quality
7 and delivery of enrollee health care is not disrupted.
8 "Operational policy change" means a change to operational
9 requirements such as reporting formats, encounter
10 submission definitional changes, or required provider
11 interfaces made at the sole discretion of the Department
12 and not required by legislation with a retroactive
13 effective date. Nothing in this Section shall be construed
14 as a requirement to delay or prohibit implementation of
15 policy changes that impact enrollee benefits as determined
16 in the sole discretion of the Department.

17 (2) No later than 60 days after the effective date of
18 the policy change or program implementation, the
19 Department shall meet with the MCOs regarding the initial
20 data collection needed to establish capitation base rates
21 for the policy change. Additionally, the Department shall
22 share with the participating MCOs what other data is needed
23 to estimate the change and the processes for collection of
24 that data that shall be utilized to develop capitation base
25 rates.

26 (3) No later than 60 days after the effective date of

1 the policy change or program implementation, the
2 Department shall meet with MCOs to review data and the
3 Department's written draft assumptions to be used in
4 development of capitation base rates for the policy change,
5 and shall provide opportunities for questions to be asked
6 and answered.

7 (4) No later than 60 days after the effective date of
8 the policy change or program implementation, the
9 Department shall provide the MCOs with draft capitation
10 base rates and shall also conduct a draft capitation base
11 rate meeting with MCOs to discuss, review, and seek
12 feedback regarding the draft capitation base rates.

13 (d) For the development of capitation base rates for
14 retroactive policy or fee schedule changes:

15 (1) The Department shall meet with the MCOs regarding
16 the initial data collection needed to establish capitation
17 base rates for the policy change. Additionally, the
18 Department shall share with the participating MCOs what
19 other data is needed to estimate the change and the
20 processes for collection of the data that shall be utilized
21 to develop capitation base rates.

22 (2) The Department shall meet with MCOs to review data
23 and the Department's written draft assumptions to be used
24 in development of capitation base rates for the policy
25 change. The Department shall provide opportunities for
26 questions to be asked and answered.

1 (3) The Department shall provide the MCOs with draft
2 capitation rates and shall also conduct a draft rate
3 meeting with MCOs to discuss, review, and seek feedback
4 regarding the draft capitation base rates.

5 (4) The Department shall inform MCOs no less than
6 quarterly of upcoming benefit and policy changes to the
7 Medicaid program.

8 (e) Meetings of the group established to discuss Medicaid
9 capitation rates under this Section shall be closed to the
10 public and shall not be subject to the Open Meetings Act.
11 Records and information produced by the group established to
12 discuss Medicaid capitation rates under this Section shall be
13 confidential and not subject to the Freedom of Information Act.
14 (Source: P.A. 100-646, eff. 7-27-18; revised 10-22-18.)

15 (305 ILCS 5/5-30.9)

16 Sec. 5-30.9 ~~5-30.6~~. Disenrollment requirements; managed
17 care organization. Disenrollment of a Medicaid enrollee from a
18 managed care organization under contract with the Department
19 shall be in accordance with the requirements of 42 CFR 438.56
20 whenever a contract is terminated between a Medicaid managed
21 care health plan and a primary care provider that results in a
22 disruption to the Medicaid enrollee's provider-beneficiary
23 relationship.

24 (Source: P.A. 100-950, eff. 8-19-18; revised 10-22-18.)

1 (305 ILCS 5/5-30.10)

2 Sec. 5-30.10 ~~5-30.8~~. Electronic report submission. To
3 preserve the quality of data and ensure productive oversight of
4 Medicaid managed care organizations, all regular reports
5 required, either by contract or statute, to be collected by the
6 Department from managed care organizations shall be collected
7 through a secure electronic format and medium as designated by
8 the Department. The Department shall consider concerns raised
9 by the contractor about potential burdens associated with
10 producing the report. Ad hoc reports may be collected in
11 alternative manners.

12 (Source: P.A. 100-1105, eff. 8-27-18; revised 10-22-18.)

13 (305 ILCS 5/5A-15)

14 Sec. 5A-15. Protection of federal revenue.

15 (a) If the federal Centers for Medicare and Medicaid
16 Services finds that any federal upper payment limit applicable
17 to the payments under this Article is exceeded then:

18 (1) (i) if such finding is made before payments have
19 been issued, the payments under this Article and the
20 increases in claims-based hospital payment rates specified
21 under Section 14-12 of this Code, as authorized under
22 Public Act 100-581 ~~this amendatory Act of the 100th General~~
23 ~~Assembly~~, that exceed the applicable federal upper payment
24 limit shall be reduced uniformly to the extent necessary to
25 comply with the applicable federal upper payment limit; or

1 (ii) if such finding is made after payments have been
2 issued, the payments under this Article that exceed the
3 applicable federal upper payment limit shall be reduced
4 uniformly to the extent necessary to comply with the
5 applicable federal upper payment limit; and

6 (2) any assessment rate imposed under this Article
7 shall be reduced such that the aggregate assessment is
8 reduced by the same percentage reduction applied in
9 paragraph (1); and

10 (3) any transfers from the Hospital Provider Fund under
11 Section 5A-8 shall be reduced by the same percentage
12 reduction applied in paragraph (1).

13 (b) Any payment reductions made under the authority granted
14 in this Section are exempt from the requirements and actions
15 under Section 5A-10.

16 (c) If any payments made as a result of the requirements of
17 this Article are subject to a disallowance, deferral, or
18 adjustment of federal matching funds then:

19 (1) the Department shall recoup the payments related to
20 those federal matching funds paid by the Department from
21 the parties paid by the Department;

22 (2) if the payments that are subject to a disallowance,
23 deferral, or adjustment of federal matching funds were made
24 to MCOs, the Department shall recoup the payments related
25 to the disallowance, deferral, or adjustment from the MCOs
26 no sooner than the Department is required to remit federal

1 matching funds to the Centers for Medicare and Medicaid
2 Services or any other federal agency, and hospitals that
3 received payments from the MCOs that were made with such
4 disallowed, deferred, or adjusted federal matching funds
5 must return those payments to the MCOs at least 10 business
6 days before the MCOs are required to remit such payments to
7 the Department; and

8 (3) any assessment paid to the Department by hospitals
9 under this Article that is attributable to the payments
10 that are subject to a disallowance, deferral, or adjustment
11 of federal matching funds, shall be refunded to the
12 hospitals by the Department.

13 If an MCO is unable to recoup funds from a hospital for any
14 reason, then the Department, upon written notice from an MCO,
15 shall work in good faith with the MCO to mitigate losses
16 associated with the lack of recoupment. Losses by an MCO shall
17 not exceed 1% of the total payments distributed by the MCO to
18 hospitals pursuant to the Hospital Assessment Program.

19 (Source: P.A. 100-580, eff. 3-12-18; 100-581, eff. 3-12-18;
20 revised 3-13-18.)

21 (305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)

22 Sec. 9A-11. Child care.

23 (a) The General Assembly recognizes that families with
24 children need child care in order to work. Child care is
25 expensive and families with low incomes, including those who

1 are transitioning from welfare to work, often struggle to pay
2 the costs of day care. The General Assembly understands the
3 importance of helping low-income ~~low-income~~ working families
4 become and remain self-sufficient. The General Assembly also
5 believes that it is the responsibility of families to share in
6 the costs of child care. It is also the preference of the
7 General Assembly that all working poor families should be
8 treated equally, regardless of their welfare status.

9 (b) To the extent resources permit, the Illinois Department
10 shall provide child care services to parents or other relatives
11 as defined by rule who are working or participating in
12 employment or Department approved education or training
13 programs. At a minimum, the Illinois Department shall cover the
14 following categories of families:

15 (1) recipients of TANF under Article IV participating
16 in work and training activities as specified in the
17 personal plan for employment and self-sufficiency;

18 (2) families transitioning from TANF to work;

19 (3) families at risk of becoming recipients of TANF;

20 (4) families with special needs as defined by rule;

21 (5) working families with very low incomes as defined
22 by rule;

23 (6) families that are not recipients of TANF and that
24 need child care assistance to participate in education and
25 training activities; and

26 (7) families with children under the age of 5 who have

1 an open intact family services case with the Department of
2 Children and Family Services. Any family that receives
3 child care assistance in accordance with this paragraph
4 shall remain eligible for child care assistance 6 months
5 after the child's intact family services case is closed,
6 regardless of whether the child's parents or other
7 relatives as defined by rule are working or participating
8 in Department approved employment or education or training
9 programs. The Department of Human Services, in
10 consultation with the Department of Children and Family
11 Services, shall adopt rules to protect the privacy of
12 families who are the subject of an open intact family
13 services case when such families enroll in child care
14 services. Additional rules shall be adopted to offer
15 children who have an open intact family services case the
16 opportunity to receive an Early Intervention screening and
17 other services that their families may be eligible for as
18 provided by the Department of Human Services.

19 The Department shall specify by rule the conditions of
20 eligibility, the application process, and the types, amounts,
21 and duration of services. Eligibility for child care benefits
22 and the amount of child care provided may vary based on family
23 size, income, and other factors as specified by rule.

24 A family's eligibility for child care services shall be
25 redetermined no sooner than 12 months following the initial
26 determination or most recent redetermination. During the

1 12-month periods, the family shall remain eligible for child
2 care services regardless of (i) a change in family income,
3 unless family income exceeds 85% of State median income, or
4 (ii) a temporary change in the ongoing status of the parents or
5 other relatives, as defined by rule, as working or attending a
6 job training or educational program.

7 In determining income eligibility for child care benefits,
8 the Department annually, at the beginning of each fiscal year,
9 shall establish, by rule, one income threshold for each family
10 size, in relation to percentage of State median income for a
11 family of that size, that makes families with incomes below the
12 specified threshold eligible for assistance and families with
13 incomes above the specified threshold ineligible for
14 assistance. Through and including fiscal year 2007, the
15 specified threshold must be no less than 50% of the
16 then-current State median income for each family size.
17 Beginning in fiscal year 2008, the specified threshold must be
18 no less than 185% of the then-current federal poverty level for
19 each family size. Notwithstanding any other provision of law or
20 administrative rule to the contrary, beginning in fiscal year
21 2019, the specified threshold for working families with very
22 low incomes as defined by rule must be no less than 185% of the
23 then-current federal poverty level for each family size.

24 In determining eligibility for assistance, the Department
25 shall not give preference to any category of recipients or give
26 preference to individuals based on their receipt of benefits

1 under this Code.

2 Nothing in this Section shall be construed as conferring
3 entitlement status to eligible families.

4 The Illinois Department is authorized to lower income
5 eligibility ceilings, raise parent co-payments, create waiting
6 lists, or take such other actions during a fiscal year as are
7 necessary to ensure that child care benefits paid under this
8 Article do not exceed the amounts appropriated for those child
9 care benefits. These changes may be accomplished by emergency
10 rule under Section 5-45 of the Illinois Administrative
11 Procedure Act, except that the limitation on the number of
12 emergency rules that may be adopted in a 24-month period shall
13 not apply.

14 The Illinois Department may contract with other State
15 agencies or child care organizations for the administration of
16 child care services.

17 (c) Payment shall be made for child care that otherwise
18 meets the requirements of this Section and applicable standards
19 of State and local law and regulation, including any
20 requirements the Illinois Department promulgates by rule in
21 addition to the licensure requirements promulgated by the
22 Department of Children and Family Services and Fire Prevention
23 and Safety requirements promulgated by the Office of the State
24 Fire Marshal, and is provided in any of the following:

25 (1) a child care center which is licensed or exempt
26 from licensure pursuant to Section 2.09 of the Child Care

1 Act of 1969;

2 (2) a licensed child care home or home exempt from
3 licensing;

4 (3) a licensed group child care home;

5 (4) other types of child care, including child care
6 provided by relatives or persons living in the same home as
7 the child, as determined by the Illinois Department by
8 rule.

9 (c-5) Solely for the purposes of coverage under the
10 Illinois Public Labor Relations Act, child and day care home
11 providers, including licensed and license exempt,
12 participating in the Department's child care assistance
13 program shall be considered to be public employees and the
14 State of Illinois shall be considered to be their employer as
15 of January 1, 2006 (the effective date of Public Act 94-320)
16 ~~this amendatory Act of the 94th General Assembly~~, but not
17 before. The State shall engage in collective bargaining with an
18 exclusive representative of child and day care home providers
19 participating in the child care assistance program concerning
20 their terms and conditions of employment that are within the
21 State's control. Nothing in this subsection shall be understood
22 to limit the right of families receiving services defined in
23 this Section to select child and day care home providers or
24 supervise them within the limits of this Section. The State
25 shall not be considered to be the employer of child and day
26 care home providers for any purposes not specifically provided

1 in Public Act 94-320 ~~this amendatory Act of the 94th General~~
2 ~~Assembly~~, including, but not limited to, purposes of vicarious
3 liability in tort and purposes of statutory retirement or
4 health insurance benefits. Child and day care home providers
5 shall not be covered by the State Employees Group Insurance Act
6 of 1971.

7 In according child and day care home providers and their
8 selected representative rights under the Illinois Public Labor
9 Relations Act, the State intends that the State action
10 exemption to application of federal and State antitrust laws be
11 fully available to the extent that their activities are
12 authorized by Public Act 94-320 ~~this amendatory Act of the 94th~~
13 ~~General Assembly~~.

14 (d) The Illinois Department shall establish, by rule, a
15 co-payment scale that provides for cost sharing by families
16 that receive child care services, including parents whose only
17 income is from assistance under this Code. The co-payment shall
18 be based on family income and family size and may be based on
19 other factors as appropriate. Co-payments may be waived for
20 families whose incomes are at or below the federal poverty
21 level.

22 (d-5) The Illinois Department, in consultation with its
23 Child Care and Development Advisory Council, shall develop a
24 plan to revise the child care assistance program's co-payment
25 scale. The plan shall be completed no later than February 1,
26 2008, and shall include:

1 (1) findings as to the percentage of income that the
2 average American family spends on child care and the
3 relative amounts that low-income families and the average
4 American family spend on other necessities of life;

5 (2) recommendations for revising the child care
6 co-payment scale to assure that families receiving child
7 care services from the Department are paying no more than
8 they can reasonably afford;

9 (3) recommendations for revising the child care
10 co-payment scale to provide at-risk children with complete
11 access to Preschool for All and Head Start; and

12 (4) recommendations for changes in child care program
13 policies that affect the affordability of child care.

14 (e) (Blank).

15 (f) The Illinois Department shall, by rule, set rates to be
16 paid for the various types of child care. Child care may be
17 provided through one of the following methods:

18 (1) arranging the child care through eligible
19 providers by use of purchase of service contracts or
20 vouchers;

21 (2) arranging with other agencies and community
22 volunteer groups for non-reimbursed child care;

23 (3) (blank); or

24 (4) adopting such other arrangements as the Department
25 determines appropriate.

26 (f-1) Within 30 days after June 4, 2018 (the effective date

1 of Public Act 100-587) ~~this amendatory Act of the 100th General~~
2 ~~Assembly~~, the Department of Human Services shall establish
3 rates for child care providers that are no less than the rates
4 in effect on January 1, 2018 increased by 4.26%.

5 (f-5) (Blank).

6 (g) Families eligible for assistance under this Section
7 shall be given the following options:

8 (1) receiving a child care certificate issued by the
9 Department or a subcontractor of the Department that may be
10 used by the parents as payment for child care and
11 development services only; or

12 (2) if space is available, enrolling the child with a
13 child care provider that has a purchase of service contract
14 with the Department or a subcontractor of the Department
15 for the provision of child care and development services.
16 The Department may identify particular priority
17 populations for whom they may request special
18 consideration by a provider with purchase of service
19 contracts, provided that the providers shall be permitted
20 to maintain a balance of clients in terms of household
21 incomes and families and children with special needs, as
22 defined by rule.

23 (Source: P.A. 100-387, eff. 8-25-17; 100-587, eff. 6-4-18;
24 100-860, eff. 2-14-19; 100-909, eff. 10-1-18; 100-916, eff.
25 8-17-18; revised 10-9-18.)

1 (305 ILCS 5/12-4.51)

2 Sec. 12-4.51. Workforce training and healthy families
3 demonstration project.

4 (a) Subject to the availability of funds provided for this
5 purpose by the federal government, local philanthropic or
6 charitable sources, or other private sources, there is created
7 a 5-year demonstration project within the Department of Human
8 Services to provide an intensive workforce training program for
9 entry-level ~~entry-level~~ workers and a multi-generational
10 healthy family initiative. No general revenue funds may be used
11 to fund the demonstration project created under this Section.
12 The demonstration project shall be implemented no later than 6
13 months after January 1, 2019 (the effective date of Public Act
14 100-806) ~~this amendatory Act of the 100th General Assembly~~ and
15 shall terminate 5 years after the initial date of
16 implementation. The demonstration project shall be operated
17 and maintained by a non-profit, community-based entity that
18 shall provide the majority of the wages earned by participants
19 enrolled in the workforce training program as well as support
20 services to families, including new and expectant parents,
21 enrolled in the multi-generational healthy family initiative.
22 The total number of participants in the 5-year demonstration
23 project at any one time shall not exceed 500. Participants
24 enrolled in the workforce training program or the
25 multi-generational healthy family initiative shall qualify to
26 have whatever financial assistance they receive from their

1 participation excluded from consideration for purposes of
2 determining eligibility for or the amount of assistance under
3 this Code as provided in subsection (d) of Section 1-7. The
4 selected entity must immediately notify the Department of Human
5 Services or the Department of Healthcare and Family Services
6 whenever a participant enrolled in the workforce training
7 program or the multi-generational healthy family initiative
8 leaves the demonstration project and ceases to participate in
9 any of the programs under the demonstration making the
10 participant ineligible to receive an exemption as provided in
11 subsection (d) of Section 1-7.

12 (b) The entity selected to operate and maintain the
13 demonstration project shall be a non-profit, community-based
14 entity in good standing with the State that is located in a
15 county with a population of less than 3,000,000. The selected
16 entity must comply with all applicable State and federal
17 requirements and must develop and implement a research
18 component to determine the effectiveness of the demonstration
19 project in promoting and instilling self-sufficiency through
20 its intensive workforce training program and
21 multi-generational healthy family initiative. The State shall
22 not fund the research component outlined in the Section or any
23 program under the demonstration project.

24 (c) Beginning one year after the initial implementation
25 date of the demonstration project, and each year thereafter for
26 the duration of the demonstration, the selected entity shall

1 submit a report to the Department of Human Services, the
2 Department of Healthcare and Family Services, and the General
3 Assembly that details the progress and effectiveness of the
4 demonstration project and the demonstration's impact on
5 instilling the value of self-sufficiency in participants. The
6 4th annual report shall also provide policy recommendations on
7 best practices for and continued research on facilitating
8 bridges to self-sufficiency. The 4th annual report may also
9 include a recommendation on making the demonstration project
10 permanent upon completion of the demonstration project period.

11 The reports to the General Assembly shall be filed with the
12 Clerk of the House of Representatives and the Secretary of the
13 Senate in electronic form only, in the manner that the Clerk
14 and the Secretary shall direct.

15 (Source: P.A. 100-806, eff. 1-1-19; revised 10-3-18.)

16 (305 ILCS 5/14-12)

17 Sec. 14-12. Hospital rate reform payment system. The
18 hospital payment system pursuant to Section 14-11 of this
19 Article shall be as follows:

20 (a) Inpatient hospital services. Effective for discharges
21 on and after July 1, 2014, reimbursement for inpatient general
22 acute care services shall utilize the All Patient Refined
23 Diagnosis Related Grouping (APR-DRG) software, version 30,
24 distributed by 3MTM Health Information System.

25 (1) The Department shall establish Medicaid weighting

1 factors to be used in the reimbursement system established
2 under this subsection. Initial weighting factors shall be
3 the weighting factors as published by 3M Health Information
4 System, associated with Version 30.0 adjusted for the
5 Illinois experience.

6 (2) The Department shall establish a
7 statewide-standardized amount to be used in the inpatient
8 reimbursement system. The Department shall publish these
9 amounts on its website no later than 10 calendar days prior
10 to their effective date.

11 (3) In addition to the statewide-standardized amount,
12 the Department shall develop adjusters to adjust the rate
13 of reimbursement for critical Medicaid providers or
14 services for trauma, transplantation services, perinatal
15 care, and Graduate Medical Education (GME).

16 (4) The Department shall develop add-on payments to
17 account for exceptionally costly inpatient stays,
18 consistent with Medicare outlier principles. Outlier fixed
19 loss thresholds may be updated to control for excessive
20 growth in outlier payments no more frequently than on an
21 annual basis, but at least triennially. Upon updating the
22 fixed loss thresholds, the Department shall be required to
23 update base rates within 12 months.

24 (5) The Department shall define those hospitals or
25 distinct parts of hospitals that shall be exempt from the
26 APR-DRG reimbursement system established under this

1 Section. The Department shall publish these hospitals'
2 inpatient rates on its website no later than 10 calendar
3 days prior to their effective date.

4 (6) Beginning July 1, 2014 and ending on June 30, 2024,
5 in addition to the statewide-standardized amount, the
6 Department shall develop an adjustor to adjust the rate of
7 reimbursement for safety-net hospitals defined in Section
8 5-5e.1 of this Code excluding pediatric hospitals.

9 (7) Beginning July 1, 2014 and ending on June 30, 2020,
10 or upon implementation of inpatient psychiatric rate
11 increases as described in subsection (n) of Section
12 5A-12.6, in addition to the statewide-standardized amount,
13 the Department shall develop an adjustor to adjust the rate
14 of reimbursement for Illinois freestanding inpatient
15 psychiatric hospitals that are not designated as
16 children's hospitals by the Department but are primarily
17 treating patients under the age of 21.

18 (7.5) Beginning July 1, 2020, the reimbursement for
19 inpatient psychiatric services shall be so that base claims
20 projected reimbursement is increased by an amount equal to
21 the funds allocated in paragraph (2) of subsection (b) of
22 Section 5A-12.6, less the amount allocated under
23 paragraphs (8) and (9) of this subsection and paragraphs
24 (3) and (4) of subsection (b) multiplied by 13%. Beginning
25 July 1, 2022, the reimbursement for inpatient psychiatric
26 services shall be so that base claims projected

1 reimbursement is increased by an amount equal to the funds
2 allocated in paragraph (3) of subsection (b) of Section
3 5A-12.6, less the amount allocated under paragraphs (8) and
4 (9) of this subsection and paragraphs (3) and (4) of
5 subsection (b) multiplied by 13%. Beginning July 1, 2024,
6 the reimbursement for inpatient psychiatric services shall
7 be so that base claims projected reimbursement is increased
8 by an amount equal to the funds allocated in paragraph (4)
9 of subsection (b) of Section 5A-12.6, less the amount
10 allocated under paragraphs (8) and (9) of this subsection
11 and paragraphs (3) and (4) of subsection (b) multiplied by
12 13%.

13 (8) Beginning July 1, 2018, in addition to the
14 statewide-standardized amount, the Department shall adjust
15 the rate of reimbursement for hospitals designated by the
16 Department of Public Health as a Perinatal Level II or II+
17 center by applying the same adjustor that is applied to
18 Perinatal and Obstetrical care cases for Perinatal Level
19 III centers, as of December 31, 2017.

20 (9) Beginning July 1, 2018, in addition to the
21 statewide-standardized amount, the Department shall apply
22 the same adjustor that is applied to trauma cases as of
23 December 31, 2017 to inpatient claims to treat patients
24 with burns, including, but not limited to, APR-DRGs 841,
25 842, 843, and 844.

26 (10) Beginning July 1, 2018, the

1 statewide-standardized amount for inpatient general acute
2 care services shall be uniformly increased so that base
3 claims projected reimbursement is increased by an amount
4 equal to the funds allocated in paragraph (1) of subsection
5 (b) of Section 5A-12.6, less the amount allocated under
6 paragraphs (8) and (9) of this subsection and paragraphs
7 (3) and (4) of subsection (b) multiplied by 40%. Beginning
8 July 1, 2020, the statewide-standardized amount for
9 inpatient general acute care services shall be uniformly
10 increased so that base claims projected reimbursement is
11 increased by an amount equal to the funds allocated in
12 paragraph (2) of subsection (b) of Section 5A-12.6, less
13 the amount allocated under paragraphs (8) and (9) of this
14 subsection and paragraphs (3) and (4) of subsection (b)
15 multiplied by 40%. Beginning July 1, 2022, the
16 statewide-standardized amount for inpatient general acute
17 care services shall be uniformly increased so that base
18 claims projected reimbursement is increased by an amount
19 equal to the funds allocated in paragraph (3) of subsection
20 (b) of Section 5A-12.6, less the amount allocated under
21 paragraphs (8) and (9) of this subsection and paragraphs
22 (3) and (4) of subsection (b) multiplied by 40%. Beginning
23 July 1, 2023 the statewide-standardized amount for
24 inpatient general acute care services shall be uniformly
25 increased so that base claims projected reimbursement is
26 increased by an amount equal to the funds allocated in

1 paragraph (4) of subsection (b) of Section 5A-12.6, less
2 the amount allocated under paragraphs (8) and (9) of this
3 subsection and paragraphs (3) and (4) of subsection (b)
4 multiplied by 40%.

5 (11) Beginning July 1, 2018, the reimbursement for
6 inpatient rehabilitation services shall be increased by
7 the addition of a \$96 per day add-on.

8 Beginning July 1, 2020, the reimbursement for
9 inpatient rehabilitation services shall be uniformly
10 increased so that the \$96 per day add-on is increased by an
11 amount equal to the funds allocated in paragraph (2) of
12 subsection (b) of Section 5A-12.6, less the amount
13 allocated under paragraphs (8) and (9) of this subsection
14 and paragraphs (3) and (4) of subsection (b) multiplied by
15 0.9%.

16 Beginning July 1, 2022, the reimbursement for
17 inpatient rehabilitation services shall be uniformly
18 increased so that the \$96 per day add-on as adjusted by the
19 July 1, 2020 increase, is increased by an amount equal to
20 the funds allocated in paragraph (3) of subsection (b) of
21 Section 5A-12.6, less the amount allocated under
22 paragraphs (8) and (9) of this subsection and paragraphs
23 (3) and (4) of subsection (b) multiplied by 0.9%.

24 Beginning July 1, 2023, the reimbursement for
25 inpatient rehabilitation services shall be uniformly
26 increased so that the \$96 per day add-on as adjusted by the

1 July 1, 2022 increase, is increased by an amount equal to
2 the funds allocated in paragraph (4) of subsection (b) of
3 Section 5A-12.6, less the amount allocated under
4 paragraphs (8) and (9) of this subsection and paragraphs
5 (3) and (4) of subsection (b) multiplied by 0.9%.

6 (b) Outpatient hospital services. Effective for dates of
7 service on and after July 1, 2014, reimbursement for outpatient
8 services shall utilize the Enhanced Ambulatory Procedure
9 Grouping (EAPG ~~E-APG~~) software, version 3.7 distributed by 3MTM
10 Health Information System.

11 (1) The Department shall establish Medicaid weighting
12 factors to be used in the reimbursement system established
13 under this subsection. The initial weighting factors shall
14 be the weighting factors as published by 3M Health
15 Information System, associated with Version 3.7.

16 (2) The Department shall establish service specific
17 statewide-standardized amounts to be used in the
18 reimbursement system.

19 (A) The initial statewide standardized amounts,
20 with the labor portion adjusted by the Calendar Year
21 2013 Medicare Outpatient Prospective Payment System
22 wage index with reclassifications, shall be published
23 by the Department on its website no later than 10
24 calendar days prior to their effective date.

25 (B) The Department shall establish adjustments to
26 the statewide-standardized amounts for each Critical

1 Access Hospital, as designated by the Department of
2 Public Health in accordance with 42 CFR 485, Subpart F.
3 The EAPG standardized amounts are determined
4 separately for each critical access hospital such that
5 simulated EAPG payments using outpatient base period
6 paid claim data plus payments under Section 5A-12.4 of
7 this Code net of the associated tax costs are equal to
8 the estimated costs of outpatient base period claims
9 data with a rate year cost inflation factor applied.

10 (3) In addition to the statewide-standardized amounts,
11 the Department shall develop adjusters to adjust the rate
12 of reimbursement for critical Medicaid hospital outpatient
13 providers or services, including outpatient high volume or
14 safety-net hospitals. Beginning July 1, 2018, the
15 outpatient high volume adjustor shall be increased to
16 increase annual expenditures associated with this adjustor
17 by \$79,200,000, based on the State Fiscal Year 2015 base
18 year data and this adjustor shall apply to public
19 hospitals, except for large public hospitals, as defined
20 under 89 Ill. Adm. Code 148.25(a).

21 (4) Beginning July 1, 2018, in addition to the
22 statewide standardized amounts, the Department shall make
23 an add-on payment for outpatient expensive devices and
24 drugs. This add-on payment shall at least apply to claim
25 lines that: (i) are assigned with one of the following
26 EAPGs: 490, 1001 to 1020, and coded with one of the

1 following revenue codes: 0274 to 0276, 0278; or (ii) are
2 assigned with one of the following EAPGs: 430 to 441, 443,
3 444, 460 to 465, 495, 496, 1090. The add-on payment shall
4 be calculated as follows: the claim line's covered charges
5 multiplied by the hospital's total acute cost to charge
6 ratio, less the claim line's EAPG payment plus \$1,000,
7 multiplied by 0.8.

8 (5) Beginning July 1, 2018, the statewide-standardized
9 amounts for outpatient services shall be increased so that
10 base claims projected reimbursement is increased by an
11 amount equal to the funds allocated in paragraph (1) of
12 subsection (b) of Section 5A-12.6, less the amount
13 allocated under paragraphs (8) and (9) of subsection (a)
14 and paragraphs (3) and (4) of this subsection multiplied by
15 46%. Beginning July 1, 2020, the statewide-standardized
16 amounts for outpatient services shall be increased so that
17 base claims projected reimbursement is increased by an
18 amount equal to the funds allocated in paragraph (2) of
19 subsection (b) of Section 5A-12.6, less the amount
20 allocated under paragraphs (8) and (9) of subsection (a)
21 and paragraphs (3) and (4) of this subsection multiplied by
22 46%. Beginning July 1, 2022, the statewide-standardized
23 amounts for outpatient services shall be increased so that
24 base claims projected reimbursement is increased by an
25 amount equal to the funds allocated in paragraph (3) of
26 subsection (b) of Section 5A-12.6, less the amount

1 allocated under paragraphs (8) and (9) of subsection (a)
2 and paragraphs (3) and (4) of this subsection multiplied by
3 46%. Beginning July 1, 2023, the statewide-standardized
4 amounts for outpatient services shall be increased so that
5 base claims projected reimbursement is increased by an
6 amount equal to the funds allocated in paragraph (4) of
7 subsection (b) of Section 5A-12.6, less the amount
8 allocated under paragraphs (8) and (9) of subsection (a)
9 and paragraphs (3) and (4) of this subsection multiplied by
10 46%.

11 (c) In consultation with the hospital community, the
12 Department is authorized to replace 89 Ill. Admin. Code 152.150
13 as published in 38 Ill. Reg. 4980 through 4986 within 12 months
14 of June 16, 2014 (the effective date of Public Act 98-651) ~~this~~
15 ~~amendatory Act of the 98th General Assembly~~. If the Department
16 does not replace these rules within 12 months of June 16, 2014
17 ~~(the effective date of Public Act 98-651) this amendatory Act~~
18 ~~of the 98th General Assembly~~, the rules in effect for 152.150
19 as published in 38 Ill. Reg. 4980 through 4986 shall remain in
20 effect until modified by rule by the Department. Nothing in
21 this subsection shall be construed to mandate that the
22 Department file a replacement rule.

23 (d) Transition period. There shall be a transition period
24 to the reimbursement systems authorized under this Section that
25 shall begin on the effective date of these systems and continue
26 until June 30, 2018, unless extended by rule by the Department.

1 To help provide an orderly and predictable transition to the
2 new reimbursement systems and to preserve and enhance access to
3 the hospital services during this transition, the Department
4 shall allocate a transitional hospital access pool of at least
5 \$290,000,000 annually so that transitional hospital access
6 payments are made to hospitals.

7 (1) After the transition period, the Department may
8 begin incorporating the transitional hospital access pool
9 into the base rate structure; however, the transitional
10 hospital access payments in effect on June 30, 2018 shall
11 continue to be paid, if continued under Section 5A-16.

12 (2) After the transition period, if the Department
13 reduces payments from the transitional hospital access
14 pool, it shall increase base rates, develop new adjustors,
15 adjust current adjustors, develop new hospital access
16 payments based on updated information, or any combination
17 thereof by an amount equal to the decreases proposed in the
18 transitional hospital access pool payments, ensuring that
19 the entire transitional hospital access pool amount shall
20 continue to be used for hospital payments.

21 (d-5) Hospital transformation program. The Department, in
22 conjunction with the Hospital Transformation Review Committee
23 created under subsection (d-5), shall develop a hospital
24 transformation program to provide financial assistance to
25 hospitals in transforming their services and care models to
26 better align with the needs of the communities they serve. The

1 payments authorized in this Section shall be subject to
2 approval by the federal government.

3 (1) Phase 1. In State fiscal years 2019 through 2020,
4 the Department shall allocate funds from the transitional
5 access hospital pool to create a hospital transformation
6 pool of at least \$262,906,870 annually and make hospital
7 transformation payments to hospitals. Subject to Section
8 5A-16, in State fiscal years 2019 and 2020, an Illinois
9 hospital that received either a transitional hospital
10 access payment under subsection (d) or a supplemental
11 payment under subsection (f) of this Section in State
12 fiscal year 2018, shall receive a hospital transformation
13 payment as follows:

14 (A) If the hospital's Rate Year 2017 Medicaid
15 inpatient utilization rate is equal to or greater than
16 45%, the hospital transformation payment shall be
17 equal to 100% of the sum of its transitional hospital
18 access payment authorized under subsection (d) and any
19 supplemental payment authorized under subsection (f).

20 (B) If the hospital's Rate Year 2017 Medicaid
21 inpatient utilization rate is equal to or greater than
22 25% but less than 45%, the hospital transformation
23 payment shall be equal to 75% of the sum of its
24 transitional hospital access payment authorized under
25 subsection (d) and any supplemental payment authorized
26 under subsection (f).

1 (C) If the hospital's Rate Year 2017 Medicaid
2 inpatient utilization rate is less than 25%, the
3 hospital transformation payment shall be equal to 50%
4 of the sum of its transitional hospital access payment
5 authorized under subsection (d) and any supplemental
6 payment authorized under subsection (f).

7 (2) Phase 2. During State fiscal years 2021 and 2022,
8 the Department shall allocate funds from the transitional
9 access hospital pool to create a hospital transformation
10 pool annually and make hospital transformation payments to
11 hospitals participating in the transformation program. Any
12 hospital may seek transformation funding in Phase 2. Any
13 hospital that seeks transformation funding in Phase 2 to
14 update or repurpose the hospital's physical structure to
15 transition to a new delivery model, must submit to the
16 Department in writing a transformation plan, based on the
17 Department's guidelines, that describes the desired
18 delivery model with projections of patient volumes by
19 service lines and projected revenues, expenses, and net
20 income that correspond to the new delivery model. In Phase
21 2, subject to the approval of rules, the Department may use
22 the hospital transformation pool to increase base rates,
23 develop new adjustors, adjust current adjustors, or
24 develop new access payments in order to support and
25 incentivize hospitals to pursue such transformation. In
26 developing such methodologies, the Department shall ensure

1 that the entire hospital transformation pool continues to
2 be expended to ensure access to hospital services or to
3 support organizations that had received hospital
4 transformation payments under this Section.

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

11 (B) As provided in paragraph (9) of Section 3 of
12 the Illinois Health Facilities Planning Act, any
13 hospital participating in the transformation program
14 may be excluded from the requirements of the Illinois
15 Health Facilities Planning Act for those projects
16 related to the hospital's transformation. To be
17 eligible, the hospital must submit to the Health
18 Facilities and Services Review Board certification
19 from the Department, approved by the Hospital
20 Transformation Review Committee, that the project is a
21 part of the hospital's transformation.

22 (C) As provided in subsection (a-20) of Section
23 32.5 of the Emergency Medical Services (EMS) Systems
24 Act, a hospital that received hospital transformation
25 payments under this Section may convert to a
26 freestanding emergency center. To be eligible for such

1 a conversion, the hospital must submit to the
2 Department of Public Health certification from the
3 Department, approved by the Hospital Transformation
4 Review Committee, that the project is a part of the
5 hospital's transformation.

6 (3) Within 6 months after March 12, 2018 (the effective
7 date of Public Act 100-581) ~~this amendatory Act of the~~
8 ~~100th General Assembly~~, the Department, in conjunction
9 with the Hospital Transformation Review Committee, shall
10 develop and adopt, by rule, the goals, objectives,
11 policies, standards, payment models, or criteria to be
12 applied in Phase 2 of the program to allocate the hospital
13 transformation funds. The goals, objectives, and policies
14 to be considered may include, but are not limited to,
15 achieving unmet needs of a community that a hospital serves
16 such as behavioral health services, outpatient services,
17 or drug rehabilitation services; attaining certain quality
18 or patient safety benchmarks for health care services; or
19 improving the coordination, effectiveness, and efficiency
20 of care delivery. Notwithstanding any other provision of
21 law, any rule adopted in accordance with this subsection
22 (d-5) may be submitted to the Joint Committee on
23 Administrative Rules for approval only if the rule has
24 first been approved by 9 of the 14 members of the Hospital
25 Transformation Review Committee.

26 (4) Hospital Transformation Review Committee. There is

1 created the Hospital Transformation Review Committee. The
2 Committee shall consist of 14 members. No later than 30
3 days after March 12, 2018 (the effective date of Public Act
4 100-581) ~~this amendatory Act of the 100th General Assembly,~~
5 the 4 legislative leaders shall each appoint 3 members; the
6 Governor shall appoint the Director of Healthcare and
7 Family Services, or his or her designee, as a member; and
8 the Director of Healthcare and Family Services shall
9 appoint one member. Any vacancy shall be filled by the
10 applicable appointing authority within 15 calendar days.
11 The members of the Committee shall select a Chair and a
12 Vice-Chair from among its members, provided that the Chair
13 and Vice-Chair cannot be appointed by the same appointing
14 authority and must be from different political parties. The
15 Chair shall have the authority to establish a meeting
16 schedule and convene meetings of the Committee, and the
17 Vice-Chair shall have the authority to convene meetings in
18 the absence of the Chair. The Committee may establish its
19 own rules with respect to meeting schedule, notice of
20 meetings, and the disclosure of documents; however, the
21 Committee shall not have the power to subpoena individuals
22 or documents and any rules must be approved by 9 of the 14
23 members. The Committee shall perform the functions
24 described in this Section and advise and consult with the
25 Director in the administration of this Section. In addition
26 to reviewing and approving the policies, procedures, and

1 rules for the hospital transformation program, the
2 Committee shall consider and make recommendations related
3 to qualifying criteria and payment methodologies related
4 to safety-net hospitals and children's hospitals. Members
5 of the Committee appointed by the legislative leaders shall
6 be subject to the jurisdiction of the Legislative Ethics
7 Commission, not the Executive Ethics Commission, and all
8 requests under the Freedom of Information Act shall be
9 directed to the applicable Freedom of Information officer
10 for the General Assembly. The Department shall provide
11 operational support to the Committee as necessary.

12 (e) Beginning 36 months after initial implementation, the
13 Department shall update the reimbursement components in
14 subsections (a) and (b), including standardized amounts and
15 weighting factors, and at least triennially and no more
16 frequently than annually thereafter. The Department shall
17 publish these updates on its website no later than 30 calendar
18 days prior to their effective date.

19 (f) Continuation of supplemental payments. Any
20 supplemental payments authorized under Illinois Administrative
21 Code 148 effective January 1, 2014 and that continue during the
22 period of July 1, 2014 through December 31, 2014 shall remain
23 in effect as long as the assessment imposed by Section 5A-2
24 that is in effect on December 31, 2017 remains in effect.

25 (g) Notwithstanding subsections (a) through (f) of this
26 Section and notwithstanding the changes authorized under

1 Section 5-5b.1, any updates to the system shall not result in
2 any diminishment of the overall effective rates of
3 reimbursement as of the implementation date of the new system
4 (July 1, 2014). These updates shall not preclude variations in
5 any individual component of the system or hospital rate
6 variations. Nothing in this Section shall prohibit the
7 Department from increasing the rates of reimbursement or
8 developing payments to ensure access to hospital services.
9 Nothing in this Section shall be construed to guarantee a
10 minimum amount of spending in the aggregate or per hospital as
11 spending may be impacted by factors including but not limited
12 to the number of individuals in the medical assistance program
13 and the severity of illness of the individuals.

14 (h) The Department shall have the authority to modify by
15 rulemaking any changes to the rates or methodologies in this
16 Section as required by the federal government to obtain federal
17 financial participation for expenditures made under this
18 Section.

19 (i) Except for subsections (g) and (h) of this Section, the
20 Department shall, pursuant to subsection (c) of Section 5-40 of
21 the Illinois Administrative Procedure Act, provide for
22 presentation at the June 2014 hearing of the Joint Committee on
23 Administrative Rules (JCAR) additional written notice to JCAR
24 of the following rules in order to commence the second notice
25 period for the following rules: rules published in the Illinois
26 Register, rule dated February 21, 2014 at 38 Ill. Reg. 4559

1 (Medical Payment), 4628 (Specialized Health Care Delivery
2 Systems), 4640 (Hospital Services), 4932 (Diagnostic Related
3 Grouping (DRG) Prospective Payment System (PPS)), and 4977
4 (Hospital Reimbursement Changes), and published in the
5 Illinois Register dated March 21, 2014 at 38 Ill. Reg. 6499
6 (Specialized Health Care Delivery Systems) and 6505 (Hospital
7 Services).

8 (j) Out-of-state hospitals. Beginning July 1, 2018, for
9 purposes of determining for State fiscal years 2019 and 2020
10 the hospitals eligible for the payments authorized under
11 subsections (a) and (b) of this Section, the Department shall
12 include out-of-state hospitals that are designated a Level I
13 pediatric trauma center or a Level I trauma center by the
14 Department of Public Health as of December 1, 2017.

15 (k) The Department shall notify each hospital and managed
16 care organization, in writing, of the impact of the updates
17 under this Section at least 30 calendar days prior to their
18 effective date.

19 (Source: P.A. 99-2, eff. 3-26-15; 100-581, eff. 3-12-18;
20 revised 10-3-18.)

21 Section 570. The Early Mental Health and Addictions
22 Treatment Act is amended by changing Section 10 as follows:

23 (305 ILCS 65/10)

24 Sec. 10. Medicaid pilot program for opioid and other drug

1 addictions.

2 (a) Legislative findings. The General Assembly finds as
3 follows:

4 (1) Illinois continues to face a serious and ongoing
5 opioid epidemic.

6 (2) Opioid-related overdose deaths rose 76% between
7 2013 and 2016.

8 (3) Opioid and other drug addictions are life-long
9 diseases that require a disease management approach and not
10 just episodic treatment.

11 (4) There is an urgent need to create a treatment
12 approach that proactively engages and encourages
13 individuals with opioid and other drug addictions into
14 treatment to help prevent chronic use and a worsening
15 addiction and to significantly curb the rate of overdose
16 deaths.

17 (b) With the goal of early initial engagement of
18 individuals who have an opioid or other drug addiction in
19 addiction treatment and for keeping individuals engaged in
20 treatment following detoxification, a residential treatment
21 stay, or hospitalization to prevent chronic recurrent drug use,
22 the Department of Healthcare and Family Services, in
23 partnership with the Department of Human Services' Division of
24 Substance Use Prevention and Recovery ~~Alcoholism and Substance~~
25 ~~Abuse~~ and with meaningful input from stakeholders, shall
26 develop an Assertive Engagement and Community-Based Clinical

1 Treatment Pilot Program for early treatment of an opioid or
2 other drug addiction. The pilot program shall be implemented
3 across a broad spectrum of geographic regions across the State.

4 (c) Assertive engagement and community-based clinical
5 treatment services. All services included in the pilot program
6 established under this Section shall be evidence-based or
7 evidence-informed as applicable and the services shall be
8 flexibly provided in-office, in-home, and in-community with an
9 emphasis on in-home and in-community services. The model shall
10 take into consideration area workforce, community uniqueness,
11 and cultural diversity. The model shall, at a minimum, allow
12 for and include each of the following:

13 (1) Assertive community outreach, engagement, and
14 continuing care strategies to encourage participation and
15 retention in addiction treatment services for both initial
16 engagement into addiction treatment services, and for
17 post-hospitalization, post-detoxification, and
18 post-residential treatment.

19 (2) Case management for purposes of linking
20 individuals to treatment, ongoing monitoring, problem
21 solving, and assisting individuals in organizing their
22 treatment and goals. Case management shall be covered for
23 individuals not yet engaged in treatment for purposes of
24 reaching such individuals early on in their addiction and
25 for individuals in treatment.

26 (3) Clinical treatment that is delivered in an

1 individual's natural environment, including in-home or
2 in-community treatment, to better equip the individual
3 with coping mechanisms that may trigger re-use.

4 (4) Coverage of provider transportation costs in
5 delivering in-home and in-community services in both rural
6 and urban settings. For rural communities, the model shall
7 take into account the wider geographic areas providers are
8 required to travel for in-home and in-community pilot
9 services for purposes of reimbursement.

10 (5) Recovery support services.

11 (6) For individuals who receive services through the
12 pilot program but disengage for a short duration (a period
13 of no longer than 9 months), allow seamless treatment
14 re-engagement in the pilot program.

15 (7) Supported education and employment.

16 (8) Working with the individual's family, school, and
17 other community support systems.

18 (9) Service flexibility to enable recovery and
19 positive health outcomes.

20 (d) Federal waiver or State Plan amendment; implementation
21 timeline. The Department shall follow the timeline for
22 application for federal approval and implementation outlined
23 in subsection (c) of Section 5. The pilot program contemplated
24 in this Section shall be implemented only to the extent that
25 federal financial participation is available.

26 (e) Pay-for-performance payment model. The Department of

1 Healthcare and Family Services, in partnership with the
2 Department of Human Services' Division of Substance Use
3 Prevention and Recovery ~~Alcoholism and Substance Abuse~~ and with
4 meaningful input from stakeholders, shall develop a
5 pay-for-performance payment model aimed at achieving
6 high-quality ~~high-quality~~ treatment and overall health and
7 quality of life outcomes, rather than a fee-for-service payment
8 model. The payment model shall allow for service flexibility to
9 achieve such outcomes, shall cover actual provider costs of
10 delivering the pilot program services to enable
11 sustainability, and shall include all provider costs
12 associated with the data collection for purposes of the
13 analytics and outcomes reporting required in subsection (g).
14 The Department shall ensure that the payment model works as
15 intended by this Section within managed care.

16 (f) Rulemaking. The Department of Healthcare and Family
17 Services, in partnership with the Department of Human Services'
18 Division of Substance Use Prevention and Recovery ~~Alcoholism~~
19 ~~and Substance Abuse~~ and with meaningful input from
20 stakeholders, shall develop rules for purposes of
21 implementation of the pilot program within 6 months after
22 federal approval of the pilot program. If the Department
23 determines federal approval is not required for
24 implementation, the Department shall develop rules with
25 meaningful stakeholder input no later than December 31, 2019.

26 (g) Pilot program analytics and outcomes reports. The

1 Department of Healthcare and Family Services shall engage a
2 third party partner with expertise in program evaluation,
3 analysis, and research at the end of 5 years of implementation
4 to review the outcomes of the pilot program in treating
5 addiction and preventing periods of symptom exacerbation and
6 recurrence. For purposes of evaluating the outcomes of the
7 pilot program, the Department shall require providers of the
8 pilot program services to track all of the following annual
9 data:

10 (1) Length of engagement and retention in pilot program
11 services.

12 (2) Recurrence of drug use.

13 (3) Symptom management (the ability or inability to
14 control drug use).

15 (4) Days of hospitalizations related to substance use
16 or residential treatment stays.

17 (5) Periods of homelessness and periods of housing
18 stability.

19 (6) Periods of criminal justice involvement.

20 (7) Educational and employment attainment during
21 following pilot program services.

22 (8) Enrollee satisfaction with his or her quality of
23 life and level of social connectedness, pre-pilot and
24 post-pilot services.

25 (h) The Department of Healthcare and Family Services shall
26 deliver a final report to the General Assembly on the outcomes

1 of the pilot program within one year after 4 years of full
2 implementation, and after 7 years of full implementation,
3 compared to typical treatment available to other youth with
4 significant mental health conditions, as well as the cost
5 savings associated with the pilot program taking into account
6 all public systems used when an individual with a significant
7 mental health condition does not have access to the right
8 treatment and supports in the early stages of his or her
9 illness.

10 The reports to the General Assembly shall be filed with the
11 Clerk of the House of Representatives and the Secretary of the
12 Senate in electronic form only, in the manner that the Clerk
13 and the Secretary shall direct.

14 Post-pilot program discharge outcomes shall be collected
15 for all service recipients who exit the pilot program for up to
16 3 years after exit. This includes youth who exit the program
17 with planned or unplanned discharges. The post-exit data
18 collected shall include the annual data listed in paragraphs
19 (1) through (8) of subsection (g). Data collection shall be
20 done in a manner that does not violate individual privacy laws.
21 Outcomes for enrollees in the pilot and post-exit outcomes
22 shall be included in the final report to the General Assembly
23 under this subsection (h) within one year of 4 full years of
24 implementation, and in an additional report within one year of
25 7 full years of implementation in order to provide more
26 information about post-exit outcomes on a greater number of

1 youth who enroll in pilot program services in the final years
2 of the pilot program.

3 (Source: P.A. 100-1016, eff. 8-21-18; revised 10-3-18.)

4 Section 575. The Older Adult Services Act is amended by
5 changing Section 35 as follows:

6 (320 ILCS 42/35)

7 Sec. 35. Older Adult Services Advisory Committee.

8 (a) The Older Adult Services Advisory Committee is created
9 to advise the directors of Aging, Healthcare and Family
10 Services, and Public Health on all matters related to this Act
11 and the delivery of services to older adults in general.

12 (b) The Advisory Committee shall be comprised of the
13 following:

14 (1) The Director of Aging or his or her designee, who
15 shall serve as chair and shall be an ex officio and
16 nonvoting member.

17 (2) The Director of Healthcare and Family Services and
18 the Director of Public Health or their designees, who shall
19 serve as vice-chairs and shall be ex officio and nonvoting
20 members.

21 (3) One representative each of the Governor's Office,
22 the Department of Healthcare and Family Services, the
23 Department of Public Health, the Department of Veterans'
24 Affairs, the Department of Human Services, the Department

1 of Insurance, the Department on Aging, the Department on
2 Aging's State Long Term Care Ombudsman, the Illinois
3 Housing Finance Authority, and the Illinois Housing
4 Development Authority, each of whom shall be selected by
5 his or her respective director and shall be an ex officio
6 and nonvoting member.

7 (4) Thirty members appointed by the Director of Aging
8 in collaboration with the directors of Public Health and
9 Healthcare and Family Services, and selected from the
10 recommendations of statewide associations and
11 organizations, as follows:

12 (A) One member representing the Area Agencies on
13 Aging;

14 (B) Four members representing nursing homes or
15 licensed assisted living establishments;

16 (C) One member representing home health agencies;

17 (D) One member representing case management
18 services;

19 (E) One member representing statewide senior
20 center associations;

21 (F) One member representing Community Care Program
22 homemaker services;

23 (G) One member representing Community Care Program
24 adult day services;

25 (H) One member representing nutrition project
26 directors;

- 1 (I) One member representing hospice programs;
- 2 (J) One member representing individuals with
3 Alzheimer's disease and related dementias;
- 4 (K) Two members representing statewide trade or
5 labor unions;
- 6 (L) One advanced practice registered nurse with
7 experience in gerontological nursing;
- 8 (M) One physician specializing in gerontology;
- 9 (N) One member representing regional long-term
10 care ombudsmen;
- 11 (O) One member representing municipal, township,
12 or county officials;
- 13 (P) (Blank);
- 14 (Q) (Blank);
- 15 (R) One member representing the parish nurse
16 movement;
- 17 (S) One member representing pharmacists;
- 18 (T) Two members representing statewide
19 organizations engaging in advocacy or legal
20 representation on behalf of the senior population;
- 21 (U) Two family caregivers;
- 22 (V) Two citizen members over the age of 60;
- 23 (W) One citizen with knowledge in the area of
24 gerontology research or health care law;
- 25 (X) One representative of health care facilities
26 licensed under the Hospital Licensing Act; and

1 (Y) One representative of primary care service
2 providers.

3 The Director of Aging, in collaboration with the Directors
4 of Public Health and Healthcare and Family Services, may
5 appoint additional citizen members to the Older Adult Services
6 Advisory Committee. Each such additional member must be either
7 an individual age 60 or older or an uncompensated caregiver for
8 a family member or friend who is age 60 or older.

9 (c) Voting members of the Advisory Committee shall serve
10 for a term of 3 years or until a replacement is named. All
11 members shall be appointed no later than January 1, 2005. Of
12 the initial appointees, as determined by lot, 10 members shall
13 serve a term of one year; 10 shall serve for a term of 2 years;
14 and 12 shall serve for a term of 3 years. Any member appointed
15 to fill a vacancy occurring prior to the expiration of the term
16 for which his or her predecessor was appointed shall be
17 appointed for the remainder of that term. The Advisory
18 Committee shall meet at least quarterly and may meet more
19 frequently at the call of the Chair. A simple majority of those
20 appointed shall constitute a quorum. The affirmative vote of a
21 majority of those present and voting shall be necessary for
22 Advisory Committee action. Members of the Advisory Committee
23 shall receive no compensation for their services.

24 (d) The Advisory Committee shall have an Executive
25 Committee comprised of the Chair, the Vice Chairs, and up to 15
26 members of the Advisory Committee appointed by the Chair who

1 have demonstrated expertise in developing, implementing, or
2 coordinating the system restructuring initiatives defined in
3 Section 25. The Executive Committee shall have responsibility
4 to oversee and structure the operations of the Advisory
5 Committee and to create and appoint necessary subcommittees and
6 subcommittee members. The Advisory Committee's Community Care
7 Program Medicaid Enrollment Oversight Subcommittee shall have
8 the membership and powers and duties set forth in Section 4.02
9 of the Illinois Act on the Aging.

10 (e) The Advisory Committee shall study and make
11 recommendations related to the implementation of this Act,
12 including, but not limited to, system restructuring
13 initiatives as defined in Section 25 or otherwise related to
14 this Act.

15 (Source: P.A. 100-513, eff. 1-1-18; 100-587, eff. 6-4-18;
16 100-621, eff. 7-20-18; revised 8-1-18.)

17 Section 580. The Quincy Veterans' Home Rehabilitation and
18 Rebuilding Act is amended by changing Sections 30 and 50 as
19 follows:

20 (330 ILCS 21/30)

21 (Section scheduled to be repealed on July 17, 2023)

22 Sec. 30. Procedures for selection.

23 (a) The State construction agency must use a two-phase
24 procedure for the selection of the successful design-build

1 entity. Phase I of the procedure will evaluate and shortlist
2 the design-build entities based on qualifications, and Phase II
3 will evaluate the technical and cost proposals.

4 (b) The State construction agency shall include in the
5 request for proposal the evaluating factors to be used in Phase
6 I. These factors are in addition to any prequalification
7 requirements of design-build entities that the agency has set
8 forth. Each request for proposal shall establish the relative
9 importance assigned to each evaluation factor and subfactor,
10 including any weighting of criteria to be employed by the State
11 construction agency. The State construction agency must
12 maintain a record of the evaluation scoring to be disclosed in
13 the event of a protest regarding the solicitation.

14 The State construction agency shall include the following
15 criteria in every Phase I evaluation of design-build entities:
16 (1) experience of personnel; (2) successful experience with
17 similar project types; (3) financial capability; (4)
18 timeliness of past performance; (5) experience with similarly
19 sized projects; (6) successful reference checks of the firm;
20 (7) commitment to assign personnel for the duration of the
21 project and qualifications of the entity's consultants; and (8)
22 ability or past performance in meeting or exhausting good faith
23 efforts to meet the utilization goals for business enterprises
24 established in the Business Enterprise for Minorities, Women,
25 and Persons with Disabilities Act and with Section 2-105 of the
26 Illinois Human Rights Act. The State construction agency may

1 include any additional relevant criteria in Phase I that it
2 deems necessary for a proper qualification review.

3 The State construction agency may not consider any
4 design-build entity for evaluation or award if the entity has
5 any pecuniary interest in the project or has other
6 relationships or circumstances, including, but not limited to,
7 long-term leasehold, mutual performance, or development
8 contracts with the State construction agency, that may give the
9 design-build entity a financial or tangible advantage over
10 other design-build entities in the preparation, evaluation, or
11 performance of the design-build contract or that create the
12 appearance of impropriety. No proposal shall be considered that
13 does not include an entity's plan to comply with the
14 requirements established in the Business Enterprise for
15 Minorities, Women, and Persons with Disabilities Act, for both
16 the design and construction areas of performance, and with
17 Section 2-105 of the Illinois Human Rights Act.

18 Upon completion of the qualifications evaluation, the
19 State construction agency shall create a shortlist of the most
20 highly qualified design-build entities. The State construction
21 agency, in its discretion, is not required to shortlist the
22 maximum number of entities as identified for Phase II
23 evaluation, so long as no less than 2 design-build entities nor
24 more than 6 design-build entities are selected to submit Phase
25 II proposals.

26 The State construction agency shall notify the entities

1 selected for the shortlist in writing. This notification shall
2 commence the period for the preparation of the Phase II
3 technical and cost evaluations. The State construction agency
4 must allow sufficient time for the shortlist entities to
5 prepare their Phase II submittals considering the scope and
6 detail requested by the State agency.

7 (c) The State construction agency shall include in the
8 request for proposal the evaluating factors to be used in the
9 technical and cost submission components of Phase II. Each
10 request for proposal shall establish, for both the technical
11 and cost submission components of Phase II, the relative
12 importance assigned to each evaluation factor and subfactor,
13 including any weighting of criteria to be employed by the State
14 construction agency. The State construction agency must
15 maintain a record of the evaluation scoring to be disclosed in
16 the event of a protest regarding the solicitation.

17 The State construction agency shall include the following
18 criteria in every Phase II technical evaluation of design-build
19 entities: (1) compliance with objectives of the project; (2)
20 compliance of proposed services to the request for proposal
21 requirements; (3) quality of products or materials proposed;
22 (4) quality of design parameters; (5) design concepts; (6)
23 innovation in meeting the scope and performance criteria; and
24 (7) constructability of the proposed project. The State
25 construction agency may include any additional relevant
26 technical evaluation factors it deems necessary for proper

1 selection.

2 The State construction agency shall include the following
3 criteria in every Phase II cost evaluation: the total project
4 cost, the construction costs, and the time of completion. The
5 State construction agency may include any additional relevant
6 technical evaluation factors it deems necessary for proper
7 selection. The total project cost criteria weighting ~~weighing~~
8 factor shall be 25%.

9 The State construction agency shall directly employ or
10 retain a licensed design professional to evaluate the technical
11 and cost submissions to determine if the technical submissions
12 are in accordance with generally accepted industry standards.

13 Upon completion of the technical submissions and cost
14 submissions evaluation, the State construction agency may
15 award the design-build contract to the highest overall ranked
16 entity.

17 (Source: P.A. 100-610, eff. 7-17-18; revised 10-3-18.)

18 (330 ILCS 21/50)

19 (Section scheduled to be repealed on July 17, 2023)

20 Sec. 50. Illinois Administrative Procedure Act. The
21 Illinois Administrative Procedure Act applies to all
22 administrative rules and procedures of the State construction
23 agency under this Act except that nothing herein shall be
24 construed to render any prequalification or other
25 responsibility criteria as a "license" or "licensing" under

1 that Act.

2 (Source: P.A. 100-610, eff. 7-17-18; revised 10-3-18.)

3 Section 585. The Service Member Employment and
4 Reemployment Rights Act is amended by changing Section 5-20 as
5 follows:

6 (330 ILCS 61/5-20)

7 Sec. 5-20. Notice of rights and duties.

8 (a) Each employer shall provide to employees entitled to
9 rights and benefits under this Act a notice of the rights,
10 benefits, and obligations of service member employees under
11 this Act.

12 (b) The requirement for the provision of notice under this
13 Act may be met by the posting of the notice where the employer
14 ~~employer's~~ customarily places ~~place~~ notices for employees.

15 (Source: P.A. 100-1101, eff. 1-1-19; revised 10-3-18.)

16 Section 590. The Developmental Disability and Mental
17 Disability Services Act is amended by changing the heading of
18 Article VII-A as follows:

19 (405 ILCS 80/Art. VII-A heading)

20 ARTICLE VII-A. DIVERSION FROM FACILITY-BASED CARE PROGRAM

21 (Source: P.A. 100-924, eff. 7-1-19; revised 10-2-18.)

1 Section 595. The Comprehensive Lead Education, Reduction,
2 and Window Replacement Program Act is amended by changing
3 Section 5 as follows:

4 (410 ILCS 43/5)

5 Sec. 5. Findings; intent; establishment of program.

6 (a) The General Assembly finds all of the following:

7 (1) Lead-based paint poisoning is a potentially
8 devastating, but preventable disease. It is one of the top
9 environmental threats to children's health in the United
10 States.

11 (2) The number of lead-poisoned children in Illinois is
12 among the highest in the nation, especially in older, more
13 affordable properties.

14 (3) Lead poisoning causes irreversible damage to the
15 development of a child's nervous system. Even at low and
16 moderate levels, lead poisoning causes learning
17 disabilities, problems with speech, shortened attention
18 span, hyperactivity, and behavioral problems. Recent
19 research links low levels of lead exposure to lower IQ
20 scores and to juvenile delinquency.

21 (4) Older housing is the number one risk factor for
22 childhood lead poisoning. Properties built before 1950 are
23 statistically much more likely to contain lead-based paint
24 hazards than buildings constructed more recently.

25 (5) While the use of lead-based paint in residential

1 properties was banned in 1978, the State of Illinois ranks
2 seventh nationally in the number of housing units built
3 before 1978 and has the highest risk for lead hazards.

4 (6) There are nearly 1.4 million households with
5 lead-based paint hazards in Illinois.

6 (7) Most children are lead poisoned in their own homes
7 through exposure to lead dust from deteriorated lead paint
8 surfaces, like windows, and when lead paint deteriorates or
9 is disturbed through home renovation and repainting.

10 (8) Children at the highest risk for lead poisoning
11 live in low-income communities and in older housing
12 throughout the State of Illinois.

13 (9) The control of lead hazards significantly reduces
14 lead-poisoning rates.

15 (10) Windows are considered a higher lead exposure risk
16 more often than other components in a housing unit. Windows
17 are a major contributor of lead dust in the home, due to
18 both weathering conditions and friction effects on paint.

19 (11) The Comprehensive Lead Education ~~Elimination~~,
20 Reduction, and Window Replacement (CLEAR-WIN) Program was
21 established under Public Act 95-492 as a pilot program to
22 reduce potential lead hazards by replacing windows in
23 low-income, pre-1978 homes. It also provided for
24 on-the-job training for community members in 2 pilot
25 communities in Chicago and Peoria County.

26 (12) The CLEAR-WIN Program provided for installation

1 of 8,000 windows in 466 housing units between 2010 and
2 2014. Evaluations of the pilot program determined window
3 replacement was effective in lowering lead hazards and
4 produced energy, environmental, health, and market
5 benefits. Return on investment was almost \$2 for every
6 dollar spent.

7 (13) There is an insufficient pool of licensed lead
8 abatement workers and contractors to address the problem in
9 some areas of the State.

10 (14) Through grants from the U.S. Department of Housing
11 and Urban Development and State dollars, some communities
12 in Illinois have begun to reduce lead poisoning of
13 children. While this is an ongoing effort, it only
14 addresses a small number of the low-income children
15 statewide in communities with high levels of lead paint in
16 the housing stock.

17 (b) It is the intent of the General Assembly to:

18 (1) address the problem of lead poisoning of children
19 by eliminating lead hazards in homes;

20 (2) provide training within communities to encourage
21 the use of lead paint safe work practices;

22 (3) create job opportunities for community members in
23 the lead abatement industry;

24 (4) support the efforts of small business and property
25 owners committed to maintaining lead-safe housing; and

26 (5) assist in the maintenance of affordable lead-safe

1 housing stock.

2 (c) The General Assembly hereby establishes the
3 Comprehensive Lead Education, Reduction, and Window
4 Replacement Program to assist residential property owners
5 through a Lead Direct Assistance Program to reduce lead hazards
6 in residential properties.

7 (d) The Department of Public Health is authorized to:

8 (1) adopt rules necessary to implement this Act;

9 (2) adopt by reference the Illinois Administrative
10 Procedure Act for administration of this Act;

11 (3) assess administrative fines and penalties, as
12 established by the Department by rule, for persons
13 violating rules adopted by the Department under this Act;

14 (4) make referrals for prosecution to the Attorney
15 General or the State's Attorney for the county in which a
16 violation occurs, for a violation of this Act or the rules
17 adopted under this Act; and

18 (5) establish agreements under the Intergovernmental
19 Cooperation Act with the Department of Commerce and
20 Economic Opportunity, the Illinois Housing Development
21 Authority, or any other public agency as required, to
22 implement this Act.

23 (Source: P.A. 100-461, eff. 8-25-17; revised 10-22-18.)

24 Section 600. The Sexual Assault Survivors Emergency
25 Treatment Act is amended by changing Sections 1a, 2.1, 5, and

1 6.5 as follows:

2 (410 ILCS 70/1a) (from Ch. 111 1/2, par. 87-1a)

3 Sec. 1a. Definitions. In this Act:

4 "Advanced practice registered nurse" has the meaning
5 provided in Section 50-10 of the Nurse Practice Act.

6 "Ambulance provider" means an individual or entity that
7 owns and operates a business or service using ambulances or
8 emergency medical services vehicles to transport emergency
9 patients.

10 "Approved pediatric health care facility" means a health
11 care facility, other than a hospital, with a sexual assault
12 treatment plan approved by the Department to provide medical
13 forensic services to pediatric sexual assault survivors who
14 present with a complaint of sexual assault within a minimum of
15 the last 7 days or who have disclosed past sexual assault by a
16 specific individual and were in the care of that individual
17 within a minimum of the last 7 days.

18 "Areawide sexual assault treatment plan" means a plan,
19 developed by hospitals or by hospitals and approved pediatric
20 health care facilities in a community or area to be served,
21 which provides for medical forensic services to sexual assault
22 survivors that shall be made available by each of the
23 participating hospitals and approved pediatric health care
24 facilities.

25 "Board-certified child abuse pediatrician" means a

1 physician certified by the American Board of Pediatrics in
2 child abuse pediatrics.

3 "Board-eligible child abuse pediatrician" means a
4 physician who has completed the requirements set forth by the
5 American Board of Pediatrics to take the examination for
6 certification in child abuse pediatrics.

7 "Department" means the Department of Public Health.

8 "Emergency contraception" means medication as approved by
9 the federal Food and Drug Administration (FDA) that can
10 significantly reduce the risk of pregnancy if taken within 72
11 hours after sexual assault.

12 "Follow-up healthcare" means healthcare services related
13 to a sexual assault, including laboratory services and pharmacy
14 services, rendered within 90 days of the initial visit for
15 medical forensic services.

16 "Health care professional" means a physician, a physician
17 assistant, a sexual assault forensic examiner, an advanced
18 practice registered nurse, a registered professional nurse, a
19 licensed practical nurse, or a sexual assault nurse examiner.

20 "Hospital" means a hospital licensed under the Hospital
21 Licensing Act or operated under the University of Illinois
22 Hospital Act, any outpatient center included in the hospital's
23 sexual assault treatment plan where hospital employees provide
24 medical forensic services, and an out-of-state hospital that
25 has consented to the jurisdiction of the Department under
26 Section 2.06.

1 "Illinois State Police Sexual Assault Evidence Collection
2 Kit" means a prepackaged set of materials and forms to be used
3 for the collection of evidence relating to sexual assault. The
4 standardized evidence collection kit for the State of Illinois
5 shall be the Illinois State Police Sexual Assault Evidence
6 Collection Kit.

7 "Law enforcement agency having jurisdiction" means the law
8 enforcement agency in the jurisdiction where an alleged sexual
9 assault or sexual abuse occurred.

10 "Licensed practical nurse" has the meaning provided in
11 Section 50-10 of the Nurse Practice Act.

12 "Medical forensic services" means health care delivered to
13 patients within or under the care and supervision of personnel
14 working in a designated emergency department of a hospital or
15 an approved pediatric health care facility. "Medical forensic
16 services" includes, but is not limited to, taking a medical
17 history, performing photo documentation, performing a physical
18 and anogenital examination, assessing the patient for evidence
19 collection, collecting evidence in accordance with a statewide
20 sexual assault evidence collection program administered by the
21 Department of State Police using the Illinois State Police
22 Sexual Assault Evidence Collection Kit, if appropriate,
23 assessing the patient for drug-facilitated or
24 alcohol-facilitated sexual assault, providing an evaluation of
25 and care for sexually transmitted infection and human
26 immunodeficiency virus (HIV), pregnancy risk evaluation and

1 care, and discharge and follow-up healthcare planning.

2 "Pediatric health care facility" means a clinic or
3 physician's office that provides medical services to pediatric
4 patients.

5 "Pediatric sexual assault survivor" means a person under
6 the age of 13 who presents for medical forensic services in
7 relation to injuries or trauma resulting from a sexual assault.

8 "Photo documentation" means digital photographs or
9 colposcope videos stored and backed up ~~backed up~~ securely in
10 the original file format.

11 "Physician" means a person licensed to practice medicine in
12 all its branches.

13 "Physician assistant" has the meaning provided in Section 4
14 of the Physician Assistant Practice Act of 1987.

15 "Prepubescent sexual assault survivor" means a female who
16 is under the age of 18 years and has not had a first menstrual
17 cycle or a male who is under the age of 18 years and has not
18 started to develop secondary sex characteristics who presents
19 for medical forensic services in relation to injuries or trauma
20 resulting from a sexual assault.

21 "Qualified medical provider" means a board-certified child
22 abuse pediatrician, board-eligible child abuse pediatrician, a
23 sexual assault forensic examiner, or a sexual assault nurse
24 examiner who has access to photo documentation tools, and who
25 participates in peer review.

26 "Registered Professional Nurse" has the meaning provided

1 in Section 50-10 of the Nurse Practice Act.

2 "Sexual assault" means:

3 (1) an act of sexual conduct; as used in this
4 paragraph, "sexual conduct" has the meaning provided under
5 Section 11-0.1 of the Criminal Code of 2012; or

6 (2) any act of sexual penetration; as used in this
7 paragraph, "sexual penetration" has the meaning provided
8 under Section 11-0.1 of the Criminal Code of 2012 and
9 includes, without limitation, acts prohibited under
10 Sections 11-1.20 through 11-1.60 of the Criminal Code of
11 2012.

12 "Sexual assault forensic examiner" means a physician or
13 physician assistant who has completed training that meets or is
14 substantially similar to the Sexual Assault Nurse Examiner
15 Education Guidelines established by the International
16 Association of Forensic Nurses.

17 "Sexual assault nurse examiner" means an advanced practice
18 registered nurse or registered professional nurse who has
19 completed a sexual assault nurse examiner training program that
20 meets the Sexual Assault Nurse Examiner Education Guidelines
21 established by the International Association of Forensic
22 Nurses.

23 "Sexual assault services voucher" means a document
24 generated by a hospital or approved pediatric health care
25 facility at the time the sexual assault survivor receives
26 outpatient medical forensic services that may be used to seek

1 payment for any ambulance services, medical forensic services,
2 laboratory services, pharmacy services, and follow-up
3 healthcare provided as a result of the sexual assault.

4 "Sexual assault survivor" means a person who presents for
5 medical forensic services in relation to injuries or trauma
6 resulting from a sexual assault.

7 "Sexual assault transfer plan" means a written plan
8 developed by a hospital and approved by the Department, which
9 describes the hospital's procedures for transferring sexual
10 assault survivors to another hospital, and an approved
11 pediatric health care facility, if applicable, in order to
12 receive medical forensic services.

13 "Sexual assault treatment plan" means a written plan that
14 describes the procedures and protocols for providing medical
15 forensic services to sexual assault survivors who present
16 themselves for such services, either directly or through
17 transfer from a hospital or an approved pediatric health care
18 facility.

19 "Transfer hospital" means a hospital with a sexual assault
20 transfer plan approved by the Department.

21 "Transfer services" means the appropriate medical
22 screening examination and necessary stabilizing treatment
23 prior to the transfer of a sexual assault survivor to a
24 hospital or an approved pediatric health care facility that
25 provides medical forensic services to sexual assault survivors
26 pursuant to a sexual assault treatment plan or areawide sexual

1 assault treatment plan.

2 "Treatment hospital" means a hospital with a sexual assault
3 treatment plan approved by the Department to provide medical
4 forensic services to all sexual assault survivors who present
5 with a complaint of sexual assault within a minimum of the last
6 7 days or who have disclosed past sexual assault by a specific
7 individual and were in the care of that individual within a
8 minimum of the last 7 days.

9 "Treatment hospital with approved pediatric transfer"
10 means a hospital with a treatment plan approved by the
11 Department to provide medical forensic services to sexual
12 assault survivors 13 years old or older who present with a
13 complaint of sexual assault within a minimum of the last 7 days
14 or who have disclosed past sexual assault by a specific
15 individual and were in the care of that individual within a
16 minimum of the last 7 days.

17 (Source: P.A. 99-454, eff. 1-1-16; 99-801, eff. 1-1-17;
18 100-513, eff. 1-1-18; 100-775, eff. 1-1-19; revised 10-24-18.)

19 (410 ILCS 70/2.1) (from Ch. 111 1/2, par. 87-2.1)

20 Sec. 2.1. Plan of correction; penalties.

21 (a) If the Department surveyor determines that the hospital
22 or approved pediatric health care facility is not in compliance
23 with its approved plan, the surveyor shall provide the hospital
24 or approved pediatric health care facility with a written list
25 of the specific items of noncompliance within 10 working days

1 after the conclusion of the on-site ~~on-site~~ review. The
2 hospital shall have 10 working days to submit to the Department
3 a plan of correction which contains the hospital's or approved
4 pediatric health care facility's specific proposals for
5 correcting the items of noncompliance. The Department shall
6 review the plan of correction and notify the hospital in
7 writing within 10 working days as to whether the plan is
8 acceptable or unacceptable.

9 If the Department finds the Plan of Correction
10 unacceptable, the hospital or approved pediatric health care
11 facility shall have 10 working days to resubmit an acceptable
12 Plan of Correction. Upon notification that its Plan of
13 Correction is acceptable, a hospital or approved pediatric
14 health care facility shall implement the Plan of Correction
15 within 60 days.

16 (b) The failure of a hospital to submit an acceptable Plan
17 of Correction or to implement the Plan of Correction, within
18 the time frames required in this Section, will subject a
19 hospital to the imposition of a fine by the Department. The
20 Department may impose a fine of up to \$500 per day until a
21 hospital complies with the requirements of this Section.

22 If an approved pediatric health care facility fails to
23 submit an acceptable Plan of Correction or to implement the
24 Plan of Correction within the time frames required in this
25 Section, then the Department shall notify the approved
26 pediatric health care facility that the approved pediatric

1 health care facility may not provide medical forensic services
2 under this Act. The Department may impose a fine of up to \$500
3 per patient provided services in violation of this Act.

4 (c) Before imposing a fine pursuant to this Section, the
5 Department shall provide the hospital or approved pediatric
6 health care facility via certified mail with written notice and
7 an opportunity for an administrative hearing. Such hearing must
8 be requested within 10 working days after receipt of the
9 Department's Notice. All hearings shall be conducted in
10 accordance with the Department's rules in administrative
11 hearings.

12 (Source: P.A. 100-775, eff. 1-1-19; revised 10-22-18.)

13 (410 ILCS 70/5) (from Ch. 111 1/2, par. 87-5)

14 Sec. 5. Minimum requirements for medical forensic services
15 provided to sexual assault survivors by hospitals and approved
16 pediatric health care facilities.

17 (a) Every hospital and approved pediatric health care
18 facility providing medical forensic services to sexual assault
19 survivors under this Act shall, as minimum requirements for
20 such services, provide, with the consent of the sexual assault
21 survivor, and as ordered by the attending physician, an
22 advanced practice registered nurse, or a physician assistant,
23 the services set forth in subsection (a-5).

24 Beginning January 1, 2022, a qualified medical provider
25 must provide the services set forth in subsection (a-5).

1 (a-5) A treatment hospital, a treatment hospital with
2 approved pediatric transfer, or an approved pediatric health
3 care facility shall provide the following services in
4 accordance with subsection (a):

5 (1) Appropriate medical forensic services without
6 delay, in a private, age-appropriate or
7 developmentally-appropriate space, required to ensure the
8 health, safety, and welfare of a sexual assault survivor
9 and which may be used as evidence in a criminal proceeding
10 against a person accused of the sexual assault, in a
11 proceeding under the Juvenile Court Act of 1987, or in an
12 investigation under the Abused and Neglected Child
13 Reporting Act.

14 Records of medical forensic services, including
15 results of examinations and tests, the Illinois State
16 Police Medical Forensic Documentation Forms, the Illinois
17 State Police Patient Discharge Materials, and the Illinois
18 State Police Patient Consent: Collect and Test Evidence or
19 Collect and Hold Evidence Form, shall be maintained by the
20 hospital or approved pediatric health care facility as part
21 of the patient's electronic medical record.

22 Records of medical forensic services of sexual assault
23 survivors under the age of 18 shall be retained by the
24 hospital for a period of 60 years after the sexual assault
25 survivor reaches the age of 18. Records of medical forensic
26 services of sexual assault survivors 18 years of age or

1 older shall be retained by the hospital for a period of 20
2 years after the date the record was created.

3 Records of medical forensic services may only be
4 disseminated in accordance with Section 6.5 of this Act and
5 other State and federal law.

6 (1.5) An offer to complete the Illinois Sexual Assault
7 Evidence Collection Kit for any sexual assault survivor who
8 presents within a minimum of the last 7 days of the assault
9 or who has disclosed past sexual assault by a specific
10 individual and was in the care of that individual within a
11 minimum of the last 7 days.

12 (A) Appropriate oral and written information
13 concerning evidence-based guidelines for the
14 appropriateness of evidence collection depending on
15 the sexual development of the sexual assault survivor,
16 the type of sexual assault, and the timing of the
17 sexual assault shall be provided to the sexual assault
18 survivor. Evidence collection is encouraged for
19 prepubescent sexual assault survivors who present to a
20 hospital or approved pediatric health care facility
21 with a complaint of sexual assault within a minimum of
22 96 hours after the sexual assault.

23 Before January 1, 2022, the information required
24 under this subparagraph shall be provided in person by
25 the health care professional providing medical
26 forensic services directly to the sexual assault

1 survivor.

2 On and after January 1, 2022, the information
3 required under this subparagraph shall be provided in
4 person by the qualified medical provider providing
5 medical forensic services directly to the sexual
6 assault survivor.

7 The written information provided shall be the
8 information created in accordance with Section 10 of
9 this Act.

10 (B) Following the discussion regarding the
11 evidence-based guidelines for evidence collection in
12 accordance with subparagraph (A), evidence collection
13 must be completed at the sexual assault survivor's
14 request. A sexual assault nurse examiner conducting an
15 examination using the Illinois State Police Sexual
16 Assault Evidence Collection Kit may do so without the
17 presence or participation of a physician.

18 (2) Appropriate oral and written information
19 concerning the possibility of infection, sexually
20 transmitted infection, including an evaluation of the
21 sexual assault survivor's risk of contracting human
22 immunodeficiency virus (HIV) from sexual assault, and
23 pregnancy resulting from sexual assault.

24 (3) Appropriate oral and written information
25 concerning accepted medical procedures, laboratory tests,
26 medication, and possible contraindications of such

1 medication available for the prevention or treatment of
2 infection or disease resulting from sexual assault.

3 (3.5) After ~~after~~ a medical evidentiary or physical
4 examination, access to a shower at no cost, unless
5 showering facilities are unavailable.†

6 (4) An amount of medication, including HIV
7 prophylaxis, for treatment at the hospital or approved
8 pediatric health care facility and after discharge as is
9 deemed appropriate by the attending physician, an advanced
10 practice registered nurse, or a physician assistant in
11 accordance with the Centers for Disease Control and
12 Prevention guidelines and consistent with the hospital's
13 or approved pediatric health care facility's current
14 approved protocol for sexual assault survivors.

15 (5) Photo documentation of the sexual assault
16 survivor's injuries, anatomy involved in the assault, or
17 other visible evidence on the sexual assault survivor's
18 body to supplement the medical forensic history and written
19 documentation of physical findings and evidence beginning
20 July 1, 2019. Photo documentation does not replace written
21 documentation of the injury.

22 (6) Written and oral instructions indicating the need
23 for follow-up examinations and laboratory tests after the
24 sexual assault to determine the presence or absence of
25 sexually transmitted infection.

26 (7) Referral by hospital or approved pediatric health

1 care facility personnel for appropriate counseling.

2 (8) Medical advocacy services provided by a rape crisis
3 counselor whose communications are protected under Section
4 8-802.1 of the Code of Civil Procedure, if there is a
5 memorandum of understanding between the hospital or
6 approved pediatric health care facility and a rape crisis
7 center. With the consent of the sexual assault survivor, a
8 rape crisis counselor shall remain in the exam room during
9 the medical forensic examination.

10 (9) Written information regarding services provided by
11 a Children's Advocacy Center and rape crisis center, if
12 applicable.

13 (a-7) By January 1, 2022, every hospital with a treatment
14 plan approved by the Department shall employ or contract with a
15 qualified medical provider to initiate medical forensic
16 services to a sexual assault survivor within 90 minutes of the
17 patient presenting to the treatment hospital or treatment
18 hospital with approved pediatric transfer. The provision of
19 medical forensic services by a qualified medical provider shall
20 not delay the provision of life-saving medical care.

21 (b) Any person who is a sexual assault survivor who seeks
22 medical forensic services or follow-up healthcare under this
23 Act shall be provided such services without the consent of any
24 parent, guardian, custodian, surrogate, or agent. If a sexual
25 assault survivor is unable to consent to medical forensic
26 services, the services may be provided under the Consent by

1 Minors to Medical Procedures Act, the Health Care Surrogate
2 Act, or other applicable State and federal laws.

3 (b-5) Every hospital or approved pediatric health care
4 facility providing medical forensic services to sexual assault
5 survivors shall issue a voucher to any sexual assault survivor
6 who is eligible to receive one in accordance with Section 5.2
7 of this Act. The hospital shall make a copy of the voucher and
8 place it in the medical record of the sexual assault survivor.
9 The hospital shall provide a copy of the voucher to the sexual
10 assault survivor after discharge upon request.

11 (c) Nothing in this Section creates a physician-patient
12 relationship that extends beyond discharge from the hospital or
13 approved pediatric health care facility.

14 (Source: P.A. 99-173, eff. 7-29-15; 99-454, eff. 1-1-16;
15 99-642, eff. 7-28-16; 100-513, eff. 1-1-18; 100-775, eff.
16 1-1-19; 100-1087, eff. 1-1-19; revised 10-24-18.)

17 (410 ILCS 70/6.5)

18 Sec. 6.5. Written consent to the release of sexual assault
19 evidence for testing.

20 (a) Upon the completion of medical forensic services, the
21 health care professional providing the medical forensic
22 services shall provide the patient the opportunity to sign a
23 written consent to allow law enforcement to submit the sexual
24 assault evidence for testing, if collected. The written consent
25 shall be on a form included in the sexual assault evidence

1 collection kit and posted on the Illinois State Police website.
2 The consent form shall include whether the survivor consents to
3 the release of information about the sexual assault to law
4 enforcement.

5 (1) A survivor 13 years of age or older may sign the
6 written consent to release the evidence for testing.

7 (2) If the survivor is a minor who is under 13 years of
8 age, the written consent to release the sexual assault
9 evidence for testing may be signed by the parent, guardian,
10 investigating law enforcement officer, or Department of
11 Children and Family Services.

12 (3) If the survivor is an adult who has a guardian of
13 the person, a health care surrogate, or an agent acting
14 under a health care power of attorney, the consent of the
15 guardian, surrogate, or agent is not required to release
16 evidence and information concerning the sexual assault or
17 sexual abuse. If the adult is unable to provide consent for
18 the release of evidence and information and a guardian,
19 surrogate, or agent under a health care power of attorney
20 is unavailable or unwilling to release the information,
21 then an investigating law enforcement officer may
22 authorize the release.

23 (4) Any health care professional or health care
24 institution, including any hospital or approved pediatric
25 health care facility, who provides evidence or information
26 to a law enforcement officer under a written consent as

1 specified in this Section is immune from any civil or
2 professional liability that might arise from those
3 actions, with the exception of willful or wanton
4 misconduct. The immunity provision applies only if all of
5 the requirements of this Section are met.

6 (b) The hospital or approved pediatric health care facility
7 shall keep a copy of a signed or unsigned written consent form
8 in the patient's medical record.

9 (c) If a written consent to allow law enforcement to hold
10 the sexual assault evidence is signed at the completion of
11 medical forensic services, the hospital or approved pediatric
12 health care facility shall include the following information in
13 its discharge instructions:

14 (1) the sexual assault evidence will be stored for 10
15 years from the completion of an Illinois State Police
16 Sexual Assault Evidence Collection Kit, or 10 years from
17 the age of 18 years, whichever is longer;

18 (2) a person authorized to consent to the testing of
19 the sexual assault evidence may sign a written consent to
20 allow law enforcement to test the sexual assault evidence
21 at any time during that 10-year period for an adult victim,
22 or until a minor victim turns 28 years of age by (A)
23 contacting the law enforcement agency having jurisdiction,
24 or if unknown, the law enforcement agency contacted by the
25 hospital or approved pediatric health care facility under
26 Section 3.2 of the Criminal Identification Act; or (B) by

1 working with an advocate at a rape crisis center;

2 (3) the name, address, and phone number of the law
3 enforcement agency having jurisdiction, or if unknown the
4 name, address, and phone number of the law enforcement
5 agency contacted by the hospital or approved pediatric
6 health care facility under Section 3.2 of the Criminal
7 Identification Act; and

8 (4) the name and phone number of a local rape crisis
9 center.

10 (Source: P.A. 99-801, eff. 1-1-17; 100-513, eff. 1-1-18;
11 100-775, eff. 1-1-19; 100-1087, eff. 1-1-19; revised
12 10-24-18.)

13 Section 605. The Vital Records Act is amended by changing
14 Section 25.4 as follows:

15 (410 ILCS 535/25.4)

16 Sec. 25.4. Youth in care birth record request.

17 (a) For the purposes of this Section, an individual's
18 status as a youth in care may be verified:

19 (1) with a copy of the court order placing the youth in
20 the guardianship or custody of the Department of Children
21 and Family Services or terminating the Department of
22 Children and Family Services' guardianship or custody of
23 the youth; or

24 (2) by a human services agency, legal services agency,

1 or other similar agency that has knowledge of the
2 individual's youth in care status, including, but not
3 limited to:

4 (A) a child welfare agency, including the
5 Department of Children and Family Services; or

6 (B) the attorney or guardian ad litem who served as
7 the youth in care's attorney or guardian ad litem
8 during proceedings under the Juvenile Court Act of
9 1987.

10 A person described in subsection (b) of this Section must
11 not be charged for verification under this Section.

12 A person who knowingly or purposefully falsifies this
13 verification is subject to a penalty of \$100.

14 (b) The applicable fees under Section 25 of this Act for a
15 search for a birth record or a certified copy of a birth record
16 shall be waived for all requests made by:

17 (1) a youth in care, as defined in Section 4d of the
18 Children and Family Services Act, whose status is verified
19 under subsection (a) of this Section; or

20 (2) a person under the age of 27 who was a youth in
21 care, as defined in Section 4d of the Children and Family
22 Services Act, on or after his or her 18th birthday and
23 whose status is verified under subsection (a) of this
24 Section.

25 The State Registrar of Vital Records shall establish
26 standards and procedures consistent with this Section for

1 waiver of the applicable fees.

2 (c) A person shall be provided no more than 4 birth records
3 annually under this Section.

4 (Source: P.A. 100-619, eff. 1-1-19; revised 10-24-18.)

5 Section 610. The Food Handling Regulation Enforcement Act
6 is amended by changing Sections 3.3 and 4 as follows:

7 (410 ILCS 625/3.3)

8 Sec. 3.3. Farmers' markets.

9 (a) The General Assembly finds as follows:

10 (1) Farmers' markets, as defined in subsection (b) of
11 this Section, provide not only a valuable marketplace for
12 farmers and food artisans to sell their products directly
13 to consumers, but also a place for consumers to access
14 fresh fruits, vegetables, and other agricultural products.

15 (2) Farmers' markets serve as a stimulator for local
16 economies and for thousands of new businesses every year,
17 allowing farmers to sell directly to consumers and capture
18 the full retail value of their products. They have become
19 important community institutions and have figured in the
20 revitalization of downtown districts and rural
21 communities.

22 (3) Since 1999, the number of farmers' markets has
23 tripled and new ones are being established every year.
24 There is a lack of consistent regulation from one county to

1 the next, resulting in confusion and discrepancies between
2 counties regarding how products may be sold. There continue
3 ~~continues~~ to be inconsistencies, confusion, and lack of
4 awareness by consumers, farmers, markets, and local health
5 authorities of required guidelines affecting farmers'
6 markets from county to county.

7 (4) (Blank).

8 (5) (Blank).

9 (6) Recognizing that farmers' markets serve as small
10 business incubators and that farmers' profit margins
11 frequently are narrow, even in direct-to-consumer retail,
12 protecting farmers from costs of regulation that are
13 disproportionate to their profits will help ensure the
14 continued viability of these local farms and small
15 businesses.

16 (b) For the purposes of this Section:

17 "Department" means the Department of Public Health.

18 "Director" means the Director of Public Health.

19 "Farmers' market" means a common facility or area where the
20 primary purpose is for farmers to gather to sell a variety of
21 fresh fruits and vegetables and other locally produced farm and
22 food products directly to consumers.

23 (c) (Blank).

24 (d) This Section does not intend and shall not be construed
25 to limit the power of counties, municipalities, and other local
26 government units to regulate farmers' markets for the

1 protection of the public health, safety, morals, and welfare,
2 including, but not limited to, licensing requirements and time,
3 place, and manner restrictions, except as specified in this
4 Act. This Section provides for a statewide scheme for the
5 orderly and consistent interpretation of the Department's
6 administrative rules pertaining to the safety of food and food
7 products sold at farmers' markets.

8 (e) (Blank).

9 (f) (Blank).

10 (g) (Blank).

11 (h) (Blank).

12 (i) (Blank).

13 (j) (Blank).

14 (k) (Blank).

15 (l) (Blank).

16 (m) The following provisions shall apply concerning
17 statewide farmers' market food safety guidelines:

18 (1) The Director, in accordance with this Section,
19 shall adopt administrative rules (as provided by the
20 Illinois Administrative Procedure Act) for foods found at
21 farmers' markets.

22 (2) The rules and regulations described in this Section
23 shall be consistently enforced by local health authorities
24 throughout the State.

25 (2.5) Notwithstanding any other provision of law
26 except as provided in this Section, local public health

1 departments and all other units of local government are
2 prohibited from creating sanitation guidelines, rules, or
3 regulations for farmers' markets that are more stringent
4 than those farmers' market sanitation regulations
5 contained in the administrative rules adopted by the
6 Department for the purposes of implementing this Section
7 and Sections 3.4, 3.5, and 4 of this Act. Except as
8 provided for in Sections 3.4 and 4 of this Act, this
9 Section does not intend and shall not be construed to limit
10 the power of local health departments and other government
11 units from requiring licensing and permits for the sale of
12 commercial food products, processed food products,
13 prepared foods, and potentially hazardous foods at
14 farmers' markets or conducting related inspections and
15 enforcement activities, so long as those permits and
16 licenses do not include unreasonable fees or sanitation
17 provisions and rules that are more stringent than those
18 laid out in the administrative rules adopted by the
19 Department for the purposes of implementing this Section
20 and Sections 3.4, 3.5, and 4 of this Act.

21 (3) In the case of alleged noncompliance
22 ~~non-compliance~~ with the provisions described in this
23 Section, local health departments shall issue written
24 notices to vendors and market managers of any noncompliance
25 issues.

26 (4) Produce and food products coming within the scope

1 of the provisions of this Section shall include, but not be
2 limited to, raw agricultural products, including fresh
3 fruits and vegetables; popcorn, grains, seeds, beans, and
4 nuts that are whole, unprocessed, unpackaged, and
5 unsprouted; fresh herb sprigs ~~springe~~ and dried herbs in
6 bunches; baked goods sold at farmers' markets; cut fruits
7 and vegetables; milk and cheese products; ice cream;
8 syrups; wild and cultivated mushrooms; apple cider and
9 other fruit and vegetable juices; herb vinegar;
10 garlic-in-oil; flavored oils; pickles, relishes, salsas,
11 and other canned or jarred items; shell eggs; meat and
12 poultry; fish; ready-to-eat foods; commercially produced
13 prepackaged food products; and any additional items
14 specified in the administrative rules adopted by the
15 Department to implement Section 3.3 of this Act.

16 (n) Local health department regulatory guidelines may be
17 applied to foods not often found at farmers' markets, all other
18 food products not regulated by the Department of Agriculture
19 and the Department of Public Health, as well as live animals to
20 be sold at farmers' markets.

21 (o) (Blank).

22 (p) The Department of Public Health and the Department of
23 Agriculture shall adopt administrative rules necessary to
24 implement, interpret, and make specific the provisions of this
25 Section, including, but not limited to, rules concerning
26 labels, sanitation, and food product safety according to the

1 realms of their jurisdiction.

2 (q) The Department shall create a food sampling training
3 and license program as specified in Section 3.4 of this Act.

4 (r) In addition to any rules adopted pursuant to subsection
5 (p) of this Section, the following provisions shall be applied
6 uniformly throughout the State, including to home rule units,
7 except as otherwise provided in this Act:

8 (1) Farmers market vendors shall provide effective
9 means to maintain potentially hazardous food, as defined in
10 Section 4 of this Act, at 41 degrees Fahrenheit or below.
11 As an alternative to mechanical refrigeration, an
12 effectively insulated, hard-sided, cleanable container
13 with sufficient ice or other cooling means that is intended
14 for the storage of potentially hazardous food shall be
15 used. Local health departments shall not limit vendors'
16 choice of refrigeration or cooling equipment and shall not
17 charge a fee for use of such equipment. Local health
18 departments shall not be precluded from requiring an
19 effective alternative form of cooling if a vendor is unable
20 to maintain food at the appropriate temperature.

21 (2) Handwashing stations may be shared by farmers'
22 market vendors if handwashing stations are accessible to
23 vendors.

24 (Source: P.A. 99-9, eff. 7-10-15; 99-191, eff. 1-1-16; 99-642,
25 eff. 7-28-16; 100-488, eff. 6-1-18; 100-805, eff. 1-1-19;
26 revised 10-24-18.)

1 (410 ILCS 625/4)

2 Sec. 4. Cottage food operation.

3 (a) For the purpose of this Section:

4 A food is "acidified" if: (i) acid or acid ingredients are
5 added to it to produce a final equilibrium pH of 4.6 or below;
6 or (ii) it is fermented to produce a final equilibrium pH of
7 4.6 or below.

8 "Canned food" means food preserved in air-tight,
9 vacuum-sealed containers that are heat processed sufficiently
10 to enable storing the food at normal home temperatures.

11 "Cottage food operation" means an operation conducted by a
12 person who produces or packages food or drink, other than foods
13 and drinks listed as prohibited in paragraph (1.5) of
14 subsection (b) of this Section, in a kitchen located in that
15 person's primary domestic residence or another appropriately
16 designed and equipped residential or commercial-style kitchen
17 on that property for direct sale by the owner, a family member,
18 or employee.

19 "Cut leafy greens" means fresh leafy greens whose leaves
20 have been cut, shredded, sliced, chopped, or torn. "Cut leafy
21 greens" does not mean cut-to-harvest leafy greens.

22 "Department" means the Department of Public Health.

23 "Equilibrium pH" means the final potential of hydrogen
24 measured in an acidified food after all the components of the
25 food have achieved the same acidity.

1 "Farmers' market" means a common facility or area where
2 farmers gather to sell a variety of fresh fruits and vegetables
3 and other locally produced farm and food products directly to
4 consumers.

5 "Leafy greens" includes iceberg lettuce; romaine lettuce;
6 leaf lettuce; butter lettuce; baby leaf lettuce, such as
7 immature lettuce or leafy greens; escarole; endive; spring mix;
8 spinach; cabbage; kale; arugula; and chard. "Leafy greens" does
9 not include microgreens or herbs such as cilantro or parsley.

10 "Main ingredient" means an agricultural product that is the
11 defining or distinctive ingredient in a cottage food product,
12 though not necessarily by predominance of weight.

13 "Microgreen" means an edible plant seedling grown in soil
14 or substrate and harvested above the soil or substrate line.

15 "Potentially hazardous food" means a food that is
16 potentially hazardous according to the Department's
17 administrative rules. Potentially hazardous food (PHF) in
18 general means a food that requires time and temperature control
19 for safety (TCS) to limit pathogenic microorganism growth or
20 toxin formation.

21 "Sprout" means any seedling intended for human consumption
22 that was produced in a manner that does not meet the definition
23 of microgreen.

24 (b) Notwithstanding any other provision of law and except
25 as provided in subsections (c), (d), and (e) of this Section,
26 neither the Department nor the Department of Agriculture nor

1 the health department of a unit of local government may
2 regulate the transaction of food or drink by a cottage food
3 operation providing that all of the following conditions are
4 met:

5 (1) (Blank).

6 (1.5) A cottage food operation may produce homemade
7 food and drink. However, a cottage food operation, unless
8 properly licensed, certified, and compliant with all
9 requirements to sell a listed food item under the laws and
10 regulations pertinent to that food item, shall not sell or
11 offer to sell the following food items or processed foods
12 containing the following food items, except as indicated:

13 (A) meat, poultry, fish, seafood, or shellfish;

14 (B) dairy, except as an ingredient in a
15 non-potentially hazardous baked good or candy, such as
16 caramel, subject to paragraph (1.8);

17 (C) eggs, except as an ingredient in a
18 non-potentially hazardous baked good or in dry
19 noodles;

20 (D) pumpkin pies, sweet potato pies, cheesecakes,
21 custard pies, creme pies, and pastries with
22 potentially hazardous fillings or toppings;

23 (E) garlic in oil or oil infused with garlic,
24 except if the garlic oil is acidified;

25 (F) canned foods, except for the following, which
26 may be canned only in Mason-style jars with new lids:

1 (i) fruit jams, fruit jellies, fruit
2 preserves, or fruit butters;

3 (ii) syrups;

4 (iii) whole or cut fruit canned in syrup;

5 (iv) acidified fruit or vegetables prepared
6 and offered for sale in compliance with paragraph
7 (1.6); and

8 (v) condiments such as prepared mustard,
9 horseradish, or ketchup that do not contain
10 ingredients prohibited under this Section and that
11 are prepared and offered for sale in compliance
12 with paragraph (1.6);

13 (G) sprouts;

14 (H) cut leafy greens, except for cut leafy greens
15 that are dehydrated, acidified, or blanched and
16 frozen;

17 (I) cut or pureed fresh tomato or melon;

18 (J) dehydrated tomato or melon;

19 (K) frozen cut melon;

20 (L) wild-harvested, non-cultivated mushrooms;

21 (M) alcoholic beverages; or

22 (N) kombucha.

23 (1.6) In order to sell canned tomatoes or a canned
24 product containing tomatoes, a cottage food operator shall
25 either:

26 (A) follow exactly a recipe that has been tested by

1 the United States Department of Agriculture or by a
2 state cooperative extension located in this State or
3 any other state in the United States; or

4 (B) submit the recipe, at the cottage food
5 operator's expense, to a commercial laboratory to test
6 that the product has been adequately acidified; use
7 only the varietal or proportionate varietals of tomato
8 included in the tested recipe for all subsequent
9 batches of such recipe; and provide documentation of
10 the test results of the recipe submitted under this
11 subparagraph to an inspector upon request during any
12 inspection authorized by paragraph (2) of subsection
13 (d).

14 (1.7) A State-certified local public health department
15 that regulates the service of food by a cottage food
16 operation in accordance with subsection (d) of this Section
17 may require a cottage food operation to submit a canned
18 food that is subject to paragraph (1.6), at the cottage
19 food operator's expense, to a commercial laboratory to
20 verify that the product has a final equilibrium pH of 4.6
21 or below.

22 (1.8) A State-certified local public health department
23 that regulates the service of food by a cottage food
24 operation in accordance with subsection (d) of this Section
25 may require a cottage food operation to submit a recipe for
26 any baked good containing cheese, at the cottage food

1 operator's expense, to a commercial laboratory to verify
2 that it is non-potentially hazardous before allowing the
3 cottage food operation to sell the baked good as a cottage
4 food.

5 (2) The food is to be sold at a farmers' market, with
6 the exception that cottage foods that have a locally grown
7 agricultural product as the main ingredient may be sold on
8 the farm where the agricultural product is grown or
9 delivered directly to the consumer.

10 (3) (Blank).

11 (4) The food packaging conforms to the labeling
12 requirements of the Illinois Food, Drug and Cosmetic Act
13 and includes the following information on the label of each
14 of its products:

15 (A) the name and address of the cottage food
16 operation;

17 (B) the common or usual name of the food product;

18 (C) all ingredients of the food product, including
19 any colors, artificial flavors, and preservatives,
20 listed in descending order by predominance of weight
21 shown with common or usual names;

22 (D) the following phrase: "This product was
23 produced in a home kitchen not subject to public health
24 inspection that may also process common food
25 allergens.";

26 (E) the date the product was processed; and

1 (F) allergen labeling as specified in federal
2 labeling requirements.

3 (5) The name and residence of the person preparing and
4 selling products as a cottage food operation are ~~is~~
5 registered with the health department of a unit of local
6 government where the cottage food operation resides. No
7 fees shall be charged for registration. Registration shall
8 be for a minimum period of one year.

9 (6) The person preparing or packaging products as a
10 cottage food operation has a Department approved Food
11 Service Sanitation Management Certificate.

12 (7) At the point of sale, a placard is displayed in a
13 prominent location that states the following: "This
14 product was produced in a home kitchen not subject to
15 public health inspection that may also process common food
16 allergens."

17 (c) Notwithstanding the provisions of subsection (b) of
18 this Section, if the Department or the health department of a
19 unit of local government has received a consumer complaint or
20 has reason to believe that an imminent health hazard exists or
21 that a cottage food operation's product has been found to be
22 misbranded, adulterated, or not in compliance with the
23 exception for cottage food operations pursuant to this Section,
24 then it may invoke cessation of sales of cottage food products
25 until it deems that the situation has been addressed to the
26 satisfaction of the Department.

1 (d) Notwithstanding the provisions of subsection (b) of
2 this Section, a State-certified local public health department
3 may, upon providing a written statement to the Department,
4 regulate the service of food by a cottage food operation. The
5 regulation by a State-certified local public health department
6 may include all of the following requirements:

7 (1) That the cottage food operation (A) register with
8 the State-certified local public health department, which
9 shall be for a minimum of one year and include a reasonable
10 fee set by the State-certified local public health
11 department that is no greater than \$25 notwithstanding
12 paragraph (5) of subsection (b) of this Section and (B)
13 agree in writing at the time of registration to grant
14 access to the State-certified local public health
15 department to conduct an inspection of the cottage food
16 operation's primary domestic residence in the event of a
17 consumer complaint or foodborne illness outbreak.

18 (2) That in the event of a consumer complaint or
19 foodborne illness outbreak the State-certified local
20 public health department is allowed to (A) inspect the
21 premises of the cottage food operation in question and (B)
22 set a reasonable fee for that inspection.

23 (e) The Department may adopt rules as may be necessary to
24 implement the provisions of this Section.

25 (Source: P.A. 99-191, eff. 1-1-16; 100-35, eff. 1-1-18;
26 100-1069, eff. 8-24-18; revised 10-22-18.)

1 Section 615. The Illinois Solid Waste Management Act is
2 amended by changing Section 7 as follows:

3 (415 ILCS 20/7) (from Ch. 111 1/2, par. 7057)

4 Sec. 7. It is the intent of this Act to provide the
5 framework for a comprehensive solid waste management program in
6 Illinois.

7 The Department shall prepare and submit to the Governor and
8 the General Assembly on or before January 1, 1992, a report
9 evaluating the effectiveness of the programs provided under
10 this Act and Section 22.14 of the Environmental Protection Act;
11 assessing the need for a continuation of existing programs,
12 development and implementation of new programs and appropriate
13 funding mechanisms; and recommending legislative and
14 administrative action to fully implement a comprehensive solid
15 waste management program in Illinois.

16 The Department shall investigate the suitability and
17 advisability of providing tax incentives for Illinois
18 businesses to use recycled products and purchase or lease
19 recycling equipment, and shall report to the Governor and the
20 General Assembly by January 1, 1987, on the results of this
21 investigation.

22 By July 1, 1989, the Department shall submit to the
23 Governor and members of the General Assembly a waste reduction
24 report:

1 (a) that describes various mechanisms that could be
2 utilized to stimulate and enhance the reduction of
3 industrial and post-consumer waste in the State, including
4 their advantages and disadvantages. The mechanisms to be
5 analyzed shall include, but not be limited to, incentives
6 for prolonging product life, methods for ensuring product
7 recyclability, taxes for excessive packaging, tax
8 incentives, prohibitions on the use of certain products,
9 and performance standards for products; and

10 (b) that includes specific recommendations to
11 stimulate and enhance waste reduction in the industrial and
12 consumer sector, including, but not limited to,
13 legislation, financial incentives and disincentives, and
14 public education.

15 The Department of Commerce and Economic Opportunity, with
16 the cooperation of the State Board of Education, the Illinois
17 Environmental Protection Agency, and others as needed, shall
18 develop, coordinate and conduct an education program for solid
19 waste management and recycling. The program shall include, but
20 not be limited to, education for the general public,
21 businesses, government, educators and students.

22 The education program shall address, at a minimum, the
23 following topics: the solid waste management alternatives of
24 recycling, composting, and source reduction; resource
25 allocation and depletion; solid waste planning; reuse of
26 materials; pollution prevention; and household hazardous

1 waste.

2 The Department of Commerce and Economic Opportunity shall
3 cooperate with municipal and county governments, regional
4 school superintendents, educational ~~education~~ service centers,
5 local school districts, and planning agencies and committees to
6 coordinate local and regional education programs and workshops
7 and to expedite the exchange of technical information.

8 By March 1, 1989, the Department shall prepare a report on
9 strategies for distributing and marketing landscape waste
10 compost from centralized composting sites operated by units of
11 local government. The report shall, at a minimum, evaluate the
12 effects of product quality, assured supply, cost and public
13 education on the availability of compost, free delivery, and
14 public sales composting program. The evaluation of public sales
15 programs shall focus on direct retail sale of bagged compost at
16 the site or special distribution centers and bulk sale of
17 finished compost to wholesalers for resale.

18 (Source: P.A. 94-793, eff. 5-19-06; revised 10-19-18.)

19 Section 620. The Environmental Toxicology Act is amended by
20 changing Section 3 as follows:

21 (415 ILCS 75/3) (from Ch. 111 1/2, par. 983)

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

24 (a) "Department" means the Illinois Department of Public

1 Health.†

2 (b) "Director" means the Director of the Illinois
3 Department of Public Health.†

4 (c) "Program" means the Environmental Toxicology Program
5 as established by this Act.†

6 (d) "Exposure" means contact with a hazardous substance.†

7 (e) "Hazardous substance" means chemical compounds,
8 elements, or combinations of chemicals which, because of
9 quantity concentration, physical characteristics or
10 toxicological characteristics may pose a substantial present
11 or potential hazard to human health and includes, but is not
12 limited to, any substance defined as a hazardous substance in
13 Section 3.215 of the "Environmental Protection Act. ", ~~approved~~
14 ~~June 29, 1970, as amended;~~

15 (f) "Initial assessment" means a review and evaluation of
16 site history and hazardous substances involved, potential for
17 population exposure, the nature of any health related
18 complaints and any known patterns in disease occurrence.†

19 (g) "Comprehensive health study" means a detailed analysis
20 which may include: a review of available environmental,
21 morbidity and mortality data; environmental and biological
22 sampling; detailed review of scientific literature; exposure
23 analysis; population surveys; or any other scientific or
24 epidemiologic methods deemed necessary to adequately evaluate
25 the health status of the population at risk and any potential
26 relationship to environmental factors.†

1 (h) "Superfund Site" means any hazardous waste site
2 designated for cleanup on the National Priorities List as
3 mandated by the Comprehensive Environmental Response,
4 Compensation, and Liability Act of 1980 (P.L. 96-510), as
5 amended.~~+~~

6 ~~(i) (Blank).~~

7 (Source: P.A. 100-103, eff. 8-11-17; 100-621, eff. 7-20-18;
8 revised 10-22-18.)

9 Section 625. The Mercury Switch Removal Act is amended by
10 changing Section 15 as follows:

11 (415 ILCS 97/15)

12 (Section scheduled to be repealed on January 1, 2022)

13 Sec. 15. Mercury switch collection programs.

14 (a) Within 60 days of April 24, 2006 (the effective date of
15 this Act), manufacturers of vehicles in Illinois that contain
16 mercury switches must begin to implement a mercury switch
17 collection program that facilitates the removal of mercury
18 switches from end-of-life vehicles before the vehicles are
19 flattened, crushed, shredded, or otherwise processed for
20 recycling and to collect and properly manage mercury switches
21 in accordance with the Environmental Protection Act and
22 regulations adopted thereunder. In order to ensure that the
23 mercury switches are removed and collected in a safe and
24 consistent manner, manufacturers must, to the extent

1 practicable, use the currently available end-of-life vehicle
2 recycling infrastructure. The collection program must be
3 designed to achieve capture rates of not less than (i) 35% for
4 the period of July 1, 2006, through June 30, 2007; (ii) 50% for
5 the period of July 1, 2007, through June 30, 2008; and (iii)
6 70% for the period of July 1, 2008, through June 30, 2009 and
7 for each subsequent period of July 1 through June 30. At a
8 minimum, the collection program must:

9 (1) Develop and provide educational materials that
10 include guidance as to which vehicles may contain mercury
11 switches and procedures for locating and removing mercury
12 switches. The materials may include, but are not limited
13 to, brochures, fact sheets, and videos.

14 (2) Conduct outreach activities to encourage vehicle
15 recyclers and vehicle crushers to participate in the
16 mercury switch collection program. The activities may
17 include, but are not limited to, direct mailings,
18 workshops, and site visits.

19 (3) Provide storage containers to participating
20 vehicle recyclers and vehicle crushers for mercury
21 switches removed under the program.

22 (4) Provide a collection and transportation system to
23 periodically collect and replace filled storage containers
24 from vehicle recyclers, vehicle crushers, and scrap metal
25 recyclers, either upon notification that a storage
26 container is full or on a schedule predetermined by the

1 manufacturers.

2 (5) Establish an entity that will serve as a point of
3 contact for the collection program and that will establish,
4 implement, and oversee the collection program on behalf of
5 the manufacturers.

6 (6) Track participation in the collection program and
7 the progress of mercury switch removals and collections.

8 (b) Within 90 days of April 24, 2006 (the effective date of
9 this Act), manufacturers of vehicles in Illinois that contain
10 mercury switches must submit to the Agency an implementation
11 plan that describes how the collection program under subsection
12 (a) of this Section will be carried out for the duration of the
13 program and how the program will achieve the capture rates set
14 forth in subsection (a) of this Section. At a minimum, the
15 implementation plan must:

16 (A) Identify the educational materials that will
17 assist vehicle recyclers, vehicle crushers, and scrap
18 metal processors in identifying, removing, and properly
19 managing mercury switches removed from end-of-life
20 vehicles.

21 (B) Describe the outreach program that will be
22 undertaken to encourage vehicle recyclers and vehicle
23 crushers to participate in the mercury switch collection
24 program.

25 (C) Describe how the manufacturers will ensure that
26 mercury switches removed from end-of-life vehicles are

1 managed in accordance with the Illinois Environmental
2 Protection Act and regulations adopted thereunder.

3 (D) Describe how the manufacturers will collect and
4 document the information required in the quarterly reports
5 submitted pursuant to subsection (e) of this Section.

6 (E) Describe how the collection program will be
7 financed and implemented.

8 (F) Identify the manufacturer's address to which the
9 Agency should send the notice required under subsection (f)
10 of this Section.

11 The Agency shall review the collection program plans it
12 receives for completeness and shall notify the manufacturer in
13 writing if a plan is incomplete. Within 30 days after receiving
14 a notification of incompleteness from the Agency the
15 manufacturer shall submit to the Agency a plan that contains
16 all of the required information.

17 (c) The Agency must provide assistance to manufacturers in
18 their implementation of the collection program required under
19 this Section. The assistance shall include providing
20 manufacturers with information about businesses likely to be
21 engaged in vehicle recycling or vehicle crushing, conducting
22 site visits to promote participation in the collection program,
23 and assisting with the scheduling, locating, and staffing of
24 workshops conducted to encourage vehicle recyclers and vehicle
25 crushers to participate in the collection program.

26 (d) Manufacturers subject to the collection program

1 requirements of this Section shall provide, to the extent
2 practicable, the opportunity for trade associations of vehicle
3 recyclers, vehicle crushers, and scrap metal recyclers to be
4 involved in the delivery and dissemination of educational
5 materials regarding the identification, removal, collection,
6 and proper management of mercury switches in end-of-life
7 vehicles.

8 (e) (Blank).

9 (f) If the reports required under this Act indicate that
10 the capture rates set forth in subsection (a) of this Section
11 for the period of July 1, 2007, through ~~though~~ June 30, 2008,
12 or for any subsequent period have not been met the Agency shall
13 provide notice that the capture rate was not met; provided,
14 however, that the Agency is not required to provide notice if
15 it determines that the capture rate was not met due to a force
16 majeure. The Agency shall provide the notice by posting a
17 statement on its website and by sending a written notice via
18 certified mail to the manufacturers subject to the collection
19 program requirement of this Section at the addresses provided
20 in the manufacturers' collection plans. Once the Agency
21 provides notice pursuant to this subsection (f) it is not
22 required to provide notice in subsequent periods in which the
23 capture rate is not met.

24 (g) Beginning 30 days after the Agency first provides
25 notice pursuant to subsection (f) of this Section, the
26 following shall apply:

1 (1) Vehicle recyclers must remove all mercury switches
2 from each end-of-life vehicle before delivering the
3 vehicle to an on-site or off-site vehicle crusher or to a
4 scrap metal recycler, provided that a vehicle recycler is
5 not required to remove a mercury switch that is
6 inaccessible due to significant damage to the vehicle in
7 the area surrounding the mercury switch that occurred
8 before the vehicle recycler's receipt of the vehicle in
9 which case the damage must be noted in the records the
10 vehicle recycler is required to maintain under subsection
11 (c) of Section 10 of this Act.

12 (2) No vehicle recycler, vehicle crusher, or scrap
13 metal recycler shall flatten, crush, or otherwise process
14 an end-of-life vehicle for recycling unless all mercury
15 switches have been removed from the vehicle, provided that
16 a mercury switch that is inaccessible due to significant
17 damage to the vehicle in the area surrounding the mercury
18 switch that occurred before the vehicle recycler's,
19 vehicle crusher's, or scrap metal recycler's receipt of the
20 vehicle is not required to be removed. The damage must be
21 noted in the records the vehicle recycler or vehicle
22 crusher is required to maintain under subsection (c) of
23 Section 10 of this Act.

24 (3) Notwithstanding paragraphs (1) through (2) of this
25 subsection (g), a scrap metal recycler may agree to accept
26 an end-of-life vehicle that contains one or more mercury

1 switches and that has not been flattened, crushed,
2 shredded, or otherwise processed for recycling provided
3 the scrap metal recycler removes all mercury switches from
4 the vehicle before the vehicle is flattened, crushed,
5 shredded, or otherwise processed for recycling. Scrap
6 metal recyclers are not required to remove a mercury switch
7 that is inaccessible due to significant damage to the
8 vehicle in the area surrounding the mercury switch that
9 occurred before the scrap metal recycler's receipt of the
10 vehicle. The damage must be noted in the records the scrap
11 metal recycler is required to maintain under subsection (c)
12 of Section 10 of this Act.

13 (4) Manufacturers subject to the collection program
14 requirements of this Section must provide to vehicle
15 recyclers, vehicle crushers, and scrap metal recyclers the
16 following compensation for all mercury switches removed
17 from end-of-life vehicles on or after the date of the
18 notice: \$2.00 for each mercury switch removed by the
19 vehicle recycler, vehicle crusher, or the scrap metal
20 recycler, the costs of the containers in which the mercury
21 switches are collected, and the costs of packaging and
22 transporting the mercury switches off-site. Payment of
23 this compensation must be provided in a prompt manner.

24 (h) In meeting the requirements of this Section,
25 manufacturers may work individually or as part of a group of 2
26 or more manufacturers.

1 (Source: P.A. 97-459, eff. 7-1-12; revised 10-19-18.)

2 Section 630. The Consumer Electronics Recycling Act is
3 amended by changing Sections 1-10 and 1-25 as follows:

4 (415 ILCS 151/1-10)

5 (Text of Section before amendment by P.A. 100-1165)

6 (Section scheduled to be repealed on December 31, 2026)

7 Sec. 1-10. Manufacturer e-waste program.

8 (a) For program year 2019 and each program year thereafter,
9 each manufacturer shall, individually or collectively as part
10 of a manufacturer clearinghouse, provide a manufacturer
11 e-waste program to transport and subsequently recycle, in
12 accordance with the requirements of this Act, residential CEDs
13 collected at, and prepared for transport from, the program
14 collection sites and one-day collection events included in the
15 program during the program year.

16 (b) Each manufacturer e-waste program must include, at a
17 minimum, the following:

18 (1) satisfaction of the convenience standard described
19 in Section 1-15 of this Act;

20 (2) instructions for designated county recycling
21 coordinators and municipal joint action agencies to
22 annually file notice to participate in the program;

23 (3) transportation and subsequent recycling of the
24 residential CEDs collected at, and prepared for transport

1 from, the program collection sites and one-day collection
2 events included in the program during the program year; and

3 (4) submission of a report to the Agency, by March 1,
4 2020, and each March 1 thereafter, which includes:

5 (A) the total weight of all residential CEDs
6 transported from program collection sites and one-day
7 collection events throughout the State during the
8 preceding program year by CED category;

9 (B) the total weight of residential CEDs
10 transported from all program collection sites and
11 one-day collection events in each county in the State
12 during the preceding program year by CED category; and

13 (C) the total weight of residential CEDs
14 transported from all program collection sites and
15 one-day collection events in each county in the State
16 during that preceding program year and that was
17 recycled.

18 (c) Each manufacturer e-waste program shall make the
19 instructions required under paragraph (2) of subsection (b)
20 available on its website by December 1, 2017, and the program
21 shall provide to the Agency a hyperlink to the website for
22 posting on the Agency's website.

23 (d) Nothing in this Act shall prevent a manufacturer from
24 accepting, through a manufacturer e-waste program, residential
25 CEDs collected through a curbside collection program that is
26 operated pursuant to an agreement between a third party and a

1 unit of local government located within a county or municipal
2 joint action agency that has elected to participate in a
3 manufacturer e-waste program.

4 (Source: P.A. 100-362, eff. 8-25-17; 100-433, eff. 8-25-17;
5 100-592, eff. 6-22-18.)

6 (Text of Section after amendment by P.A. 100-1165)

7 (Section scheduled to be repealed on December 31, 2026)

8 Sec. 1-10. Manufacturer e-waste program.

9 (a) For program year 2019 and each program year thereafter,
10 each manufacturer shall, individually or collectively as part
11 of a manufacturer clearinghouse, provide a manufacturer
12 e-waste program to transport and subsequently recycle, in
13 accordance with the requirements of this Act, residential CEDs
14 collected at, and prepared for transport from, the program
15 collection sites and one-day collection events included in the
16 program during the program year.

17 (b) Each manufacturer e-waste program must include, at a
18 minimum, the following:

19 (1) satisfaction of the convenience standard described
20 in Section 1-15 of this Act;

21 (2) instructions for designated county recycling
22 coordinators and municipal joint action agencies to
23 annually file notice to participate in the program;

24 (3) transportation and subsequent recycling of the
25 residential CEDs collected at, and prepared for transport

1 from, the program collection sites and one-day collection
2 events included in the program during the program year; and

3 (4) submission of a report to the Agency, by March 1,
4 2020, and each March 1 thereafter, which includes:

5 (A) the total weight of all residential CEDs
6 transported from program collection sites and one-day
7 collection events throughout the State during the
8 preceding program year by CED category;

9 (B) the total weight of residential CEDs
10 transported from all program collection sites and
11 one-day collection events in each county in the State
12 during the preceding program year by CED category; and

13 (C) the total weight of residential CEDs
14 transported from all program collection sites and
15 one-day collection events in each county in the State
16 during that preceding program year and that was
17 recycled.

18 (c) Each manufacturer e-waste program shall make the
19 instructions required under paragraph (2) of subsection (b)
20 available on its website by December 1, 2017, and the program
21 shall provide to the Agency a hyperlink to the website for
22 posting on the Agency's website.

23 (d) Nothing in this Act shall prevent a manufacturer from
24 accepting, through a manufacturer e-waste program, residential
25 CEDs collected through a curbside or drop-off collection
26 program that is operated pursuant to a residential franchise

1 collection agreement authorized by Section 11-19-1 of the
2 Illinois Municipal Code or Section 5-1048 of the Counties Code
3 between a third party and a unit of local government located
4 within a county or municipal joint action agency that has
5 elected to participate in a manufacturer e-waste program.

6 (e) A collection program operated in accordance with this
7 Section shall:

8 (1) meet the collector responsibilities under
9 subsections (a), (a-5), (d), (e), and (g) under Section
10 1-45 and require certification on the bill of lading or
11 similar manifest from the unit of local government, the
12 third party, and the county or municipal joint action
13 agency that elected to participate in the manufacturer
14 e-waste program that the CEDs were collected, to the best
15 of their knowledge, from residential consumers in the State
16 of Illinois;

17 (2) comply with the audit provisions under subsection
18 (g) of Section 1-30;

19 (3) locate any drop-off location where CEDs are
20 collected on property owned by a unit of local government;
21 and

22 (4) have signage at any drop-off location indicating
23 only residential CEDs are accepted for recycling.

24 Manufacturers of CEDs are not financially responsible for
25 transporting and consolidating CEDs collected from a
26 collection program's drop-off location. Any drop-off location

1 used in 2019 must have been identified by the county or
2 municipal joint action agency in the written notice of election
3 to participate in the manufacturer e-waste program in
4 accordance with Section 1-20 by March 1, 2018. Any drop-off
5 location operating in 2020 or in subsequent years must be
6 identified by the county or municipal joint action agency in
7 the annual written notice of election to participate in a
8 manufacturer e-waste program in accordance with Section 1-20 to
9 be eligible for the subsequent program year.

10 (Source: P.A. 100-362, eff. 8-25-17; 100-433, eff. 8-25-17;
11 100-592, eff. 6-22-18; 100-1165, eff. 6-1-19; revised
12 1-15-19.)

13 (415 ILCS 151/1-25)

14 (Text of Section before amendment by P.A. 100-1165)

15 (Section scheduled to be repealed on December 31, 2026)

16 Sec. 1-25. Manufacturer e-waste program plans.

17 (a) By July 1, 2018, and by July 1 of each year thereafter
18 for the upcoming program year, beginning with program year
19 2019, each manufacturer shall, individually or through a
20 manufacturer clearinghouse, submit to the Agency a
21 manufacturer e-waste program plan, which includes, at a
22 minimum, the following:

23 (1) the contact information for the individual who will
24 serve as the point of contact for the manufacturer e-waste

1 program;

2 (2) the identity of each county that has elected to
3 participate in the manufacturer e-waste program during the
4 program year;

5 (3) for each county, the location of each program
6 collection site and one-day collection event included in
7 the manufacturer e-waste program for the program year;

8 (4) the collector operating each program collection
9 site and one-day collection event included in the
10 manufacturer e-waste program for the program year;

11 (5) the recyclers that manufacturers plan to use during
12 the program year to transport and subsequently recycle
13 residential CEDs under the program, with the updated list
14 of recyclers to be provided to the Agency no later than
15 December 1 preceding each program year;

16 (6) an explanation of any deviation by the program from
17 the standard program collection site distribution set
18 forth in subsection (a) of Section 1-15 of this Act for the
19 program year, along with copies of all written agreements
20 made pursuant to paragraphs (1) or (2) of subsection (b) of
21 Section 1-15 for the program year; and

22 (7) if a group of 2 or more manufacturers are
23 participating in a manufacturer clearinghouse,
24 certification that the methodology used for allocating
25 responsibility for the transportation and recycling of
26 residential CEDs by manufacturers participating in the

1 manufacturer clearinghouse for the program year will be in
2 compliance with the allocation methodology established
3 under Section 1-84.5 of this Act.

4 (b) Within 60 days after receiving a manufacturer e-waste
5 program plan, the Agency shall review the plan and approve the
6 plan or disapprove the plan.

7 (1) If the Agency determines that the program
8 collection sites and one-day collection events specified
9 in the plan will satisfy the convenience standard set forth
10 in Section 1-15 of this Act, then the Agency shall approve
11 the manufacturer e-waste program plan and provide written
12 notification of the approval to the individual who serves
13 as the point of contact for the manufacturer. The Agency
14 shall make the approved plan available on the Agency's
15 website.

16 (2) If the Agency determines the plan will not satisfy
17 the convenience standard set forth in Section 1-15 of this
18 Act, then the Agency shall disapprove the manufacturer
19 e-waste program plan and provide written notification of
20 the disapproval and the reasons for the disapproval to the
21 individual who serves as the point of contact for the
22 manufacturer. Within 30 days after the date of disapproval,
23 the manufacturer shall submit a revised manufacturer
24 e-waste program plan that addresses the deficiencies noted
25 in the Agency's disapproval.

26 (c) Manufacturers shall assume financial responsibility

1 for carrying out their e-waste program plans, including, but
2 not limited to, financial responsibility for providing the
3 packaging materials necessary to prepare shipments of
4 collected residential CEDs in compliance with subsection (e) of
5 Section 1-45, as well as financial responsibility for bulk
6 transportation and recycling of collected residential CEDs.

7 (Source: P.A. 100-362, eff. 8-25-17; 100-433, eff. 8-25-17;
8 100-592, eff. 6-22-18.)

9 (Text of Section after amendment by P.A. 100-1165)

10 (Section scheduled to be repealed on December 31, 2026)

11 Sec. 1-25. Manufacturer e-waste program plans.

12 (a) By September 1, 2018 for program year 2019, and by July
13 1 of each year thereafter, each manufacturer shall,
14 individually or through a manufacturer clearinghouse, submit
15 to the Agency a manufacturer e-waste program plan, which
16 includes, at a minimum, the following:

17 (1) the contact information for the individual who will
18 serve as the point of contact for the manufacturer e-waste
19 program;

20 (2) the identity of each county that has elected to
21 participate in the manufacturer e-waste program during the
22 program year;

23 (3) for each county, the location of each program
24 collection site and one-day collection event included in
25 the manufacturer e-waste program for the program year;

1 (4) the collector operating each program collection
2 site and one-day collection event included in the
3 manufacturer e-waste program for the program year;

4 (5) the recyclers that manufacturers plan to use during
5 the program year to transport and subsequently recycle
6 residential CEDs under the program, with the updated list
7 of recyclers to be provided to the Agency no later than
8 December 1 preceding each program year;

9 (6) an explanation of any deviation by the program from
10 the standard program collection site distribution set
11 forth in subsection (a) of Section 1-15 of this Act for the
12 program year, along with copies of all written agreements
13 made pursuant to paragraphs (1) or (2) of subsection (b) of
14 Section 1-15 for the program year; and

15 (7) if a group of 2 or more manufacturers are
16 participating in a manufacturer clearinghouse,
17 certification that the methodology used for allocating
18 responsibility for the transportation and recycling of
19 residential CEDs by manufacturers participating in the
20 manufacturer clearinghouse for the program year will be in
21 compliance with the allocation methodology established
22 under Section 1-84.5 of this Act.

23 (b) Within 60 days after receiving a manufacturer e-waste
24 program plan, the Agency shall review the plan and approve the
25 plan or disapprove the plan.

26 (1) If the Agency determines that the program

1 collection sites and one-day collection events specified
2 in the plan will satisfy the convenience standard set forth
3 in Section 1-15 of this Act, then the Agency shall approve
4 the manufacturer e-waste program plan and provide written
5 notification of the approval to the individual who serves
6 as the point of contact for the manufacturer. The Agency
7 shall make the approved plan available on the Agency's
8 website.

9 (2) If the Agency determines the plan will not satisfy
10 the convenience standard set forth in Section 1-15 of this
11 Act, then the Agency shall disapprove the manufacturer
12 e-waste program plan and provide written notification of
13 the disapproval and the reasons for the disapproval to the
14 individual who serves as the point of contact for the
15 manufacturer. Within 30 days after the date of disapproval,
16 the manufacturer shall submit a revised manufacturer
17 e-waste program plan that addresses the deficiencies noted
18 in the Agency's disapproval.

19 (c) Manufacturers shall assume financial responsibility
20 for carrying out their e-waste program plans, including, but
21 not limited to, financial responsibility for providing the
22 packaging materials necessary to prepare shipments of
23 collected residential CEDs in compliance with subsection (e) of
24 Section 1-45, as well as financial responsibility for bulk
25 transportation and recycling of collected residential CEDs.

26 (Source: P.A. 100-362, eff. 8-25-17; 100-433, eff. 8-25-17;

1 100-592, eff. 6-22-18; 100-1165, eff. 6-1-19; revised
2 1-15-19.)

3 Section 635. The Firearms Restraining Order Act is amended
4 by changing Sections 5, 10, 25, 30, 35, 40, 45, 50, 55, and 70
5 as follows:

6 (430 ILCS 67/5)

7 Sec. 5. Definitions. As used in this Act:

8 "Family member of the respondent" means a spouse, parent,
9 child, or step-child of the respondent, any other person
10 related by blood or present marriage to the respondent, or a
11 person who shares a common dwelling with the respondent.

12 "Firearms restraining order" means an order issued by the
13 court, prohibiting and enjoining a named person from having in
14 his or her custody or control, purchasing, possessing, or
15 receiving any firearms.

16 "Intimate partner" means a spouse, former spouse, a person
17 with whom the respondent has or allegedly has a child in
18 common, or a person with whom the respondent has or has had a
19 dating or engagement relationship.

20 "Petitioner" means:

21 (1) a family member of the respondent as defined in
22 this Act; or

23 (2) a law enforcement officer~~7~~ who files a petition
24 alleging that the respondent poses a danger of causing

1 personal injury to himself, herself, or another by having
2 in his or her custody or control, purchasing, possessing,
3 or receiving a firearm.

4 "Respondent" means the person alleged in the petition to
5 pose a danger of causing personal injury to himself, herself,
6 or another by having in his or her custody or control,
7 purchasing, possessing, or receiving a firearm.

8 (Source: P.A. 100-607, eff. 1-1-19; revised 10-2-18.)

9 (430 ILCS 67/10)

10 Sec. 10. Commencement of action; procedure.

11 (a) An action ~~Actions~~ for a firearms restraining order is
12 ~~are~~ commenced by filing a verified petition for a firearms
13 restraining order in any circuit court.

14 (b) A petition for a firearms restraining order may be
15 filed in any county where the respondent resides.

16 (c) No fee shall be charged by the clerk for filing,
17 amending, vacating, certifying, or photocopying petitions or
18 orders; or for issuing alias summons; or for any related filing
19 service. No fee shall be charged by the sheriff or other law
20 enforcement for service by the sheriff or other law enforcement
21 of a petition, rule, motion, or order in an action commenced
22 under this Section.

23 (d) The court shall provide, through the office of the
24 clerk of the court, simplified forms and clerical assistance to
25 help with the writing and filing of a petition under this

1 Section by any person not represented by counsel. In addition,
2 that assistance may be provided by the State's Attorney.

3 (Source: P.A. 100-607, eff. 1-1-19; revised 10-2-18.)

4 (430 ILCS 67/25)

5 Sec. 25. Process. The summons shall be in the form
6 prescribed by Supreme Court Rule 101(d), except that it shall
7 require the respondent to answer or appear within 7 days.
8 Attachments to the summons or notice shall include the petition
9 for the firearms restraining order and supporting affidavits,
10 if any, and any emergency firearms restraining order that has
11 been issued. The enforcement of an order under Section 35 shall
12 not be affected by the lack of service, delivery, or notice,
13 provided the requirements of subsection (f) of that Section are
14 otherwise met.

15 (Source: P.A. 100-607, eff. 1-1-19; revised 10-2-18.)

16 (430 ILCS 67/30)

17 Sec. 30. Service of notice of hearings. ~~Service of notice~~
18 ~~of hearings.~~ Except as provided in Section 25, notice of
19 hearings on petitions or motions shall be served in accordance
20 with Supreme Court Rules 11 and 12, unless notice is excused by
21 Section 35 of this Act, or by the Code of Civil Procedure,
22 Supreme Court Rules, or local rules.

23 (Source: P.A. 100-607, eff. 1-1-19; revised 10-2-18.)

1 (430 ILCS 67/35)

2 Sec. 35. Ex parte orders and emergency hearings.

3 (a) A petitioner may request an emergency firearms
4 restraining order by filing an affidavit or verified pleading
5 alleging that the respondent poses an immediate and present
6 danger of causing personal injury to himself, herself, or
7 another by having in his or her custody or control, purchasing,
8 possessing, or receiving a firearm. The petition shall also
9 describe the type and location of any firearm or firearms
10 presently believed by the petitioner to be possessed or
11 controlled by the respondent.

12 (b) If the respondent is alleged to pose an immediate and
13 present danger of causing personal injury to an intimate
14 partner, or an intimate partner is alleged to have been the
15 target of a threat or act of violence by the respondent, the
16 petitioner shall make a good faith effort to provide notice to
17 any and all intimate partners of the respondent. The notice
18 must include that the petitioner intends to petition the court
19 for an emergency firearms restraining order, and, if the
20 petitioner is a law enforcement officer, referral to relevant
21 domestic violence or stalking advocacy or counseling
22 resources, if appropriate. The petitioner ~~Petitioner~~ shall
23 attest to having provided the notice in the filed affidavit or
24 verified pleading. If, after making a good faith effort, the
25 petitioner is unable to provide notice to any or all intimate
26 partners, the affidavit or verified pleading should describe

1 what efforts were made.

2 (c) Every person who files a petition for an emergency
3 firearms restraining order, knowing the information provided
4 to the court at any hearing or in the affidavit or verified
5 pleading to be false, is guilty of perjury under Section 32-2
6 of the Criminal Code of 2012.

7 (d) An emergency firearms restraining order shall be issued
8 on an ex parte basis, that is, without notice to the
9 respondent.

10 (e) An emergency hearing held on an ex parte basis shall be
11 held the same day that the petition is filed or the next day
12 that the court is in session.

13 (f) If a circuit or associate judge finds probable cause to
14 believe that the respondent poses an immediate and present
15 danger of causing personal injury to himself, herself, or
16 another by having in his or her custody or control, purchasing,
17 possessing, or receiving a firearm, the circuit or associate
18 judge shall issue an emergency order.

19 (f-5) If the court issues an emergency firearms restraining
20 order, it shall, upon a finding of probable cause that the
21 respondent possesses firearms, issue a search warrant
22 directing a law enforcement agency to seize the respondent's
23 firearms. The court may, as part of that warrant, direct the
24 law enforcement agency to search the respondent's residence and
25 other places where the court finds there is probable cause to
26 believe he or she is likely to possess the firearms.

1 (g) An emergency firearms restraining order shall require:

2 (1) the respondent to refrain from having in his or her
3 custody or control, purchasing, possessing, or receiving
4 additional firearms for the duration of the order; and

5 (2) the respondent to turn over to the local law
6 enforcement agency any Firearm Owner's Identification Card
7 and concealed carry license in his or her possession. The
8 local law enforcement agency shall immediately mail the
9 card and concealed carry license to the Department of State
10 Police Firearm Services Bureau for safekeeping. The
11 firearm or firearms and Firearm Owner's Identification
12 Card and concealed carry license, if unexpired, shall be
13 returned to the respondent after the firearms restraining
14 order is terminated or expired.

15 (h) Except as otherwise provided in subsection (h-5) of
16 this Section, upon expiration of the period of safekeeping, if
17 the firearms or Firearm Owner's Identification Card and
18 concealed carry license cannot be returned to the respondent
19 because the respondent cannot be located, fails to respond to
20 requests to retrieve the firearms, or is not lawfully eligible
21 to possess a firearm, upon petition from the local law
22 enforcement agency, the court may order the local law
23 enforcement agency to destroy the firearms, use the firearms
24 for training purposes, or use the firearms for any other
25 application as deemed appropriate by the local law enforcement
26 agency.

1 (h-5) A respondent whose Firearm Owner's Identification
2 Card has been revoked or suspended may petition the court, if
3 the petitioner is present in court or has notice of the
4 respondent's petition, to transfer the respondent's firearm to
5 a person who is lawfully able to possess the firearm if the
6 person does not reside at the same address as the respondent.
7 Notice of the petition shall be served upon the person
8 protected by the emergency firearms restraining order. While
9 the order is in effect, the transferee who receives the
10 respondent's firearms must swear or affirm by affidavit that he
11 or she shall not transfer the firearm to the respondent or to
12 anyone residing in the same residence as the respondent.

13 (h-6) If a person other than the respondent claims title to
14 any firearms surrendered under this Section, he or she may
15 petition the court, if the petitioner is present in court or
16 has notice of the petition, to have the firearm returned to him
17 or her. If the court determines that person to be the lawful
18 owner of the firearm, the firearm shall be returned to him or
19 her, provided that:

20 (1) the firearm is removed from the respondent's
21 custody, control, or possession and the lawful owner agrees
22 to store the firearm in a manner such that the respondent
23 does not have access to or control of the firearm; and

24 (2) the firearm is not otherwise unlawfully possessed
25 by the owner.

26 The person petitioning for the return of his or her firearm

1 must swear or affirm by affidavit that he or she: (i) is the
2 lawful owner of the firearm; (ii) shall not transfer the
3 firearm to the respondent; and (iii) will store the firearm in
4 a manner that the respondent does not have access to or control
5 of the firearm.

6 (i) In accordance with subsection (e) of this Section, the
7 court shall schedule a full hearing as soon as possible, but no
8 longer than 14 days from the issuance of an ex parte firearms
9 restraining order, to determine if a 6-month firearms
10 restraining order shall be issued. The court may extend an ex
11 parte order as needed, but not to exceed 14 days, to effectuate
12 service of the order or if necessary to continue protection.
13 The court may extend the order for a greater length of time by
14 mutual agreement of the parties.

15 (Source: P.A. 100-607, eff. 1-1-19; revised 10-2-18.)

16 (430 ILCS 67/40)

17 Sec. 40. Six-month ~~Six-month~~ orders.

18 (a) A petitioner may request a 6-month firearms restraining
19 order by filing an affidavit or verified pleading alleging that
20 the respondent poses a significant danger of causing personal
21 injury to himself, herself, or another in the near future by
22 having in his or her custody or control, purchasing,
23 possessing, or receiving a firearm. The petition shall also
24 describe the number, types, and locations of any firearms
25 presently believed by the petitioner to be possessed or

1 controlled by the respondent.

2 (b) If the respondent is alleged to pose a significant
3 danger of causing personal injury to an intimate partner, or an
4 intimate partner is alleged to have been the target of a threat
5 or act of violence by the respondent, the petitioner shall make
6 a good faith effort to provide notice to any and all intimate
7 partners of the respondent. The notice must include that the
8 petitioner intends to petition the court for a 6-month firearms
9 restraining order, and, if the petitioner is a law enforcement
10 officer, referral to relevant domestic violence or stalking
11 advocacy or counseling resources, if appropriate. The
12 petitioner ~~Petitioner~~ shall attest to having provided the
13 notice in the filed affidavit or verified pleading. If, after
14 making a good faith effort, the petitioner is unable to provide
15 notice to any or all intimate partners, the affidavit or
16 verified pleading should describe what efforts were made.

17 (c) Every person who files a petition for a 6-month
18 firearms restraining order, knowing the information provided
19 to the court at any hearing or in the affidavit or verified
20 pleading to be false, is guilty of perjury under Section 32-2
21 of the Criminal Code of 2012.

22 (d) Upon receipt of a petition for a 6-month firearms
23 restraining order, the court shall order a hearing within 30
24 days.

25 (e) In determining whether to issue a firearms restraining
26 order under this Section, the court shall consider evidence

1 including, but not limited to, the following:

2 (1) The unlawful and reckless use, display, or
3 brandishing of a firearm by the respondent.

4 (2) The history of use, attempted use, or threatened
5 use of physical force by the respondent against another
6 person.

7 (3) Any prior arrest of the respondent for a felony
8 offense.

9 (4) Evidence of the abuse of controlled substances or
10 alcohol by the respondent.

11 (5) A recent threat of violence or act of violence by
12 the respondent directed toward himself, herself, or
13 another.

14 (6) A violation of an emergency order of protection
15 issued under Section 217 of the Illinois Domestic Violence
16 Act of 1986 or Section 112A-17 of the Code of Criminal
17 Procedure of 1963 or of an order of protection issued under
18 Section 214 of the Illinois Domestic Violence Act of 1986
19 or Section 112A-14 of the Code of Criminal Procedure of
20 1963.

21 (7) A pattern of violent acts or violent threats,
22 including, but not limited to, threats of violence or acts
23 of violence by the respondent directed toward himself,
24 herself, or another.

25 (f) At the hearing, the petitioner shall have the burden of
26 proving, by clear and convincing evidence, that the respondent

1 poses a significant danger of personal injury to himself,
2 herself, or another by having in his or her custody or control,
3 purchasing, possessing, or receiving a firearm.

4 (g) If the court finds that there is clear and convincing
5 evidence to issue a firearms restraining order, the court shall
6 issue a firearms restraining order that shall be in effect for
7 6 months subject to renewal under Section 45 of this Act or
8 termination under that Section.

9 (g-5) If the court issues a 6-month firearms restraining
10 order, it shall, upon a finding of probable cause that the
11 respondent possesses firearms, issue a search warrant
12 directing a law enforcement agency to seize the respondent's
13 firearms. The court may, as part of that warrant, direct the
14 law enforcement agency to search the respondent's residence and
15 other places where the court finds there is probable cause to
16 believe he or she is likely to possess the firearms.

17 (h) A 6-month firearms restraining order shall require:

18 (1) the respondent to refrain from having in his or her
19 custody or control, purchasing, possessing, or receiving
20 additional firearms for the duration of the order; and

21 (2) the respondent to turn over to the local law
22 enforcement agency any firearm or Firearm Owner's
23 Identification Card and concealed carry license in his or
24 her possession. The local law enforcement agency shall
25 immediately mail the card and concealed carry license to
26 the Department of State Police Firearm Services Bureau for

1 safekeeping. The firearm or firearms and Firearm Owner's
2 Identification Card and concealed carry license, if
3 unexpired, shall be returned to the respondent after the
4 firearms restraining order is terminated or expired.

5 (i) Except as otherwise provided in subsection (i-5) of
6 this Section, upon expiration of the period of safekeeping, if
7 the firearms or Firearm Owner's Identification Card cannot be
8 returned to the respondent because the respondent cannot be
9 located, fails to respond to requests to retrieve the firearms,
10 or is not lawfully eligible to possess a firearm, upon petition
11 from the local law enforcement agency, the court may order the
12 local law enforcement agency to destroy the firearms, use the
13 firearms for training purposes, or use the firearms for any
14 other application as deemed appropriate by the local law
15 enforcement agency.

16 (i-5) A respondent whose Firearm Owner's Identification
17 Card has been revoked or suspended may petition the court, if
18 the petitioner is present in court or has notice of the
19 respondent's petition, to transfer the respondent's firearm to
20 a person who is lawfully able to possess the firearm if the
21 person does not reside at the same address as the respondent.
22 Notice of the petition shall be served upon the person
23 protected by the emergency firearms restraining order. While
24 the order is in effect, the transferee who receives the
25 respondent's firearms must swear or affirm by affidavit that he
26 or she shall not transfer the firearm to the respondent or to

1 anyone ~~any one~~ residing in the same residence as the
2 respondent.

3 (i-6) If a person other than the respondent claims title to
4 any firearms surrendered under this Section, he or she may
5 petition the court, if the petitioner is present in court or
6 has notice of the petition, to have the firearm returned to him
7 or her. If the court determines that person to be the lawful
8 owner of the firearm, the firearm shall be returned to him or
9 her, provided that:

10 (1) the firearm is removed from the respondent's
11 custody, control, or possession and the lawful owner agrees
12 to store the firearm in a manner such that the respondent
13 does not have access to or control of the firearm; and

14 (2) the firearm is not otherwise unlawfully possessed
15 by the owner.

16 The person petitioning for the return of his or her firearm
17 must swear or affirm by affidavit that he or she: (i) is the
18 lawful owner of the firearm; (ii) shall not transfer the
19 firearm to the respondent; and (iii) will store the firearm in
20 a manner that the respondent does not have access to or control
21 of the firearm.

22 (j) If the court does not issue a firearms restraining
23 order at the hearing, the court shall dissolve any emergency
24 firearms restraining order then in effect.

25 (k) When the court issues a firearms restraining order
26 under this Section, the court shall inform the respondent that

1 he or she is entitled to one hearing during the period of the
2 order to request a termination of the order, under Section 45
3 of this Act, and shall provide the respondent with a form to
4 request a hearing.

5 (Source: P.A. 100-607, eff. 1-1-19; revised 10-2-18.)

6 (430 ILCS 67/45)

7 Sec. 45. Termination and renewal.

8 (a) A person subject to a firearms restraining order issued
9 under this Act may submit one written request at any time
10 during the effective period of the order for a hearing to
11 terminate the order.

12 (1) The respondent shall have the burden of proving by
13 a preponderance of the evidence that the respondent does
14 not pose a danger of causing personal injury to himself,
15 herself, or another in the near future by having in his or
16 her custody or control, purchasing, possessing, or
17 receiving a firearm.

18 (2) If the court finds after the hearing that the
19 respondent has met his or her burden, the court shall
20 terminate the order.

21 (b) A petitioner may request a renewal of a firearms
22 restraining order at any time within the 3 months before the
23 expiration of a firearms restraining order.

24 (1) A court shall, after notice and a hearing, renew a
25 firearms restraining order issued under this part if the

1 petitioner proves, by clear and convincing evidence, that
2 the respondent continues to pose a danger of causing
3 personal injury to himself, herself, or another in the near
4 future by having in his or her custody or control,
5 purchasing, possessing, or receiving a firearm.

6 (2) In determining whether to renew a firearms
7 restraining order issued under this Act, the court shall
8 consider evidence of the facts identified in subsection (e)
9 of Section 40 of this Act and any other evidence of an
10 increased risk for violence.

11 (3) At the hearing, the petitioner shall have the
12 burden of proving, by clear and convincing evidence that
13 the respondent continues to pose a danger of causing
14 personal injury to himself, herself, or another in the near
15 future by having in his or her custody or control,
16 purchasing, possessing, or receiving a firearm.

17 (4) The renewal of a firearms restraining order issued
18 under this Section shall be in effect for 6 months, subject
19 to termination by further order of the court at a hearing
20 held under this Section and further renewal by further
21 order of the court under this Section.

22 (Source: P.A. 100-607, eff. 1-1-19; revised 10-2-18.)

23 (430 ILCS 67/50)

24 Sec. 50. Notice of orders.

25 (a) Entry and issuance. Upon issuance of any firearms

1 restraining order, the clerk shall immediately, or on the next
2 court day if an emergency firearms restraining order is issued
3 in accordance with Section 35 of this Act (emergency firearms
4 restraining order):~~7~~ (i) enter the order on the record and file
5 it in accordance with the circuit court procedures and (ii)
6 provide a file stamped copy of the order to the respondent, if
7 present, and to the petitioner.

8 (b) Filing with sheriff. The clerk of the issuing judge
9 shall, or the petitioner may, on the same day that a firearms
10 restraining order is issued, file a certified copy of that
11 order with the sheriff or other law enforcement officials
12 charged with maintaining Department of State Police records or
13 charged with serving the order upon the respondent. If the
14 order was issued in accordance with Section 35 of this Act
15 (emergency firearms restraining order), the clerk shall, on the
16 next court day, file a certified copy of the order with the
17 sheriff or other law enforcement officials charged with
18 maintaining Department of State Police records.

19 (c) Service by sheriff. Unless the respondent was present
20 in court when the order was issued, the sheriff or other law
21 enforcement official shall promptly serve that order upon the
22 respondent and file proof of the service, in the manner
23 provided for service of process in civil proceedings. Instead
24 of serving the order upon the respondent, however, the sheriff,
25 other law enforcement official, or other persons defined in
26 Section 112A-22.10 of the Code of Criminal Procedure ~~Criminal~~

1 ~~Code~~ of 1963 may serve the respondent with a short form
2 notification as provided in that Section. If process has not
3 yet been served upon the respondent, it shall be served with
4 the order or short form notification if the service is made by
5 the sheriff, or other law enforcement official.

6 (d) Any order renewing or terminating any firearms
7 restraining order shall be promptly recorded, issued, and
8 served as provided in this Section.

9 (Source: P.A. 100-607, eff. 1-1-19; revised 10-2-18.)

10 (430 ILCS 67/55)

11 Sec. 55. Data maintenance by law enforcement agencies.

12 (a) All sheriffs shall furnish to the Department of State
13 Police, daily, in the form and detail the Department requires,
14 copies of any recorded firearms restraining orders ~~order~~ issued
15 by the court, and any foreign orders of protection filed by the
16 clerk of the court, and transmitted to the sheriff by the clerk
17 of the court under Section 50. Each firearms restraining order
18 shall be entered in the Law Enforcement Agencies Data System
19 (LEADS) on the same day it is issued by the court. If an
20 emergency firearms restraining order was issued in accordance
21 with Section 35 of this Act, the order shall be entered in the
22 Law Enforcement Agencies Data System (LEADS) as soon as
23 possible after receipt from the clerk.

24 (b) The Department of State Police shall maintain a
25 complete and systematic record and index of all valid and

1 recorded firearms restraining orders issued or filed under this
2 Act. The data shall be used to inform all dispatchers and law
3 enforcement officers at the scene of a violation of a firearms
4 restraining order of the effective dates and terms of any
5 recorded order of protection.

6 (c) The data, records, and transmittals required under this
7 Section shall pertain to any valid emergency or 6-month
8 firearms restraining order, whether issued in a civil or
9 criminal proceeding or authorized under the laws of another
10 state, tribe, or United States territory.

11 (Source: P.A. 100-607, eff. 1-1-19; revised 10-2-18.)

12 (430 ILCS 67/70)

13 Sec. 70. Non-preclusion of remedies. Nothing in this Act
14 shall preclude a petitioner or law enforcement ~~law enforcement~~
15 officer from removing weapons under other authority⁷ or filing
16 criminal charges when probable cause exists.

17 (Source: P.A. 100-607, eff. 1-1-19; revised 10-2-18.)

18 Section 640. The Farmer Equity Act is amended by changing
19 Section 15 as follows:

20 (505 ILCS 72/15)

21 Sec. 15. Inclusion of socially disadvantaged farmers.

22 (a) The Department shall ensure the inclusion of socially
23 disadvantaged farmers, including socially disadvantaged

1 farmers in urbanized areas, in the development, adoption,
2 implementation, and enforcement of food and agriculture laws,
3 regulations, policies, and programs.

4 (b) The Department shall:

5 (1) consult with the Director of the Environmental
6 Protection Agency, the Director of Natural Resources, the
7 Executive Director of the Illinois Housing Development
8 Authority, the Secretary of Human Services, and other
9 interested parties of the public and private sector of the
10 State on opportunities for socially disadvantaged farmers
11 to coordinate State programs;

12 (2) disseminate information regarding opportunities
13 provided by, including, but not limited to, the United
14 States Department of Agriculture, the United States
15 Environmental Protection Agency, the General Accounting
16 Office, the Office of Management and Budget, and other
17 federal agencies that ~~that~~ have programs that may assist
18 socially disadvantaged farmers; and

19 (3) evaluate opportunities for the inclusion of
20 socially disadvantaged farmers in boards, committees,
21 commissions, and other similar positions created by the
22 Department.

23 (Source: P.A. 100-1039, eff. 8-23-18; revised 10-3-18.)

24 Section 645. The Food and Agriculture Research Act is
25 amended by changing Section 25 as follows:

1 (505 ILCS 82/25)

2 Sec. 25. Administrative oversight. ~~(a)~~ The Department of
3 Agriculture shall provide general administrative oversight
4 with the assistance and advice of duly elected Board of
5 Directors of the Illinois Council on Food and Agricultural
6 Research. Food and agricultural research administrators at
7 each of the universities shall administer the specifics of the
8 funded research programs. Annually the Illinois Council on Food
9 and Agricultural Research administrators shall prepare a
10 combined proposed budget for the research that the Director of
11 Agriculture shall submit to the Governor for inclusion in the
12 Executive budget and consideration by the General Assembly. The
13 budget shall specify major categories of proposed
14 expenditures, including salary, wages, and fringe benefits;
15 operation and maintenance; supplies and expenses; and capital
16 improvements.

17 ~~(b) (Blank).~~

18 (Source: P.A. 100-621, eff. 7-20-18; revised 10-3-18.)

19 Section 650. The Animal Control Act is amended by changing
20 Section 15.5 as follows:

21 (510 ILCS 5/15.5)

22 Sec. 15.5. Reckless dog owner; complaint; penalty.

23 (a) The Administrator, State's Attorney, Director, or any

1 citizen may file a complaint in circuit court to determine
2 whether a person is a reckless dog owner. If an owner is
3 determined to be a reckless dog owner by clear and convincing
4 evidence, the court shall order the immediate impoundment and
5 forfeiture of all dogs the reckless dog owner has a property
6 right in. Forfeiture may be to any licensed shelter, rescue, or
7 sanctuary. The court shall further prohibit the property right
8 ownership of a dog by the person determined to be a reckless
9 dog owner for a period of at least 12 months, but not more than
10 36 months for the first reckless dog owner determination.

11 (a-5) A dog's history during ownership by a person found to
12 be a reckless dog owner shall not be considered conclusive of
13 the dog's temperament and qualification for adoption or
14 transfer. The dog's temperament shall be independently
15 evaluated by a person qualified to conduct behavioral
16 assessments and, if the dog is deemed adoptable, the receiving
17 facility shall make a reasonable attempt to place the dog in
18 another home, transfer the dog to rescue, or place the dog in a
19 sanctuary.

20 (b) A person who refuses to forfeit a dog under this
21 Section is in a violation which carries a public safety fine of
22 \$500 for each dog. The fine shall ~~to~~ be deposited into the Pet
23 Population Control Fund. Each day a person fails to comply with
24 a forfeiture or prohibition ordered under this Section shall
25 constitute a separate offense.

26 (Source: P.A. 100-971, eff. 1-1-19; revised 10-3-18.)

1 Section 655. The Police Service Dog Protection Act is
2 amended by changing Section 15 as follows:

3 (510 ILCS 83/15)

4 Sec. 15. Vehicles transporting police dogs; requirements.
5 A vehicle used to transport a police dog shall be equipped with
6 a heat sensor monitoring device which shall:

7 (1) monitor the internal temperature of the vehicle in
8 which the police dog is being transported;

9 (2) provide an audible and visual notification in the
10 vehicle if the interior temperature reaches 85 degrees
11 Fahrenheit which remotely notifies the law enforcement
12 officer responsible for the police dog or the law
13 enforcement agency's 24-hour ~~24-hour~~ dispatch center; and

14 (3) have a safety mechanism to reduce the interior
15 temperature of the vehicle.

16 (Source: P.A. 100-666, eff. 1-1-19; revised 10-3-18.)

17 Section 660. The Wildlife Code is amended by changing
18 Sections 2.26, 2.36a, 3.1-9, 3.2, and 3.3 as follows:

19 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

20 Sec. 2.26. Deer hunting permits. Any person attempting to
21 take deer shall first obtain a "Deer Hunting Permit" issued by
22 the Department in accordance with its administrative rules.

1 Those rules must provide for the issuance of the following
2 types of resident deer archery permits: (i) a combination
3 permit, consisting of one either-sex permit and one
4 antlerless-only permit, (ii) a single antlerless-only permit,
5 and (iii) a single either-sex permit. The fee for a Deer
6 Hunting Permit to take deer with either bow and arrow or gun
7 shall not exceed \$25.00 for residents of the State. The
8 Department may by administrative rule provide for non-resident
9 deer hunting permits for which the fee will not exceed \$300 in
10 2005, \$350 in 2006, and \$400 in 2007 and thereafter except as
11 provided below for non-resident landowners and non-resident
12 archery hunters. The Department may by administrative rule
13 provide for a non-resident archery deer permit consisting of
14 not more than 2 harvest tags at a total cost not to exceed \$325
15 in 2005, \$375 in 2006, and \$425 in 2007 and thereafter. The
16 fees for a youth resident and non-resident archery deer permit
17 shall be the same.

18 The standards and specifications for use of guns and bow
19 and arrow for deer hunting shall be established by
20 administrative rule.

21 No person may have in his or her possession any firearm not
22 authorized by administrative rule for a specific hunting season
23 when taking deer.

24 Persons having a firearm deer hunting permit shall be
25 permitted to take deer only during the period from 1/2 hour
26 before sunrise to 1/2 hour after sunset, and only during those

1 days for which an open season is established for the taking of
2 deer by use of shotgun, handgun, or muzzle loading rifle.

3 Persons having an archery deer hunting permit shall be
4 permitted to take deer only during the period from 1/2 hour
5 before sunrise to 1/2 hour after sunset, and only during those
6 days for which an open season is established for the taking of
7 deer by use of bow and arrow.

8 It shall be unlawful for any person to take deer by use of
9 dogs, horses, automobiles, aircraft or other vehicles, or by
10 the use or aid of bait or baiting of any kind. For the purposes
11 of this Section, "bait" means any material, whether liquid or
12 solid, including food, salt, minerals, and other products,
13 except pure water, that can be ingested, placed, or scattered
14 in such a manner as to attract or lure white-tailed deer.
15 "Baiting" means the placement or scattering of bait to attract
16 deer. An area is considered as baited during the presence of
17 and for 10 consecutive days following the removal of bait.
18 Nothing in this Section shall prohibit the use of a dog to
19 track wounded deer. Any person using a dog for tracking wounded
20 deer must maintain physical control of the dog at all times by
21 means of a maximum 50 foot lead attached to the dog's collar or
22 harness. Tracking wounded deer is permissible at night, but at
23 no time outside of legal deer hunting hours or seasons shall
24 any person handling or accompanying a dog being used for
25 tracking wounded deer be in possession of any firearm or
26 archery device. Persons tracking wounded deer with a dog during

1 the firearm deer seasons shall wear blaze orange or solid blaze
2 pink color as required. Dog handlers tracking wounded deer with
3 a dog are exempt from hunting license and deer permit
4 requirements so long as they are accompanied by the licensed
5 deer hunter who wounded the deer.

6 It shall be unlawful to possess or transport any wild deer
7 which has been injured or killed in any manner upon a public
8 highway or public right-of-way of this State unless exempted by
9 administrative rule.

10 Persons hunting deer must have gun unloaded and no bow and
11 arrow device shall be carried with the arrow in the nocked
12 position during hours when deer hunting is unlawful.

13 It shall be unlawful for any person, having taken the legal
14 limit of deer by gun, to further participate with gun in any
15 deer hunting party.

16 It shall be unlawful for any person, having taken the legal
17 limit of deer by bow and arrow, to further participate with bow
18 and arrow in any deer hunting party.

19 The Department may prohibit upland game hunting during the
20 gun deer season by administrative rule.

21 The Department shall not limit the number of non-resident,
22 either-sex archery deer hunting permits to less than 20,000.

23 Any person who violates any of the provisions of this
24 Section, including administrative rules, shall be guilty of a
25 Class B misdemeanor.

26 For the purposes of calculating acreage under this Section,

1 the Department shall, after determining the total acreage of
2 the applicable tract or tracts of land, round remaining
3 fractional portions of an acre greater than or equal to half of
4 an acre up to the next whole acre.

5 For the purposes of taking white-tailed deer, nothing in
6 this Section shall be construed to prevent the manipulation,
7 including mowing or cutting, of standing crops as a normal
8 agricultural or soil stabilization practice, food plots, or
9 normal agricultural practices, including planting, harvesting,
10 and maintenance such as cultivating or the use of products
11 designed for scent only and not capable of ingestion, solid or
12 liquid, placed or scattered, in such a manner as to attract or
13 lure deer. Such manipulation for the purpose of taking
14 white-tailed deer may be further modified by administrative
15 rule.

16 (Source: P.A. 99-642, eff. 7-28-16; 99-869, eff. 1-1-17;
17 100-691, eff. 1-1-19; 100-949, eff. 1-1-19; revised 10-9-18.)

18 (520 ILCS 5/2.36a) (from Ch. 61, par. 2.36a)

19 Sec. 2.36a. Value of protected species; violations.

20 (a) Any person who, for profit or commercial purposes,
21 knowingly captures or kills, possesses, offers for sale, sells,
22 offers to barter, barter, offers to purchase, purchases,
23 delivers for shipment, ships, exports, imports, causes to be
24 shipped, exported, or imported, delivers for transportation,
25 transports or causes to be transported, carries or causes to be

1 carried, or receives for shipment, transportation, carriage,
2 or export any animal or part of animal of the species protected
3 by this Act, contrary to the provisions of this Act, and such
4 animals, in whole or in part, are valued at or in excess of a
5 total of \$300, as per specie value specified in subsection (c)
6 of this Section, commits a Class 3 felony.

7 A person shall be guilty of a Class 4 felony if convicted
8 under this Section for more than one violation within a 90-day
9 period where the animals of each violation are not valued at or
10 in excess of \$300, but the total value of the animals from the
11 multiple violations is at or in excess of \$300. The prosecution
12 for a Class 4 felony for these multiple violations must be
13 alleged in a single charge or indictment and brought in a
14 single prosecution.

15 (b) Possession of animals, in whole or in part, captured or
16 killed in violation of this Act, valued at or in excess of
17 \$600, as per specie value specified in subsection (c) of this
18 Section, shall be considered prima facie evidence of possession
19 for profit or commercial purposes.

20 (c) For purposes of this Section, the fair market value or
21 replacement cost, whichever is greater, shall be used to
22 determine the value of the species protected by this Act, but
23 in no case shall the minimum value of all species protected by
24 this Act be less than as follows:

25 (1) Eagle, \$1,000;

26 (2) Whitetail deer, \$1,000 and wild turkey, \$500;

- 1 (3) Fur-bearing mammals, \$50;
- 2 (4) Game birds (except the wild turkey) and migratory
3 game birds (except Trumpeter swans), \$50;
- 4 (5) Owls, hawks, falcons, kites, harriers, and
5 ospreys, and other birds of prey, \$250;
- 6 (6) Game mammals (except whitetail deer), \$50;
- 7 (7) Other mammals, \$100;
- 8 (8) Resident and migratory non-game birds (except
9 birds of prey), \$100;
- 10 (9) Trumpeter swans, \$1,000.

11 (d) In this subsection (d), "point" means a projection on
12 the antler of a whitetail antlered deer that is at least
13 one-inch long as measured from the tip to the nearest edge of
14 antler beam and the length of which exceeds the length of its
15 base. A person who possesses whitetail antlered deer, in whole
16 or in part, captured or killed in violation of this Act, shall
17 pay restitution to the Department in the amount of \$1,000 per
18 whitetail antlered deer and an additional \$500 per antler
19 point, for each whitetail antlered deer with at least 8 but not
20 more than 10 antler points. For whitetail antlered deer with 11
21 or more antler points, restitution of \$1,000 shall be paid to
22 the Department per whitetail antlered deer plus \$750 per antler
23 point.

24 (Source: P.A. 100-960, eff. 8-19-18; revised 10-3-18.)

25 (520 ILCS 5/3.1-9)

1 Sec. 3.1-9. Youth Hunting and Trapping License.

2 (a) Before any ~~or non-resident~~ youth under 18 years of age
3 shall take or attempt to take any species protected by Section
4 2.2 of this Code for which an open season is established, he or
5 she shall first procure and possess a valid Youth Hunting and
6 Trapping License. The Youth Hunting and Trapping License shall
7 be a renewable license that shall expire on the March 31
8 following the date of issuance. The fee for a Youth Hunting and
9 Trapping License is \$7.

10 A Youth Hunting and Trapping License shall entitle the
11 licensee to hunt while supervised by an adult who is 21 years
12 of age or older and has a valid Illinois hunting license.

13 A youth licensed under this subsection (a) shall not hunt
14 or carry a hunting device, including, but not limited to, a
15 firearm, bow and arrow, or crossbow unless the youth is
16 accompanied by and under the close personal supervision of an
17 adult who is 21 years of age or older and has a valid Illinois
18 hunting license.

19 The Department shall adopt rules for the administration of
20 the program, but shall not require any certificate of
21 competency or other hunting or trapping education as a
22 condition of the Youth Hunting and Trapping License. If a youth
23 has a valid certificate of competency for hunting from a hunter
24 safety course approved by the Department, he or she is exempt
25 from the supervision requirements for youth hunters in this
26 Section.

1 (b) ~~or non-resident~~ A Youth Hunting and Trapping License
2 shall entitle the licensee to trap while supervised by an adult
3 who is 21 years of age or older and has a valid Illinois
4 trapping license.

5 A youth licensed under this Section shall not trap or carry
6 a hunting device, including, but not limited to, a firearm, bow
7 and arrow, or crossbow unless the youth is accompanied by and
8 under the close personal supervision of an adult who is 21
9 years of age or older and has a valid Illinois trapping
10 license.

11 The Department shall adopt rules for the administration of
12 the program, but shall not require any certificate of
13 competency or other trapping education as a condition of the
14 Youth Hunting and Trapping License. If a youth has a valid
15 certificate of competency for trapping from a trapper safety
16 course approved by the Department, then he or she is exempt
17 from the supervision requirements for youth trappers in this
18 Section.

19 (Source: P.A. 99-78, eff. 7-20-15; 99-307, eff. 1-1-16; 99-868,
20 eff. 1-1-17; 100-638, eff. 1-1-19; 100-691, eff. 1-1-19;
21 revised 10-18-18.)

22 (520 ILCS 5/3.2) (from Ch. 61, par. 3.2)

23 Sec. 3.2. Hunting license; application; instruction.
24 Before the Department or any county, city, village, township,
25 incorporated town clerk or his duly designated agent or any

1 other person authorized or designated by the Department to
2 issue hunting licenses shall issue a hunting license to any
3 person, the person shall file his application with the
4 Department or other party authorized to issue licenses on a
5 form provided by the Department and further give definite proof
6 of identity and place of legal residence. Each clerk
7 designating agents to issue licenses and stamps shall furnish
8 the Department, within 10 days following the appointment, the
9 names and mailing addresses of the agents. Each clerk or his
10 duly designated agent shall be authorized to sell licenses and
11 stamps only within the territorial area for which he was
12 elected or appointed. No duly designated agent is authorized to
13 furnish licenses or stamps for issuance by any other business
14 establishment. Each application shall be executed and sworn to
15 and shall set forth the name and description of the applicant
16 and place of residence.

17 No hunting license shall be issued to any person born on or
18 after January 1, 1980 unless he presents the person authorized
19 to issue the license evidence that he has held a hunting
20 license issued by the State of Illinois or another state in a
21 prior year, or a certificate of competency as provided in this
22 Section. Persons under 18 years of age may be issued a Lifetime
23 Hunting or Sportsmen's Combination License as provided under
24 Section 20-45 of the Fish and Aquatic Life Code but shall not
25 be entitled to hunt alone, without the supervision of an adult
26 age 21 or older ~~order~~, unless they have a certificate of

1 competency as provided in this Section and the certificate is
2 in their possession while hunting.

3 The Department of Natural Resources shall authorize
4 personnel of the Department or certified volunteer instructors
5 to conduct courses, of not less than 10 hours in length, in
6 firearms and hunter safety, which may include training in bow
7 and arrow safety, at regularly specified intervals throughout
8 the State. Persons successfully completing the course shall
9 receive a certificate of competency. The Department of Natural
10 Resources may further cooperate with any reputable association
11 or organization in establishing courses if the organization has
12 as one of its objectives the promotion of safety in the
13 handling of firearms or bow and arrow.

14 The Department of Natural Resources shall designate any
15 person found by it to be competent to give instruction in the
16 handling of firearms, hunter safety, and bow and arrow. The
17 persons so appointed shall give the course of instruction and
18 upon the successful completion shall issue to the person
19 instructed a certificate of competency in the safe handling of
20 firearms, hunter safety, and bow and arrow. No charge shall be
21 made for any course of instruction except for materials or
22 ammunition consumed. The Department of Natural Resources shall
23 furnish information on the requirements of hunter safety
24 education programs to be distributed free of charge to
25 applicants for hunting licenses by the persons appointed and
26 authorized to issue licenses. Funds for the conducting of

1 firearms and hunter safety courses shall be taken from the fee
2 charged for the Firearm Owners Identification Card.

3 The fee for a hunting license to hunt all species for a
4 resident of Illinois is \$12. For residents age 65 or older,
5 and, commencing with the 2012 license year, resident veterans
6 of the United States Armed Forces after returning from service
7 abroad or mobilization by the President of the United States,
8 the fee is one-half of the fee charged for a hunting license to
9 hunt all species for a resident of Illinois. Veterans must
10 provide to the Department, at one of the Department's 5
11 regional offices, verification of their service. The
12 Department shall establish what constitutes suitable
13 verification of service for the purpose of issuing resident
14 veterans hunting licenses at a reduced fee. The fee for a
15 hunting license to hunt all species shall be \$1 for residents
16 over 75 years of age. Nonresidents shall be charged \$57 for a
17 hunting license.

18 Nonresidents may be issued a nonresident hunting license
19 for a period not to exceed 10 consecutive days' hunting in the
20 State and shall be charged a fee of \$35.

21 A special nonresident hunting license authorizing a
22 nonresident to take game birds by hunting on a game breeding
23 and hunting preserve area only, established under Section 3.27,
24 shall be issued upon proper application being made and payment
25 of a fee equal to that for a resident hunting license. The
26 expiration date of this license shall be on the same date each

1 year that game breeding and hunting preserve area licenses
2 expire.

3 Each applicant for a State Migratory Waterfowl Stamp,
4 regardless of his residence or other condition, shall pay a fee
5 of \$15 and shall receive a stamp. The fee for a State Migratory
6 Waterfowl Stamp shall be waived for residents over 75 years of
7 age. Except as provided under Section 20-45 of the Fish and
8 Aquatic Life Code, the stamp shall be signed by the person or
9 affixed to his license or permit in a space designated by the
10 Department for that purpose.

11 Each applicant for a State Habitat Stamp, regardless of his
12 residence or other condition, shall pay a fee of \$5 and shall
13 receive a stamp. The fee for a State Habitat Stamp shall be
14 waived for residents over 75 years of age. Except as provided
15 under Section 20-45 of the Fish and Aquatic Life Code, the
16 stamp shall be signed by the person or affixed to his license
17 or permit in a space designated by the Department for that
18 purpose.

19 Nothing in this Section shall be construed as to require
20 the purchase of more than one State Habitat Stamp by any person
21 in any one license year.

22 The fees for State Pheasant Stamps and State Furbearer
23 Stamps shall be waived for residents over 75 years of age.

24 The Department shall furnish the holders of hunting
25 licenses and stamps with an insignia as evidence of possession
26 of license, or license and stamp, as the Department may

1 consider advisable. The insignia shall be exhibited and used as
2 the Department may order.

3 All other hunting licenses and all State stamps shall
4 expire upon March 31 of each year.

5 Every person holding any license, permit, or stamp issued
6 under the provisions of this Act shall have it in his
7 possession for immediate presentation for inspection to the
8 officers and authorized employees of the Department, any
9 sheriff, deputy sheriff, or any other peace officer making a
10 demand for it. This provision shall not apply to Department
11 owned or managed sites where it is required that all hunters
12 deposit their license, permit, or Firearm Owner's
13 Identification Card at the check station upon entering the
14 hunting areas.

15 (Source: P.A. 100-638, eff. 1-1-19; revised 10-3-18.)

16 (520 ILCS 5/3.3) (from Ch. 61, par. 3.3)

17 Sec. 3.3. Trapping license required. Before any person
18 shall trap any of the mammals protected by this Act, for which
19 an open trapping season has been established, he shall first
20 procure a trapping license from the Department to do so. No
21 traps shall be placed in the field, set or unset, prior to the
22 opening day of the trapping season.

23 Traps used in the taking of such mammals shall be marked or
24 tagged with metal tags or inscribed in lettering giving the
25 name and address of the owner or the customer identification

1 number issued by the Department, and absence of such mark or
2 tag shall be prima facie evidence that such trap or traps are
3 illegally used and the trap or traps shall be confiscated and
4 disposed of as directed by the Department.

5 Before any person 18 years of age or older shall trap,
6 attempt to trap, or sell the green hides of any mammal of the
7 species defined as fur-bearing mammals by Section 2.2 for which
8 an open season is established under this Act, he shall first
9 have procured a State Habitat Stamp.

10 Beginning January 1, 2016, no trapping license shall be
11 issued to any person born on or after January 1, 1998 unless he
12 or she presents to the authorized issuer of the license
13 evidence that he or she has a certificate of competency
14 provided for in this Section.

15 The Department of Natural Resources shall authorize
16 personnel of the Department, or volunteer instructors, found by
17 the Department to be competent, to provide instruction in
18 courses on trapping techniques and ethical trapping behavior as
19 needed throughout the State, which courses shall be at least 8
20 hours in length. Persons so authorized shall provide
21 instruction in such courses to individuals at no charge, and
22 shall issue to individuals successfully completing such
23 courses certificates of competency in basic trapping
24 techniques. The Department shall cooperate in establishing
25 such courses with any reputable association or organization
26 which has as one of its objectives the promotion of the ethical

1 use of legal fur harvesting devices and techniques. The
2 Department shall furnish information on the requirements of the
3 trapper education program to be distributed free of charge to
4 applicants for trapping licenses by the persons appointed and
5 authorized to issue licenses.

6 The owners residing on, or bona fide tenants of farm lands,
7 and their children actually residing on such lands, shall have
8 the right to trap mammals protected by this Act, for which an
9 open trapping season has been established, upon such lands,
10 without procuring licenses, provided that such mammals are
11 taken during the periods of time and with such devices as are
12 permitted by this Act.

13 (Source: P.A. 99-868, eff. 1-1-17; 100-638, eff. 1-1-19;
14 100-964, eff. 8-19-18; revised 10-9-18.)

15 Section 665. The Pollinator Friendly Solar Site Act is
16 amended by changing Sections 1 and 15 as follows:

17 (525 ILCS 55/1)

18 Sec. 1. Short title. This Act may be cited as the
19 Pollinator-Friendly ~~Pollinator-Friendly~~ Solar Site Act.

20 (Source: P.A. 100-1022, eff. 8-21-18; revised 10-3-18.)

21 (525 ILCS 55/15)

22 Sec. 15. Recognition of beneficial habitat. An owner or
23 manager of a solar site with a generating capacity of more than

1 40 kilowatts implementing site management practices under this
2 Act may claim that the site is "pollinator-friendly" or
3 provides benefits to game birds, songbirds, and pollinators
4 only if the site adheres to guidance set forth by the
5 pollinator-friendly ~~pollinator-friendly~~ scorecard published by
6 the Department in consultation with the University of Illinois,
7 Department of Entomology. The scorecard shall be posted on the
8 Department's website on or before 6 months after the effective
9 date of this Act. An owner making a beneficial habitat claim
10 shall make the solar site's pollinator scorecard, and where
11 available, related vegetation management plans, available to
12 the public and provide a copy to the Department and a nonprofit
13 solar industry trade association of this State.

14 (Source: P.A. 100-1022, eff. 8-21-18; revised 10-3-18.)

15 Section 670. The Illinois Vehicle Code is amended by
16 changing Sections 2-123, 3-117.1, 3-808.1, 3-815, 6-109,
17 6-118, 6-303, 6-525, 8-101, 11-501.01, 11-501.7, 12-610.2,
18 12-806a, 15-301, 18c-1304, 18c-4502, and 18c-7401 and by
19 setting forth and renumbering multiple versions of Section
20 3-699.15 as follows:

21 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

22 Sec. 2-123. Sale and distribution of information.

23 (a) Except as otherwise provided in this Section, the
24 Secretary may make the driver's license, vehicle and title

1 registration lists, in part or in whole, and any statistical
2 information derived from these lists available to local
3 governments, elected state officials, state educational
4 institutions, and all other governmental units of the State and
5 Federal Government requesting them for governmental purposes.
6 The Secretary shall require any such applicant for services to
7 pay for the costs of furnishing such services and the use of
8 the equipment involved, and in addition is empowered to
9 establish prices and charges for the services so furnished and
10 for the use of the electronic equipment utilized.

11 (b) The Secretary is further empowered to and he may, in
12 his discretion, furnish to any applicant, other than listed in
13 subsection (a) of this Section, vehicle or driver data on a
14 computer tape, disk, other electronic format or computer
15 processable medium, or printout at a fixed fee of \$250 for
16 orders received before October 1, 2003 and \$500 for orders
17 received on or after October 1, 2003, in advance, and require
18 in addition a further sufficient deposit based upon the
19 Secretary of State's estimate of the total cost of the
20 information requested and a charge of \$25 for orders received
21 before October 1, 2003 and \$50 for orders received on or after
22 October 1, 2003, per 1,000 units or part thereof identified or
23 the actual cost, whichever is greater. The Secretary is
24 authorized to refund any difference between the additional
25 deposit and the actual cost of the request. This service shall
26 not be in lieu of an abstract of a driver's record nor of a

1 title or registration search. This service may be limited to
2 entities purchasing a minimum number of records as required by
3 administrative rule. The information sold pursuant to this
4 subsection shall be the entire vehicle or driver data list, or
5 part thereof. The information sold pursuant to this subsection
6 shall not contain personally identifying information unless
7 the information is to be used for one of the purposes
8 identified in subsection (f-5) of this Section. Commercial
9 purchasers of driver and vehicle record databases shall enter
10 into a written agreement with the Secretary of State that
11 includes disclosure of the commercial use of the information to
12 be purchased.

13 (b-1) The Secretary is further empowered to and may, in his
14 or her discretion, furnish vehicle or driver data on a computer
15 tape, disk, or other electronic format or computer processible
16 medium, at no fee, to any State or local governmental agency
17 that uses the information provided by the Secretary to transmit
18 data back to the Secretary that enables the Secretary to
19 maintain accurate driving records, including dispositions of
20 traffic cases. This information may be provided without fee not
21 more often than once every 6 months.

22 (c) Secretary of State may issue registration lists. The
23 Secretary of State may compile a list of all registered
24 vehicles. Each list of registered vehicles shall be arranged
25 serially according to the registration numbers assigned to
26 registered vehicles and may contain in addition the names and

1 addresses of registered owners and a brief description of each
2 vehicle including the serial or other identifying number
3 thereof. Such compilation may be in such form as in the
4 discretion of the Secretary of State may seem best for the
5 purposes intended.

6 (d) The Secretary of State shall furnish no more than 2
7 current available lists of such registrations to the sheriffs
8 of all counties and to the chiefs of police of all cities and
9 villages and towns of 2,000 population and over in this State
10 at no cost. Additional copies may be purchased by the sheriffs
11 or chiefs of police at the fee of \$500 each or at the cost of
12 producing the list as determined by the Secretary of State.
13 Such lists are to be used for governmental purposes only.

14 (e) (Blank).

15 (e-1) (Blank).

16 (f) The Secretary of State shall make a title or
17 registration search of the records of his office and a written
18 report on the same for any person, upon written application of
19 such person, accompanied by a fee of \$5 for each registration
20 or title search. The written application shall set forth the
21 intended use of the requested information. No fee shall be
22 charged for a title or registration search, or for the
23 certification thereof requested by a government agency. The
24 report of the title or registration search shall not contain
25 personally identifying information unless the request for a
26 search was made for one of the purposes identified in

1 subsection (f-5) of this Section. The report of the title or
2 registration search shall not contain highly restricted
3 personal information unless specifically authorized by this
4 Code.

5 The Secretary of State shall certify a title or
6 registration record upon written request. The fee for
7 certification shall be \$5 in addition to the fee required for a
8 title or registration search. Certification shall be made under
9 the signature of the Secretary of State and shall be
10 authenticated by Seal of the Secretary of State.

11 The Secretary of State may notify the vehicle owner or
12 registrant of the request for purchase of his title or
13 registration information as the Secretary deems appropriate.

14 No information shall be released to the requester ~~requestor~~
15 until expiration of a 10-day ~~10-day~~ period. This 10-day ~~10-day~~
16 period shall not apply to requests for information made by law
17 enforcement officials, government agencies, financial
18 institutions, attorneys, insurers, employers, automobile
19 associated businesses, persons licensed as a private detective
20 or firms licensed as a private detective agency under the
21 Private Detective, Private Alarm, Private Security,
22 Fingerprint Vendor, and Locksmith Act of 2004, who are employed
23 by or are acting on behalf of law enforcement officials,
24 government agencies, financial institutions, attorneys,
25 insurers, employers, automobile associated businesses, and
26 other business entities for purposes consistent with the

1 Illinois Vehicle Code, the vehicle owner or registrant or other
2 entities as the Secretary may exempt by rule and regulation.

3 Any misrepresentation made by a requester ~~requestor~~ of
4 title or vehicle information shall be punishable as a petty
5 offense, except in the case of persons licensed as a private
6 detective or firms licensed as a private detective agency which
7 shall be subject to disciplinary sanctions under Section 40-10
8 of the Private Detective, Private Alarm, Private Security,
9 Fingerprint Vendor, and Locksmith Act of 2004.

10 (f-5) The Secretary of State shall not disclose or
11 otherwise make available to any person or entity any personally
12 identifying information obtained by the Secretary of State in
13 connection with a driver's license, vehicle, or title
14 registration record unless the information is disclosed for one
15 of the following purposes:

16 (1) For use by any government agency, including any
17 court or law enforcement agency, in carrying out its
18 functions, or any private person or entity acting on behalf
19 of a federal, State, or local agency in carrying out its
20 functions.

21 (2) For use in connection with matters of motor vehicle
22 or driver safety and theft; motor vehicle emissions; motor
23 vehicle product alterations, recalls, or advisories;
24 performance monitoring of motor vehicles, motor vehicle
25 parts, and dealers; and removal of non-owner records from
26 the original owner records of motor vehicle manufacturers.

1 (3) For use in the normal course of business by a
2 legitimate business or its agents, employees, or
3 contractors, but only:

4 (A) to verify the accuracy of personal information
5 submitted by an individual to the business or its
6 agents, employees, or contractors; and

7 (B) if such information as so submitted is not
8 correct or is no longer correct, to obtain the correct
9 information, but only for the purposes of preventing
10 fraud by, pursuing legal remedies against, or
11 recovering on a debt or security interest against, the
12 individual.

13 (4) For use in research activities and for use in
14 producing statistical reports, if the personally
15 identifying information is not published, redisclosed, or
16 used to contact individuals.

17 (5) For use in connection with any civil, criminal,
18 administrative, or arbitral proceeding in any federal,
19 State, or local court or agency or before any
20 self-regulatory body, including the service of process,
21 investigation in anticipation of litigation, and the
22 execution or enforcement of judgments and orders, or
23 pursuant to an order of a federal, State, or local court.

24 (6) For use by any insurer or insurance support
25 organization or by a self-insured entity or its agents,
26 employees, or contractors in connection with claims

1 investigation activities, antifraud activities, rating, or
2 underwriting.

3 (7) For use in providing notice to the owners of towed
4 or impounded vehicles.

5 (8) For use by any person licensed as a private
6 detective or firm licensed as a private detective agency
7 under the Private Detective, Private Alarm, Private
8 Security, Fingerprint Vendor, and Locksmith Act of 2004,
9 private investigative agency or security service licensed
10 in Illinois for any purpose permitted under this
11 subsection.

12 (9) For use by an employer or its agent or insurer to
13 obtain or verify information relating to a holder of a
14 commercial driver's license that is required under chapter
15 313 of title 49 of the United States Code.

16 (10) For use in connection with the operation of
17 private toll transportation facilities.

18 (11) For use by any requester, if the requester
19 demonstrates it has obtained the written consent of the
20 individual to whom the information pertains.

21 (12) For use by members of the news media, as defined
22 in Section 1-148.5, for the purpose of newsgathering when
23 the request relates to the operation of a motor vehicle or
24 public safety.

25 (13) For any other use specifically authorized by law,
26 if that use is related to the operation of a motor vehicle

1 or public safety.

2 (f-6) The Secretary of State shall not disclose or
3 otherwise make available to any person or entity any highly
4 restricted personal information obtained by the Secretary of
5 State in connection with a driver's license, vehicle, or title
6 registration record unless specifically authorized by this
7 Code.

8 (g) 1. The Secretary of State may, upon receipt of a
9 written request and a fee as set forth in Section 6-118,
10 furnish to the person or agency so requesting a driver's record
11 or data contained therein. Such document may include a record
12 of: current driver's license issuance information, except that
13 the information on judicial driving permits shall be available
14 only as otherwise provided by this Code; convictions; orders
15 entered revoking, suspending or cancelling a driver's license
16 or privilege; and notations of accident involvement. All other
17 information, unless otherwise permitted by this Code, shall
18 remain confidential. Information released pursuant to a
19 request for a driver's record shall not contain personally
20 identifying information, unless the request for the driver's
21 record was made for one of the purposes set forth in subsection
22 (f-5) of this Section. The Secretary of State may, without fee,
23 allow a parent or guardian of a person under the age of 18
24 years, who holds an instruction permit or graduated driver's
25 license, to view that person's driving record online, through a
26 computer connection. The parent or guardian's online access to

1 the driving record will terminate when the instruction permit
2 or graduated driver's license holder reaches the age of 18.

3 2. The Secretary of State shall not disclose or otherwise
4 make available to any person or entity any highly restricted
5 personal information obtained by the Secretary of State in
6 connection with a driver's license, vehicle, or title
7 registration record unless specifically authorized by this
8 Code. The Secretary of State may certify an abstract of a
9 driver's record upon written request therefor. Such
10 certification shall be made under the signature of the
11 Secretary of State and shall be authenticated by the Seal of
12 his office.

13 3. All requests for driving record information shall be
14 made in a manner prescribed by the Secretary and shall set
15 forth the intended use of the requested information.

16 The Secretary of State may notify the affected driver of
17 the request for purchase of his driver's record as the
18 Secretary deems appropriate.

19 No information shall be released to the requester until
20 expiration of a 10-day ~~10-day~~ period. This 10-day ~~10-day~~ period
21 shall not apply to requests for information made by law
22 enforcement officials, government agencies, financial
23 institutions, attorneys, insurers, employers, automobile
24 associated businesses, persons licensed as a private detective
25 or firms licensed as a private detective agency under the
26 Private Detective, Private Alarm, Private Security,

1 Fingerprint Vendor, and Locksmith Act of 2004, who are employed
2 by or are acting on behalf of law enforcement officials,
3 government agencies, financial institutions, attorneys,
4 insurers, employers, automobile associated businesses, and
5 other business entities for purposes consistent with the
6 Illinois Vehicle Code, the affected driver or other entities as
7 the Secretary may exempt by rule and regulation.

8 Any misrepresentation made by a requester ~~requestor~~ of
9 driver information shall be punishable as a petty offense,
10 except in the case of persons licensed as a private detective
11 or firms licensed as a private detective agency which shall be
12 subject to disciplinary sanctions under Section 40-10 of the
13 Private Detective, Private Alarm, Private Security,
14 Fingerprint Vendor, and Locksmith Act of 2004.

15 4. The Secretary of State may furnish without fee, upon the
16 written request of a law enforcement agency, any information
17 from a driver's record on file with the Secretary of State when
18 such information is required in the enforcement of this Code or
19 any other law relating to the operation of motor vehicles,
20 including records of dispositions; documented information
21 involving the use of a motor vehicle; whether such individual
22 has, or previously had, a driver's license; and the address and
23 personal description as reflected on said driver's record.

24 5. Except as otherwise provided in this Section, the
25 Secretary of State may furnish, without fee, information from
26 an individual driver's record on file, if a written request

1 therefor is submitted by any public transit system or
2 authority, public defender, law enforcement agency, a state or
3 federal agency, or an Illinois local intergovernmental
4 association, if the request is for the purpose of a background
5 check of applicants for employment with the requesting agency,
6 or for the purpose of an official investigation conducted by
7 the agency, or to determine a current address for the driver so
8 public funds can be recovered or paid to the driver, or for any
9 other purpose set forth in subsection (f-5) of this Section.

10 The Secretary may also furnish the courts a copy of an
11 abstract of a driver's record, without fee, subsequent to an
12 arrest for a violation of Section 11-501 or a similar provision
13 of a local ordinance. Such abstract may include records of
14 dispositions; documented information involving the use of a
15 motor vehicle as contained in the current file; whether such
16 individual has, or previously had, a driver's license; and the
17 address and personal description as reflected on said driver's
18 record.

19 6. Any certified abstract issued by the Secretary of State
20 or transmitted electronically by the Secretary of State
21 pursuant to this Section, to a court or on request of a law
22 enforcement agency, for the record of a named person as to the
23 status of the person's driver's license shall be prima facie
24 evidence of the facts therein stated and if the name appearing
25 in such abstract is the same as that of a person named in an
26 information or warrant, such abstract shall be prima facie

1 evidence that the person named in such information or warrant
2 is the same person as the person named in such abstract and
3 shall be admissible for any prosecution under this Code and be
4 admitted as proof of any prior conviction or proof of records,
5 notices, or orders recorded on individual driving records
6 maintained by the Secretary of State.

7 7. Subject to any restrictions contained in the Juvenile
8 Court Act of 1987, and upon receipt of a proper request and a
9 fee as set forth in Section 6-118, the Secretary of State shall
10 provide a driver's record or data contained therein to the
11 affected driver, or the affected driver's attorney, upon
12 verification. Such record shall contain all the information
13 referred to in paragraph 1 of this subsection (g) plus: any
14 recorded accident involvement as a driver; information
15 recorded pursuant to subsection (e) of Section 6-117 and
16 paragraph (4) of subsection (a) of Section 6-204 of this Code.
17 All other information, unless otherwise permitted by this Code,
18 shall remain confidential.

19 (h) The Secretary shall not disclose social security
20 numbers or any associated information obtained from the Social
21 Security Administration except pursuant to a written request
22 by, or with the prior written consent of, the individual
23 except: (1) to officers and employees of the Secretary who have
24 a need to know the social security numbers in performance of
25 their official duties, (2) to law enforcement officials for a
26 lawful, civil or criminal law enforcement investigation, and if

1 the head of the law enforcement agency has made a written
2 request to the Secretary specifying the law enforcement
3 investigation for which the social security numbers are being
4 sought, (3) to the United States Department of Transportation,
5 or any other State, pursuant to the administration and
6 enforcement of the Commercial Motor Vehicle Safety Act of 1986,
7 (4) pursuant to the order of a court of competent jurisdiction,
8 (5) to the Department of Healthcare and Family Services
9 (formerly Department of Public Aid) for utilization in the
10 child support enforcement duties assigned to that Department
11 under provisions of the Illinois Public Aid Code after the
12 individual has received advanced meaningful notification of
13 what redisclosure is sought by the Secretary in accordance with
14 the federal Privacy Act, (5.5) to the Department of Healthcare
15 and Family Services and the Department of Human Services solely
16 for the purpose of verifying Illinois residency where such
17 residency is an eligibility requirement for benefits under the
18 Illinois Public Aid Code or any other health benefit program
19 administered by the Department of Healthcare and Family
20 Services or the Department of Human Services, (6) to the
21 Illinois Department of Revenue solely for use by the Department
22 in the collection of any tax or debt that the Department of
23 Revenue is authorized or required by law to collect, provided
24 that the Department shall not disclose the social security
25 number to any person or entity outside of the Department, or
26 (7) to the Illinois Department of Veterans' Affairs for the

1 purpose of confirming veteran status.

2 (i) (Blank).

3 (j) Medical statements or medical reports received in the
4 Secretary of State's Office shall be confidential. Except as
5 provided in this Section, no confidential information may be
6 open to public inspection or the contents disclosed to anyone,
7 except officers and employees of the Secretary who have a need
8 to know the information contained in the medical reports and
9 the Driver License Medical Advisory Board, unless so directed
10 by an order of a court of competent jurisdiction. If the
11 Secretary receives a medical report regarding a driver that
12 does not address a medical condition contained in a previous
13 medical report, the Secretary may disclose the unaddressed
14 medical condition to the driver or his or her physician, or
15 both, solely for the purpose of submission of a medical report
16 that addresses the condition.

17 (k) Disbursement of fees collected under this Section shall
18 be as follows: (1) of the \$12 fee for a driver's record, \$3
19 shall be paid into the Secretary of State Special Services
20 Fund, and \$6 shall be paid into the General Revenue Fund; (2)
21 50% of the amounts collected under subsection (b) shall be paid
22 into the General Revenue Fund; and (3) all remaining fees shall
23 be disbursed under subsection (g) of Section 2-119 of this
24 Code.

25 (l) (Blank).

26 (m) Notations of accident involvement that may be disclosed

1 under this Section shall not include notations relating to
2 damage to a vehicle or other property being transported by a
3 tow truck. This information shall remain confidential,
4 provided that nothing in this subsection (m) shall limit
5 disclosure of any notification of accident involvement to any
6 law enforcement agency or official.

7 (n) Requests made by the news media for driver's license,
8 vehicle, or title registration information may be furnished
9 without charge or at a reduced charge, as determined by the
10 Secretary, when the specific purpose for requesting the
11 documents is deemed to be in the public interest. Waiver or
12 reduction of the fee is in the public interest if the principal
13 purpose of the request is to access and disseminate information
14 regarding the health, safety, and welfare or the legal rights
15 of the general public and is not for the principal purpose of
16 gaining a personal or commercial benefit. The information
17 provided pursuant to this subsection shall not contain
18 personally identifying information unless the information is
19 to be used for one of the purposes identified in subsection
20 (f-5) of this Section.

21 (o) The redisclosure of personally identifying information
22 obtained pursuant to this Section is prohibited, except to the
23 extent necessary to effectuate the purpose for which the
24 original disclosure of the information was permitted.

25 (p) The Secretary of State is empowered to adopt rules to
26 effectuate this Section.

1 (Source: P.A. 99-127, eff. 1-1-16; 100-590, eff. 6-8-18;
2 revised 10-11-18.)

3 (625 ILCS 5/3-117.1) (from Ch. 95 1/2, par. 3-117.1)

4 Sec. 3-117.1. When junking certificates or salvage
5 certificates must be obtained.

6 (a) Except as provided in Chapter 4 and Section 3-117.3 of
7 this Code, a person who possesses a junk vehicle shall within
8 15 days cause the certificate of title, salvage certificate,
9 certificate of purchase, or a similarly acceptable
10 out-of-state ~~out-of-state~~ document of ownership to be
11 surrendered to the Secretary of State along with an application
12 for a junking certificate, except as provided in Section
13 3-117.2, whereupon the Secretary of State shall issue to such a
14 person a junking certificate, which shall authorize the holder
15 thereof to possess, transport, or, by an endorsement, transfer
16 ownership in such junked vehicle, and a certificate of title
17 shall not again be issued for such vehicle. The owner of a junk
18 vehicle is not required to surrender the certificate of title
19 under this subsection if (i) there is no lienholder on the
20 certificate of title or (ii) the owner of the junk vehicle has
21 a valid lien release from the lienholder releasing all interest
22 in the vehicle and the owner applying for the junk certificate
23 matches the current record on the certificate of title file for
24 the vehicle.

25 A licensee who possesses a junk vehicle and a Certificate

1 of Title, Salvage Certificate, Certificate of Purchase, or a
2 similarly acceptable out-of-state document of ownership for
3 such junk vehicle, may transport the junk vehicle to another
4 licensee prior to applying for or obtaining a junking
5 certificate, by executing a uniform invoice. The licensee
6 transferor shall furnish a copy of the uniform invoice to the
7 licensee transferee at the time of transfer. In any case, the
8 licensee transferor shall apply for a junking certificate in
9 conformance with Section 3-117.1 of this Chapter. The following
10 information shall be contained on a uniform invoice:

11 (1) The business name, address and dealer license
12 number of the person disposing of the vehicle, junk vehicle
13 or vehicle cowl;

14 (2) The name and address of the person acquiring the
15 vehicle, junk vehicle or vehicle cowl, and if that person
16 is a dealer, the Illinois or out-of-state dealer license
17 number of that dealer;

18 (3) The date of the disposition of the vehicle, junk
19 vehicle or vehicle cowl;

20 (4) The year, make, model, color and description of
21 each vehicle, junk vehicle or vehicle cowl disposed of by
22 such person;

23 (5) The manufacturer's vehicle identification number,
24 Secretary of State identification number or Illinois
25 Department of State Police number, for each vehicle, junk
26 vehicle or vehicle cowl part disposed of by such person;

1 (6) The printed name and legible signature of the
2 person or agent disposing of the vehicle, junk vehicle or
3 vehicle cowl; and

4 (7) The printed name and legible signature of the
5 person accepting delivery of the vehicle, junk vehicle or
6 vehicle cowl.

7 The Secretary of State may certify a junking manifest in a
8 form prescribed by the Secretary of State that reflects those
9 vehicles for which junking certificates have been applied or
10 issued. A junking manifest may be issued to any person and it
11 shall constitute evidence of ownership for the vehicle listed
12 upon it. A junking manifest may be transferred only to a person
13 licensed under Section 5-301 of this Code as a scrap processor.
14 A junking manifest will allow the transportation of those
15 vehicles to a scrap processor prior to receiving the junk
16 certificate from the Secretary of State.

17 (b) An application for a salvage certificate shall be
18 submitted to the Secretary of State in any of the following
19 situations:

20 (1) When an insurance company makes a payment of
21 damages on a total loss claim for a vehicle, the insurance
22 company shall be deemed to be the owner of such vehicle and
23 the vehicle shall be considered to be salvage except that
24 ownership of (i) a vehicle that has incurred only hail
25 damage that does not affect the operational safety of the
26 vehicle or (ii) any vehicle 9 model years of age or older

1 may, by agreement between the registered owner and the
2 insurance company, be retained by the registered owner of
3 such vehicle. The insurance company shall promptly deliver
4 or mail within 20 days the certificate of title along with
5 proper application and fee to the Secretary of State, and a
6 salvage certificate shall be issued in the name of the
7 insurance company. Notwithstanding the foregoing, an
8 insurer making payment of damages on a total loss claim for
9 the theft of a vehicle shall not be required to apply for a
10 salvage certificate unless the vehicle is recovered and has
11 incurred damage that initially would have caused the
12 vehicle to be declared a total loss by the insurer.

13 (1.1) When a vehicle of a self-insured company is to be
14 sold in the State of Illinois and has sustained damaged by
15 collision, fire, theft, rust corrosion, or other means so
16 that the self-insured company determines the vehicle to be
17 a total loss, or if the cost of repairing the damage,
18 including labor, would be greater than 70% of its fair
19 market value without that damage, the vehicle shall be
20 considered salvage. The self-insured company shall
21 promptly deliver the certificate of title along with proper
22 application and fee to the Secretary of State, and a
23 salvage certificate shall be issued in the name of the
24 self-insured company. A self-insured company making
25 payment of damages on a total loss claim for the theft of a
26 vehicle may exchange the salvage certificate for a

1 certificate of title if the vehicle is recovered without
2 damage. In such a situation, the self-insured shall fill
3 out and sign a form prescribed by the Secretary of State
4 which contains an affirmation under penalty of perjury that
5 the vehicle was recovered without damage and the Secretary
6 of State may, by rule, require photographs to be submitted.

7 (2) When a vehicle the ownership of which has been
8 transferred to any person through a certificate of purchase
9 from acquisition of the vehicle at an auction, other
10 dispositions as set forth in Sections 4-208 and 4-209 of
11 this Code, or a lien arising under Section 18a-501 of this
12 Code shall be deemed salvage or junk at the option of the
13 purchaser. The person acquiring such vehicle in such manner
14 shall promptly deliver or mail, within 20 days after the
15 acquisition of the vehicle, the certificate of purchase,
16 the proper application and fee, and, if the vehicle is an
17 abandoned mobile home under the Abandoned Mobile Home Act,
18 a certification from a local law enforcement agency that
19 the vehicle was purchased or acquired at a public sale
20 under the Abandoned Mobile Home Act to the Secretary of
21 State and a salvage certificate or junking certificate
22 shall be issued in the name of that person. The salvage
23 certificate or junking certificate issued by the Secretary
24 of State under this Section shall be free of any lien that
25 existed against the vehicle prior to the time the vehicle
26 was acquired by the applicant under this Code.

1 (3) A vehicle which has been repossessed by a
2 lienholder shall be considered to be salvage only when the
3 repossessed vehicle, on the date of repossession by the
4 lienholder, has sustained damage by collision, fire,
5 theft, rust corrosion, or other means so that the cost of
6 repairing such damage, including labor, would be greater
7 than 33 1/3% of its fair market value without such damage.
8 If the lienholder determines that such vehicle is damaged
9 in excess of 33 1/3% of such fair market value, the
10 lienholder shall, before sale, transfer or assignment of
11 the vehicle, make application for a salvage certificate,
12 and shall submit with such application the proper fee and
13 evidence of possession. If the facts required to be shown
14 in subsection (f) of Section 3-114 are satisfied, the
15 Secretary of State shall issue a salvage certificate in the
16 name of the lienholder making the application. In any case
17 wherein the vehicle repossessed is not damaged in excess of
18 33 1/3% of its fair market value, the lienholder shall
19 comply with the requirements of subsections (f), (f-5), and
20 (f-10) of Section 3-114, except that the affidavit of
21 repossession made by or on behalf of the lienholder shall
22 also contain an affirmation under penalty of perjury that
23 the vehicle on the date of sale is not damaged in excess of
24 33 1/3% of its fair market value. If the facts required to
25 be shown in subsection (f) of Section 3-114 are satisfied,
26 the Secretary of State shall issue a certificate of title

1 as set forth in Section 3-116 of this Code. The Secretary
2 of State may by rule or regulation require photographs to
3 be submitted.

4 (4) A vehicle which is a part of a fleet of more than 5
5 commercial vehicles registered in this State or any other
6 state or registered proportionately among several states
7 shall be considered to be salvage when such vehicle has
8 sustained damage by collision, fire, theft, rust,
9 corrosion or similar means so that the cost of repairing
10 such damage, including labor, would be greater than 33 1/3%
11 of the fair market value of the vehicle without such
12 damage. If the owner of a fleet vehicle desires to sell,
13 transfer, or assign his interest in such vehicle to a
14 person within this State other than an insurance company
15 licensed to do business within this State, and the owner
16 determines that such vehicle, at the time of the proposed
17 sale, transfer or assignment is damaged in excess of 33
18 1/3% of its fair market value, the owner shall, before such
19 sale, transfer or assignment, make application for a
20 salvage certificate. The application shall contain with it
21 evidence of possession of the vehicle. If the fleet vehicle
22 at the time of its sale, transfer, or assignment is not
23 damaged in excess of 33 1/3% of its fair market value, the
24 owner shall so state in a written affirmation on a form
25 prescribed by the Secretary of State by rule or regulation.
26 The Secretary of State may by rule or regulation require

1 photographs to be submitted. Upon sale, transfer or
2 assignment of the fleet vehicle the owner shall mail the
3 affirmation to the Secretary of State.

4 (5) A vehicle that has been submerged in water to the
5 point that rising water has reached over the door sill and
6 has entered the passenger or trunk compartment is a "flood
7 vehicle". A flood vehicle shall be considered to be salvage
8 only if the vehicle has sustained damage so that the cost
9 of repairing the damage, including labor, would be greater
10 than 33 1/3% of the fair market value of the vehicle
11 without that damage. The salvage certificate issued under
12 this Section shall indicate the word "flood", and the word
13 "flood" shall be conspicuously entered on subsequent
14 titles for the vehicle. A person who possesses or acquires
15 a flood vehicle that is not damaged in excess of 33 1/3% of
16 its fair market value shall make application for title in
17 accordance with Section 3-116 of this Code, designating the
18 vehicle as "flood" in a manner prescribed by the Secretary
19 of State. The certificate of title issued shall indicate
20 the word "flood", and the word "flood" shall be
21 conspicuously entered on subsequent titles for the
22 vehicle.

23 (6) When any licensed rebuilder, repairer, new or used
24 vehicle dealer, or remittance agent has submitted an
25 application for title to a vehicle (other than an
26 application for title to a rebuilt vehicle) that he or she

1 knows or reasonably should have known to have sustained
2 damages in excess of 33 1/3% of the vehicle's fair market
3 value without that damage; provided, however, that any
4 application for a salvage certificate for a vehicle
5 recovered from theft and acquired from an insurance company
6 shall be made as required by paragraph (1) of this
7 subsection (b).

8 (c) Any person who without authority acquires, sells,
9 exchanges, gives away, transfers or destroys or offers to
10 acquire, sell, exchange, give away, transfer or destroy the
11 certificate of title to any vehicle which is a junk or salvage
12 vehicle shall be guilty of a Class 3 felony.

13 (d) Except as provided under subsection (a), any person who
14 knowingly fails to surrender to the Secretary of State a
15 certificate of title, salvage certificate, certificate of
16 purchase or a similarly acceptable out-of-state document of
17 ownership as required under the provisions of this Section is
18 guilty of a Class A misdemeanor for a first offense and a Class
19 4 felony for a subsequent offense; except that a person
20 licensed under this Code who violates paragraph (5) of
21 subsection (b) of this Section is guilty of a business offense
22 and shall be fined not less than \$1,000 nor more than \$5,000
23 for a first offense and is guilty of a Class 4 felony for a
24 second or subsequent violation.

25 (e) Any vehicle which is salvage or junk may not be driven
26 or operated on roads and highways within this State. A

1 violation of this subsection is a Class A misdemeanor. A
2 salvage vehicle displaying valid special plates issued under
3 Section 3-601(b) of this Code, which is being driven to or from
4 an inspection conducted under Section 3-308 of this Code, is
5 exempt from the provisions of this subsection. A salvage
6 vehicle for which a short term permit has been issued under
7 Section 3-307 of this Code is exempt from the provisions of
8 this subsection for the duration of the permit.

9 (Source: P.A. 99-932, eff. 6-1-17; 100-104, eff. 11-9-17;
10 100-956, eff. 1-1-19; 100-1083, eff. 1-1-19; revised
11 10-11-18.)

12 (625 ILCS 5/3-699.15)

13 Sec. 3-699.15. Coast Guard license plates.

14 (a) The Secretary, upon receipt of all applicable fees and
15 applications made in the form prescribed by the Secretary of
16 State, may issue special registration plates designated as U.S.
17 Coast Guard plates. The special plates issued under this
18 Section shall be affixed only to passenger vehicles of the
19 first division or motor vehicles of the second division
20 weighing not more than 8,000 pounds. Plates under this Section
21 shall expire according to the multi-year procedure established
22 by Section 3-414.1 of this Code.

23 (b) The design and color of the special plates shall be
24 wholly within the discretion of the Secretary. Appropriate
25 documentation, as determined by the Secretary, shall accompany

1 each application.

2 (c) An applicant shall be charged a \$26 fee for the
3 original issuance in addition to the appropriate registration
4 fee, if applicable. Of this fee, \$11 shall be deposited into
5 the Illinois Veterans' Homes Fund and \$15 shall be deposited
6 into the Secretary of State Special License Plate Fund. For
7 each registration renewal period, a \$26 fee, in addition to the
8 appropriate registration fee, shall be charged. Of this fee,
9 \$24 shall be deposited into the Illinois Veterans' Homes Fund
10 and \$2 shall be deposited into the Secretary of State Special
11 License Plate Fund.

12 (Source: P.A. 100-73, eff. 1-1-18.)

13 (625 ILCS 5/3-699.16)

14 Sec. 3-699.16 ~~3-699.15~~. Operation Desert Shield/Desert
15 Storm license plates.

16 (a) The Secretary, upon receipt of an application made in
17 the form prescribed by the Secretary, may issue special
18 registration plates designated as Operation Desert
19 Shield/Desert Storm license plates to any Illinois resident who
20 has earned the Southwest Asia Service Medal from the United
21 States Armed Forces. The special plates issued under this
22 Section may be affixed only to passenger vehicles of the first
23 division, motorcycles, or motor vehicles of the second division
24 weighing not more than 8,000 pounds. Plates issued under this
25 Section shall expire according to the staggered multi-year

1 procedure established by Section 3-414.1 of this Code.

2 (b) The design, color, and format of the plates shall be
3 wholly within the discretion of the Secretary. Appropriate
4 documentation, as determined by the Secretary, and the
5 appropriate registration fee shall accompany the application.
6 The Secretary may, in his or her discretion, allow the plates
7 to be issued as vanity plates or personalized in accordance
8 with Section 3-405.1 of this Code. The plates are not required
9 to designate "Land of Lincoln", as prescribed in subsection (b)
10 of Section 3-412 of this Code. The Secretary shall, in his or
11 her discretion, approve and prescribe stickers or decals as
12 provided under Section 3-412.

13 (Source: P.A. 100-820, eff. 8-13-18; revised 10-22-18.)

14 (625 ILCS 5/3-808.1) (from Ch. 95 1/2, par. 3-808.1)

15 Sec. 3-808.1. Permanent vehicle registration plate.

16 (a) Permanent vehicle registration plates shall be issued,
17 at no charge, to the following:

18 1. Vehicles, other than medical transport vehicles,
19 owned and operated by the State of Illinois or by any State
20 agency financed by funds appropriated by the General
21 Assembly;

22 2. Special disability plates issued to vehicles owned
23 and operated by the State of Illinois or by any State
24 agency financed by funds appropriated by the General
25 Assembly.

1 (b) Permanent vehicle registration plates shall be issued,
2 for a one-time ~~one-time~~ fee of \$8.00, to the following:

3 1. Vehicles, other than medical transport vehicles,
4 operated by or for any county, township or municipal
5 corporation.

6 2. Vehicles owned by counties, townships or municipal
7 corporations for persons with disabilities.

8 3. Beginning with the 1991 registration year,
9 county-owned vehicles operated by or for any county sheriff
10 and designated deputy sheriffs. These registration plates
11 shall contain the specific county code and unit number.

12 4. All-terrain vehicles owned by counties, townships,
13 or municipal corporations and used for law enforcement
14 purposes when the Manufacturer's Statement of Origin is
15 accompanied with a letter from the original manufacturer or
16 a manufacturer's franchised dealer stating that this
17 all-terrain vehicle has been converted to a street worthy
18 vehicle that meets the equipment requirements set forth in
19 Chapter 12 of this Code.

20 5. Beginning with the 2001 registration year,
21 municipally owned ~~municipally-owned~~ vehicles operated by
22 or for any police department. These registration plates
23 shall contain the designation "municipal police" and shall
24 be numbered and distributed as prescribed by the Secretary
25 of State.

26 6. Beginning with the 2014 registration year,

1 municipally owned, fire district owned, or Mutual Aid Box
2 Alarm System (MABAS) owned vehicles operated by or for any
3 fire department, fire protection district, or MABAS. These
4 registration plates shall display the designation "Fire
5 Department" and shall display the specific fire
6 department, fire district, fire unit, or MABAS division
7 number or letter.

8 7. Beginning with the 2017 registration year, vehicles
9 that do not require a school bus driver permit under
10 Section 6-104 to operate and are not registered under
11 Section 3-617 of this Code, and are owned by a public
12 school district from grades K-12 or a public community
13 college.

14 8. Beginning with the 2017 registration year, vehicles
15 of the first division or vehicles of the second division
16 weighing not more than 8,000 pounds that are owned by a
17 medical facility or hospital of a municipality, county, or
18 township.

19 9. Beginning with the 2020 registration year, 2-axle
20 motor vehicles that (i) are designed and used as buses in a
21 public system for transporting more than 10 passengers;
22 (ii) are used as common carriers in the general
23 transportation of passengers and not devoted to any
24 specialized purpose; (iii) operate entirely within the
25 territorial limits of a single municipality or a single
26 municipality and contiguous municipalities; and (iv) are

1 subject to the regulation of the Illinois Commerce
2 Commission. The owner of a vehicle under this paragraph is
3 exempt from paying a flat weight tax or a mileage weight
4 tax under this Code.

5 (b-5) Beginning with the 2016 registration year, permanent
6 vehicle registration plates shall be issued for a one-time fee
7 of \$8.00 to a county, township, or municipal corporation that
8 owns or operates vehicles used for the purpose of community
9 workplace commuting as defined by the Secretary of State by
10 administrative rule. The design and color of the plates shall
11 be wholly within the discretion of the Secretary. The Secretary
12 of State may adopt rules to implement this subsection (b-5).

13 (c) Beginning with the 2012 registration year,
14 county-owned vehicles operated by or for any county sheriff and
15 designated deputy sheriffs that have been issued registration
16 plates under subsection (b) of this Section shall be exempt
17 from any fee for the transfer of registration from one vehicle
18 to another vehicle. Each county sheriff shall report to the
19 Secretary of State any transfer of registration plates from one
20 vehicle to another vehicle operated by or for any county
21 sheriff and designated deputy sheriffs. The Secretary of State
22 shall adopt rules to implement this subsection (c).

23 (c-5) Beginning with the 2014 registration year,
24 municipally owned, fire district owned, or Mutual Aid Box Alarm
25 System (MABAS) owned vehicles operated by or for any fire
26 department, fire protection district, or MABAS that have been

1 issued registration plates under subsection (b) of this Section
2 shall be exempt from any fee for the transfer of registration
3 from one vehicle to another vehicle. Each fire department, fire
4 protection district, of MABAS shall report to the Secretary of
5 State any transfer of registration plates from one vehicle to
6 another vehicle operated by or for any fire department, fire
7 protection district, or MABAS. The Secretary of State shall
8 adopt rules to implement this subsection.

9 (d) Beginning with the 2013 registration year, municipally
10 owned ~~municipally-owned~~ vehicles operated by or for any police
11 department that have been issued registration plates under
12 subsection (b) of this Section shall be exempt from any fee for
13 the transfer of registration from one vehicle to another
14 vehicle. Each municipal police department shall report to the
15 Secretary of State any transfer of registration plates from one
16 vehicle to another vehicle operated by or for any municipal
17 police department. The Secretary of State shall adopt rules to
18 implement this subsection (d).

19 (e) Beginning with the 2016 registration year, any vehicle
20 owned or operated by a county, township, or municipal
21 corporation that has been issued registration plates under this
22 Section is exempt from any fee for the transfer of registration
23 from one vehicle to another vehicle. Each county, township, or
24 municipal corporation shall report to the Secretary of State
25 any transfer of registration plates from one vehicle to another
26 vehicle operated by or for any county, township, or municipal

1 corporation.

2 (f) Beginning with the 2020 registration year, any vehicle
3 owned or operated by a public school district from grades K-12,
4 a public community college, or a medical facility or hospital
5 of a municipality, county, or township that has been issued
6 registration plates under this Section is exempt from any fee
7 for the transfer of registration from one vehicle to another
8 vehicle. Each school district, public community college, or
9 medical facility or hospital shall report to the Secretary any
10 transfer of registration plates from one vehicle to another
11 vehicle operated by the school district, public community
12 college, or medical facility.

13 (Source: P.A. 99-166, eff. 7-28-15; 99-707, eff. 7-29-16;
14 100-956, eff. 1-1-19; revised 10-3-18.)

15 (625 ILCS 5/3-815) (from Ch. 95 1/2, par. 3-815)

16 Sec. 3-815. Flat weight tax; vehicles of the second
17 division.

18 (a) Except as provided in Section 3-806.3 and 3-804.3,
19 every owner of a vehicle of the second division registered
20 under Section 3-813, and not registered under the mileage
21 weight tax under Section 3-818, shall pay to the Secretary of
22 State, for each registration year, for the use of the public
23 highways, a flat weight tax at the rates set forth in the
24 following table, the rates including the \$10 registration fee:

25 SCHEDULE OF FLAT WEIGHT TAX

REQUIRED BY LAW		
Gross Weight in Lbs. Including Vehicle and Maximum Load	Class	Total Fees each Fiscal year
8,000 lbs. and less	B	\$98
8,001 lbs. to 10,000 lbs.	C	118
10,001 lbs. to 12,000 lbs.	D	138
12,001 lbs. to 16,000 lbs.	F	242
16,001 lbs. to 26,000 lbs.	H	490
26,001 lbs. to 28,000 lbs.	J	630
28,001 lbs. to 32,000 lbs.	K	842
32,001 lbs. to 36,000 lbs.	L	982
36,001 lbs. to 40,000 lbs.	N	1,202
40,001 lbs. to 45,000 lbs.	P	1,390
45,001 lbs. to 50,000 lbs.	Q	1,538
50,001 lbs. to 54,999 lbs.	R	1,698
55,000 lbs. to 59,500 lbs.	S	1,830
59,501 lbs. to 64,000 lbs.	T	1,970
64,001 lbs. to 73,280 lbs.	V	2,294
73,281 lbs. to 77,000 lbs.	X	2,622
77,001 lbs. to 80,000 lbs.	Z	2,790

Beginning with the 2010 registration year a \$1 surcharge shall be collected for vehicles registered in the 8,000 lbs. and less flat weight plate category above to be deposited into the State Police Vehicle Fund.

Beginning with the 2014 registration year, a \$2 surcharge

1 shall be collected in addition to the above fees for vehicles
2 registered in the 8,000 lb. and less flat weight plate category
3 as described in this subsection (a) to be deposited into the
4 Park and Conservation Fund for the Department of Natural
5 Resources to use for conservation efforts. The monies deposited
6 into the Park and Conservation Fund under this Section shall
7 not be subject to administrative charges or chargebacks unless
8 otherwise authorized by this Act.

9 All of the proceeds of the additional fees imposed by
10 Public Act 96-34 ~~this amendatory Act of the 96th General~~
11 ~~Assembly~~ shall be deposited into the Capital Projects Fund.

12 (a-1) A Special Hauling Vehicle is a vehicle or combination
13 of vehicles of the second division registered under Section
14 3-813 transporting asphalt or concrete in the plastic state or
15 a vehicle or combination of vehicles that are subject to the
16 gross weight limitations in subsection (a) of Section 15-111
17 for which the owner of the vehicle or combination of vehicles
18 has elected to pay, in addition to the registration fee in
19 subsection (a), \$125 to the Secretary of State for each
20 registration year. The Secretary shall designate this class of
21 vehicle as a Special Hauling Vehicle.

22 (a-5) Beginning January 1, 2015, upon the request of the
23 vehicle owner, a \$10 surcharge shall be collected in addition
24 to the above fees for vehicles in the 12,000 lbs. and less flat
25 weight plate categories as described in subsection (a) to be
26 deposited into the Secretary of State Special License Plate

1 Fund. The \$10 surcharge is to identify vehicles in the 12,000
2 lbs. and less flat weight plate categories as a covered farm
3 vehicle. The \$10 surcharge is an annual, flat fee that shall be
4 based on an applicant's new or existing registration year for
5 each vehicle in the 12,000 lbs. and less flat weight plate
6 categories. A designation as a covered farm vehicle under this
7 subsection (a-5) shall not alter a vehicle's registration as a
8 registration in the 12,000 lbs. or less flat weight category.
9 The Secretary shall adopt any rules necessary to implement this
10 subsection (a-5).

11 (a-10) Beginning January 1, 2019, upon the request of the
12 vehicle owner, the Secretary of State shall collect a \$10
13 surcharge in addition to the fees for second division vehicles
14 in the 8,000 lbs. and less flat weight plate category described
15 in subsection (a) that are issued a registration plate under
16 Article VI of this Chapter. The \$10 surcharge shall be
17 deposited into the Secretary of State Special License Plate
18 Fund. The \$10 surcharge is to identify a vehicle in the 8,000
19 lbs. and less flat weight plate category as a covered farm
20 vehicle. The \$10 surcharge is an annual, flat fee that shall be
21 based on an applicant's new or existing registration year for
22 each vehicle in the 8,000 lbs. and less flat weight plate
23 category. A designation as a covered farm vehicle under this
24 subsection (a-10) shall not alter a vehicle's registration in
25 the 8,000 lbs. or less flat weight category. The Secretary
26 shall adopt any rules necessary to implement this subsection

1 (a-10).

2 (b) Except as provided in Section 3-806.3, every camping
 3 trailer, motor home, mini motor home, travel trailer, truck
 4 camper or van camper used primarily for recreational purposes,
 5 and not used commercially, nor for hire, nor owned by a
 6 commercial business, may be registered for each registration
 7 year upon the filing of a proper application and the payment of
 8 a registration fee and highway use tax, according to the
 9 following table of fees:

10 MOTOR HOME, MINI MOTOR HOME, TRUCK CAMPER OR VAN CAMPER	
11 Gross Weight in Lbs.	Total Fees
12 Including Vehicle and	Each
13 Maximum Load	Calendar Year
14 8,000 lbs and less	\$78
15 8,001 Lbs. to 10,000 Lbs	90
16 10,001 Lbs. and Over	102
17 CAMPING TRAILER OR TRAVEL TRAILER	
18 Gross Weight in Lbs.	Total Fees
19 Including Vehicle and	Each
20 Maximum Load	Calendar Year
21 3,000 Lbs. and Less	\$18
22 3,001 Lbs. to 8,000 Lbs.	30
23 8,001 Lbs. to 10,000 Lbs.	38
24 10,001 Lbs. and Over	50

25 Every house trailer must be registered under Section 3-819.

26 (c) Farm Truck. Any truck used exclusively for the owner's

1 own agricultural, horticultural or livestock raising
 2 operations and not-for-hire only, or any truck used only in the
 3 transportation for-hire of seasonal, fresh, perishable fruit
 4 or vegetables from farm to the point of first processing, may
 5 be registered by the owner under this paragraph in lieu of
 6 registration under paragraph (a), upon filing of a proper
 7 application and the payment of the \$10 registration fee and the
 8 highway use tax herein specified as follows:

9 SCHEDULE OF FEES AND TAXES

10	Gross Weight in Lbs.		Total Amount for
11	Including Truck and		each
12	Maximum Load	Class	Fiscal Year
13	16,000 lbs. or less	VF	\$150
14	16,001 to 20,000 lbs.	VG	226
15	20,001 to 24,000 lbs.	VH	290
16	24,001 to 28,000 lbs.	VJ	378
17	28,001 to 32,000 lbs.	VK	506
18	32,001 to 36,000 lbs.	VL	610
19	36,001 to 45,000 lbs.	VP	810
20	45,001 to 54,999 lbs.	VR	1,026
21	55,000 to 64,000 lbs.	VT	1,202
22	64,001 to 73,280 lbs.	VV	1,290
23	73,281 to 77,000 lbs.	VX	1,350
24	77,001 to 80,000 lbs.	VZ	1,490

25 In the event the Secretary of State revokes a farm truck
 26 registration as authorized by law, the owner shall pay the flat

1 weight tax due hereunder before operating such truck.

2 Any combination of vehicles having 5 axles, with a distance
3 of 42 feet or less between extreme axles, that are subject to
4 the weight limitations in subsection (a) of Section 15-111 for
5 which the owner of the combination of vehicles has elected to
6 pay, in addition to the registration fee in subsection (c),
7 \$125 to the Secretary of State for each registration year shall
8 be designated by the Secretary as a Special Hauling Vehicle.

9 (d) The number of axles necessary to carry the maximum load
10 provided shall be determined from Chapter 15 of this Code.

11 (e) An owner may only apply for and receive 5 farm truck
12 registrations, and only 2 of those 5 vehicles shall exceed
13 59,500 gross weight in pounds per vehicle.

14 (f) Every person convicted of violating this Section by
15 failure to pay the appropriate flat weight tax to the Secretary
16 of State as set forth in the above tables shall be punished as
17 provided for in Section 3-401.

18 (Source: P.A. 100-734, eff. 1-1-19; 100-956, eff. 1-1-19;
19 revised 10-15-18.)

20 (625 ILCS 5/6-109)

21 Sec. 6-109. Examination of Applicants.

22 (a) The Secretary of State shall examine every applicant
23 for a driver's license or permit who has not been previously
24 licensed as a driver under the laws of this State or any other
25 state or country, or any applicant for renewal of such driver's

1 license or permit when such license or permit has been expired
2 for more than one year. The Secretary of State shall, subject
3 to the provisions of paragraph (c), examine every licensed
4 driver at least every 8 years, and may examine or re-examine
5 any other applicant or licensed driver, provided that during
6 the years 1984 through 1991 those drivers issued a license for
7 3 years may be re-examined not less than every 7 years or more
8 than every 10 years.

9 The Secretary of State shall require the testing of the
10 eyesight of any driver's license or permit applicant who has
11 not been previously licensed as a driver under the laws of this
12 State and shall promulgate rules and regulations to provide for
13 the orderly administration of all the provisions of this
14 Section.

15 The Secretary of State shall include at least one test
16 question that concerns the provisions of the Pedestrians with
17 Disabilities Safety Act in the question pool used for the
18 written portion of the driver's ~~drivers~~ license examination
19 within one year after July 22, 2010 (the effective date of
20 Public Act 96-1167).

21 The Secretary of State shall include, in the question pool
22 used for the written portion of the driver's license
23 examination, test questions concerning safe driving in the
24 presence of bicycles, of which one may be concerning the Dutch
25 Reach method as described in Section 2-112.

26 (b) Except as provided for those applicants in paragraph

1 (c), such examination shall include a test of the applicant's
2 eyesight, his or her ability to read and understand official
3 traffic control devices, his or her knowledge of safe driving
4 practices and the traffic laws of this State, and may include
5 an actual demonstration of the applicant's ability to exercise
6 ordinary and reasonable control of the operation of a motor
7 vehicle, and such further physical and mental examination as
8 the Secretary of State finds necessary to determine the
9 applicant's fitness to operate a motor vehicle safely on the
10 highways, except the examination of an applicant 75 years of
11 age or older shall include an actual demonstration of the
12 applicant's ability to exercise ordinary and reasonable
13 control of the operation of a motor vehicle. All portions of
14 written and verbal examinations under this Section, excepting
15 where the English language appears on facsimiles of road signs,
16 may be given in the Spanish language and, at the discretion of
17 the Secretary of State, in any other language as well as in
18 English upon request of the examinee. Deaf persons who are
19 otherwise qualified are not prohibited from being issued a
20 license, other than a commercial driver's license, under this
21 Code.

22 (c) Re-examination for those applicants who at the time of
23 renewing their driver's license possess a driving record devoid
24 of any convictions of traffic violations or evidence of
25 committing an offense for which mandatory revocation would be
26 required upon conviction pursuant to Section 6-205 at the time

1 of renewal shall be in a manner prescribed by the Secretary in
 2 order to determine an applicant's ability to safely operate a
 3 motor vehicle, except that every applicant for the renewal of a
 4 driver's license who is 75 years of age or older must prove, by
 5 an actual demonstration, the applicant's ability to exercise
 6 reasonable care in the safe operation of a motor vehicle.

7 (d) In the event the applicant is not ineligible under the
 8 provisions of Section 6-103 to receive a driver's license, the
 9 Secretary of State shall make provision for giving an
 10 examination, either in the county where the applicant resides
 11 or at a place adjacent thereto reasonably convenient to the
 12 applicant, within not more than 30 days from the date said
 13 application is received.

14 (e) The Secretary of State may adopt rules regarding the
 15 use of foreign language interpreters during the application and
 16 examination process.

17 (Source: P.A. 100-770, eff. 1-1-19; 100-962, eff. 1-1-19;
 18 revised 10-3-18.)

19 (625 ILCS 5/6-118)

20 Sec. 6-118. Fees.

21 (a) The fees ~~fee~~ for licenses and permits under this
 22 Article are ~~is~~ as follows:

- 23 Original driver's license \$30
- 24 Original or renewal driver's license
- 25 issued to 18, 19 and 20 year olds 5

1 All driver's licenses for persons

2 age 69 through age 80 5

3 All driver's licenses for persons

4 age 81 through age 86 2

5 All driver's licenses for persons

6 age 87 or older 0

7 Renewal driver's license (except for

8 applicants ages 18, 19 and 20 or

9 age 69 and older) 30

10 Original instruction permit issued to

11 persons (except those age 69 and older)

12 who do not hold or have not previously

13 held an Illinois instruction permit or

14 driver's license 20

15 Instruction permit issued to any person

16 holding an Illinois driver's license

17 who wishes a change in classifications,

18 other than at the time of renewal 5

19 Any instruction permit issued to a person

20 age 69 and older 5

21 Instruction permit issued to any person,

22 under age 69, not currently holding a

23 valid Illinois driver's license or

24 instruction permit but who has

25 previously been issued either document

26 in Illinois 10

1 Restricted driving permit 8

2 Monitoring device driving permit 8

3 Duplicate or corrected driver's license

4 or permit 5

5 Duplicate or corrected restricted

6 driving permit 5

7 Duplicate or corrected monitoring

8 device driving permit 5

9 Duplicate driver's license or permit issued to

10 an active-duty member of the

11 United States Armed Forces,

12 the member's spouse, or

13 the dependent children living

14 with the member 0

15 Original or renewal M or L endorsement..... 5

16 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

17 The fees for commercial driver licenses and permits
18 under Article V shall be as follows:

19 Commercial driver's license:

20 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund

21 (Commercial Driver's License Information

22 System/American Association of Motor Vehicle

23 Administrators network/National Motor Vehicle

24 Title Information Service Trust Fund);

25 \$20 for the Motor Carrier Safety Inspection Fund;

26 \$10 for the driver's license;

1 and \$24 for the CDL: \$60

2 Renewal commercial driver's license:

3 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund;

4 \$20 for the Motor Carrier Safety Inspection Fund;

5 \$10 for the driver's license; and

6 \$24 for the CDL: \$60

7 Commercial learner's permit

8 issued to any person holding a valid

9 Illinois driver's license for the

10 purpose of changing to a

11 CDL classification: \$6 for the

12 CDLIS/AAMVAnet/NMVTIS Trust Fund;

13 \$20 for the Motor Carrier

14 Safety Inspection Fund; and

15 \$24 for the CDL classification \$50

16 Commercial learner's permit

17 issued to any person holding a valid

18 Illinois CDL for the purpose of

19 making a change in a classification,

20 endorsement or restriction \$5

21 CDL duplicate or corrected license \$5

22 In order to ensure the proper implementation of the Uniform
23 Commercial Driver License Act, Article V of this Chapter, the
24 Secretary of State is empowered to prorate ~~pro-rate~~ the \$24 fee
25 for the commercial driver's license proportionate to the
26 expiration date of the applicant's Illinois driver's license.

1 The fee for any duplicate license or permit shall be waived
2 for any person who presents the Secretary of State's office
3 with a police report showing that his license or permit was
4 stolen.

5 The fee for any duplicate license or permit shall be waived
6 for any person age 60 or older whose driver's license or permit
7 has been lost or stolen.

8 No additional fee shall be charged for a driver's license,
9 or for a commercial driver's license, when issued to the holder
10 of an instruction permit for the same classification or type of
11 license who becomes eligible for such license.

12 The fee for a restricted driving permit under this
13 subsection (a) shall be imposed annually until the expiration
14 of the permit.

15 (a-5) The fee for a driver's record or data contained
16 therein is \$12.

17 (b) Any person whose license or privilege to operate a
18 motor vehicle in this State has been suspended or revoked under
19 Section 3-707, any provision of Chapter 6, Chapter 11, or
20 Section 7-205, 7-303, or 7-702 of the Family Financial
21 Responsibility Law of this Code, shall in addition to any other
22 fees required by this Code, pay a reinstatement fee as follows:

23	Suspension under Section 3-707	\$100
24	Suspension under Section 11-1431	\$100
25	Summary suspension under Section 11-501.1	\$250
26	Suspension under Section 11-501.9	\$250

1	Summary revocation under Section 11-501.1	\$500
2	Other suspension	\$70
3	Revocation	\$500

4 However, any person whose license or privilege to operate a
5 motor vehicle in this State has been suspended or revoked for a
6 second or subsequent time for a violation of Section 11-501,
7 11-501.1, or 11-501.9 of this Code or a similar provision of a
8 local ordinance or a similar out-of-state offense or Section
9 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012
10 and each suspension or revocation was for a violation of
11 Section 11-501, 11-501.1, or 11-501.9 of this Code or a similar
12 provision of a local ordinance or a similar out-of-state
13 offense or Section 9-3 of the Criminal Code of 1961 or the
14 Criminal Code of 2012 shall pay, in addition to any other fees
15 required by this Code, a reinstatement fee as follows:

16	Summary suspension under Section 11-501.1	\$500
17	Suspension under Section 11-501.9	\$500
18	Summary revocation under Section 11-501.1	\$500
19	Revocation	\$500

20 (c) All fees collected under the provisions of this Chapter
21 6 shall be disbursed under subsection (g) of Section 2-119 of
22 this Code, except as follows:

23 1. The following amounts shall be paid into the Drivers
24 Education Fund:

25 (A) \$16 of the \$20 fee for an original driver's
26 instruction permit;

1 (B) \$5 of the \$30 fee for an original driver's
2 license;

3 (C) \$5 of the \$30 fee for a 4 year renewal driver's
4 license;

5 (D) \$4 of the \$8 fee for a restricted driving
6 permit; and

7 (E) \$4 of the \$8 fee for a monitoring device
8 driving permit.

9 2. \$30 of the \$250 fee for reinstatement of a license
10 summarily suspended under Section 11-501.1 or suspended
11 under Section 11-501.9 shall be deposited into the Drunk
12 and Drugged Driving Prevention Fund. However, for a person
13 whose license or privilege to operate a motor vehicle in
14 this State has been suspended or revoked for a second or
15 subsequent time for a violation of Section 11-501,
16 11-501.1, or 11-501.9 of this Code or Section 9-3 of the
17 Criminal Code of 1961 or the Criminal Code of 2012, \$190 of
18 the \$500 fee for reinstatement of a license summarily
19 suspended under Section 11-501.1 or suspended under
20 Section 11-501.9, and \$190 of the \$500 fee for
21 reinstatement of a revoked license shall be deposited into
22 the Drunk and Drugged Driving Prevention Fund. \$190 of the
23 \$500 fee for reinstatement of a license summarily revoked
24 pursuant to Section 11-501.1 shall be deposited into the
25 Drunk and Drugged Driving Prevention Fund.

26 3. \$6 of the original or renewal fee for a commercial

1 driver's license and \$6 of the commercial learner's permit
2 fee when the permit is issued to any person holding a valid
3 Illinois driver's license, shall be paid into the
4 CDLIS/AAMVAnet/NMVTIS Trust Fund.

5 4. \$30 of the \$70 fee for reinstatement of a license
6 suspended under the Family Financial Responsibility Law
7 shall be paid into the Family Responsibility Fund.

8 5. The \$5 fee for each original or renewal M or L
9 endorsement shall be deposited into the Cycle Rider Safety
10 Training Fund.

11 6. \$20 of any original or renewal fee for a commercial
12 driver's license or commercial learner's permit shall be
13 paid into the Motor Carrier Safety Inspection Fund.

14 7. The following amounts shall be paid into the General
15 Revenue Fund:

16 (A) \$190 of the \$250 reinstatement fee for a
17 summary suspension under Section 11-501.1 or a
18 suspension under Section 11-501.9;

19 (B) \$40 of the \$70 reinstatement fee for any other
20 suspension provided in subsection (b) of this Section;
21 and

22 (C) \$440 of the \$500 reinstatement fee for a first
23 offense revocation and \$310 of the \$500 reinstatement
24 fee for a second or subsequent revocation.

25 8. Fees collected under paragraph (4) of subsection (d)
26 and subsection (h) of Section 6-205 of this Code;

1 subparagraph (C) of paragraph 3 of subsection (c) of
2 Section 6-206 of this Code; and paragraph (4) of subsection
3 (a) of Section 6-206.1 of this Code, shall be paid into the
4 funds set forth in those Sections.

5 (d) All of the proceeds of the additional fees imposed by
6 this amendatory Act of the 96th General Assembly shall be
7 deposited into the Capital Projects Fund.

8 (e) The additional fees imposed by this amendatory Act of
9 the 96th General Assembly shall become effective 90 days after
10 becoming law.

11 (f) As used in this Section, "active-duty member of the
12 United States Armed Forces" means a member of the Armed
13 Services or Reserve Forces of the United States or a member of
14 the Illinois National Guard who is called to active duty
15 pursuant to an executive order of the President of the United
16 States, an act of the Congress of the United States, or an
17 order of the Governor.

18 (Source: P.A. 99-127, eff. 1-1-16; 99-438, eff. 1-1-16; 99-642,
19 eff. 7-28-16; 99-933, eff. 1-27-17; 100-590, eff. 6-8-18;
20 100-803, eff. 1-1-19; revised 10-24-18.)

21 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

22 Sec. 6-303. Driving while driver's license, permit, or
23 privilege to operate a motor vehicle is suspended or revoked.

24 (a) Except as otherwise provided in subsection (a-5) or
25 (a-7), any person who drives or is in actual physical control

1 of a motor vehicle on any highway of this State at a time when
2 such person's driver's license, permit, or privilege to do so
3 or the privilege to obtain a driver's license or permit is
4 revoked or suspended as provided by this Code or the law of
5 another state, except as may be specifically allowed by a
6 judicial driving permit issued prior to January 1, 2009,
7 monitoring device driving permit, family financial
8 responsibility driving permit, probationary license to drive,
9 or a restricted driving permit issued pursuant to this Code or
10 under the law of another state, shall be guilty of a Class A
11 misdemeanor.

12 (a-3) A second or subsequent violation of subsection (a) of
13 this Section is a Class 4 felony if committed by a person whose
14 driving or operation of a motor vehicle is the proximate cause
15 of a motor vehicle accident that causes personal injury or
16 death to another. For purposes of this subsection, a personal
17 injury includes any Type A injury as indicated on the traffic
18 accident report completed by a law enforcement officer that
19 requires immediate professional attention in either a doctor's
20 office or a medical facility. A Type A injury includes severe
21 bleeding wounds, distorted extremities, and injuries that
22 require the injured party to be carried from the scene.

23 (a-5) Any person who violates this Section as provided in
24 subsection (a) while his or her driver's license, permit, or
25 privilege is revoked because of a violation of Section 9-3 of
26 the Criminal Code of 1961 or the Criminal Code of 2012,

1 relating to the offense of reckless homicide, or a violation of
2 subparagraph (F) of paragraph (1) of subsection (d) of Section
3 11-501 of this Code, relating to the offense of aggravated
4 driving under the influence of alcohol, other drug or drugs, or
5 intoxicating compound or compounds, or any combination thereof
6 when the violation was a proximate cause of a death, or a
7 similar provision of a law of another state, is guilty of a
8 Class 4 felony. The person shall be required to undergo a
9 professional evaluation, as provided in Section 11-501 of this
10 Code, to determine if an alcohol, drug, or intoxicating
11 compound problem exists and the extent of the problem, and to
12 undergo the imposition of treatment as appropriate.

13 (a-7) Any person who violates this Section as provided in
14 subsection (a) while his or her driver's license or privilege
15 to drive is suspended under Section 6-306.5 or 7-702 of this
16 Code shall receive a Uniform Traffic Citation from the law
17 enforcement officer. A person who receives 3 or more Uniform
18 Traffic Citations under this subsection (a-7) without paying
19 any fees associated with the citations shall be guilty of a
20 Class A misdemeanor.

21 (a-10) A person's driver's license, permit, or privilege to
22 obtain a driver's license or permit may be subject to multiple
23 revocations, multiple suspensions, or any combination of both
24 simultaneously. No revocation or suspension shall serve to
25 negate, invalidate, cancel, postpone, or in any way lessen the
26 effect of any other revocation or suspension entered prior or

1 subsequent to any other revocation or suspension.

2 (b) (Blank).

3 (b-1) Except for a person under subsection (a-7) of this
4 Section, upon receiving a report of the conviction of any
5 violation indicating a person was operating a motor vehicle
6 during the time when the person's driver's license, permit, or
7 privilege was suspended by the Secretary of State or the
8 driver's licensing administrator of another state, except as
9 specifically allowed by a probationary license, judicial
10 driving permit, restricted driving permit, or monitoring
11 device driving permit, the Secretary shall extend the
12 suspension for the same period of time as the originally
13 imposed suspension unless the suspension has already expired,
14 in which case the Secretary shall be authorized to suspend the
15 person's driving privileges for the same period of time as the
16 originally imposed suspension.

17 (b-2) Except as provided in subsection (b-6) or (a-7), upon
18 receiving a report of the conviction of any violation
19 indicating a person was operating a motor vehicle when the
20 person's driver's license, permit, or privilege was revoked by
21 the Secretary of State or the driver's license administrator of
22 any other state, except as specifically allowed by a restricted
23 driving permit issued pursuant to this Code or the law of
24 another state, the Secretary shall not issue a driver's license
25 for an additional period of one year from the date of such
26 conviction indicating such person was operating a vehicle

1 during such period of revocation.

2 (b-3) (Blank).

3 (b-4) When the Secretary of State receives a report of a
4 conviction of any violation indicating a person was operating a
5 motor vehicle that was not equipped with an ignition interlock
6 device during a time when the person was prohibited from
7 operating a motor vehicle not equipped with such a device, the
8 Secretary shall not issue a driver's license to that person for
9 an additional period of one year from the date of the
10 conviction.

11 (b-5) Any person convicted of violating this Section shall
12 serve a minimum term of imprisonment of 30 consecutive days or
13 300 hours of community service when the person's driving
14 privilege was revoked or suspended as a result of a violation
15 of Section 9-3 of the Criminal Code of 1961 or the Criminal
16 Code of 2012, relating to the offense of reckless homicide, or
17 a violation of subparagraph (F) of paragraph (1) of subsection
18 (d) of Section 11-501 of this Code, relating to the offense of
19 aggravated driving under the influence of alcohol, other drug
20 or drugs, or intoxicating compound or compounds, or any
21 combination thereof when the violation was a proximate cause of
22 a death, or a similar provision of a law of another state. The
23 court may give credit toward the fulfillment of community
24 service hours for participation in activities and treatment as
25 determined by court services.

26 (b-6) Upon receiving a report of a first conviction of

1 operating a motor vehicle while the person's driver's license,
2 permit, or privilege was revoked where the revocation was for a
3 violation of Section 9-3 of the Criminal Code of 1961 or the
4 Criminal Code of 2012 relating to the offense of reckless
5 homicide, or a violation of subparagraph (F) of paragraph (1)
6 of subsection (d) of Section 11-501 of this Code, relating to
7 the offense of aggravated driving under the influence of
8 alcohol, other drug or drugs, or intoxicating compound or
9 compounds, or any combination thereof when the violation was a
10 proximate cause of a death, or a similar out-of-state offense,
11 the Secretary shall not issue a driver's license for an
12 additional period of 3 ~~three~~ years from the date of such
13 conviction.

14 (c) Except as provided in subsections (c-3) and (c-4), any
15 person convicted of violating this Section shall serve a
16 minimum term of imprisonment of 10 consecutive days or 30 days
17 of community service when the person's driving privilege was
18 revoked or suspended as a result of:

19 (1) a violation of Section 11-501 of this Code or a
20 similar provision of a local ordinance relating to the
21 offense of operating or being in physical control of a
22 vehicle while under the influence of alcohol, any other
23 drug or any combination thereof; or

24 (2) a violation of paragraph (b) of Section 11-401 of
25 this Code or a similar provision of a local ordinance
26 relating to the offense of leaving the scene of a motor

1 vehicle accident involving personal injury or death; or

2 (3) a statutory summary suspension or revocation under
3 Section 11-501.1 of this Code.

4 Such sentence of imprisonment or community service shall
5 not be subject to suspension in order to reduce such sentence.

6 (c-1) Except as provided in subsections (a-7), (c-5), and
7 (d), any person convicted of a second violation of this Section
8 shall be ordered by the court to serve a minimum of 100 hours
9 of community service. The court may give credit toward the
10 fulfillment of community service hours for participation in
11 activities and treatment as determined by court services.

12 (c-2) In addition to other penalties imposed under this
13 Section, the court may impose on any person convicted a fourth
14 time of violating this Section any of the following:

15 (1) Seizure of the license plates of the person's
16 vehicle.

17 (2) Immobilization of the person's vehicle for a period
18 of time to be determined by the court.

19 (c-3) Any person convicted of a violation of this Section
20 during a period of summary suspension imposed pursuant to
21 Section 11-501.1 when the person was eligible for a monitoring
22 device driving permit ~~MDDP~~ shall be guilty of a Class 4 felony
23 and shall serve a minimum term of imprisonment of 30 days.

24 (c-4) Any person who has been issued a monitoring device
25 driving permit ~~MDDP~~ or a restricted driving permit which
26 requires the person to operate only motor vehicles equipped

1 with an ignition interlock device and who is convicted of a
2 violation of this Section as a result of operating or being in
3 actual physical control of a motor vehicle not equipped with an
4 ignition interlock device at the time of the offense shall be
5 guilty of a Class 4 felony and shall serve a minimum term of
6 imprisonment of 30 days.

7 (c-5) Any person convicted of a second violation of this
8 Section is guilty of a Class 2 felony, is not eligible for
9 probation or conditional discharge, and shall serve a mandatory
10 term of imprisonment, if:

11 (1) the current violation occurred when the person's
12 driver's license was suspended or revoked for a violation
13 of Section 9-3 of the Criminal Code of 1961 or the Criminal
14 Code of 2012, relating to the offense of reckless homicide,
15 or a violation of subparagraph (F) of paragraph (1) of
16 subsection (d) of Section 11-501 of this Code, relating to
17 the offense of aggravated driving under the influence of
18 alcohol, other drug or drugs, or intoxicating compound or
19 compounds, or any combination thereof when the violation
20 was a proximate cause of a death, or a similar out-of-state
21 offense; and

22 (2) the prior conviction under this Section occurred
23 while the person's driver's license was suspended or
24 revoked for a violation of Section 9-3 of the Criminal Code
25 of 1961 or the Criminal Code of 2012 relating to the
26 offense of reckless homicide, or a violation of

1 subparagraph (F) of paragraph (1) of subsection (d) of
2 Section 11-501 of this Code, relating to the offense of
3 aggravated driving under the influence of alcohol, other
4 drug or drugs, or intoxicating compound or compounds, or
5 any combination thereof when the violation was a proximate
6 cause of a death, or a similar out-of-state offense, or was
7 suspended or revoked for a violation of Section 11-401 or
8 11-501 of this Code, a similar out-of-state offense, a
9 similar provision of a local ordinance, or a statutory
10 summary suspension or revocation under Section 11-501.1 of
11 this Code.

12 (d) Any person convicted of a second violation of this
13 Section shall be guilty of a Class 4 felony and shall serve a
14 minimum term of imprisonment of 30 days or 300 hours of
15 community service, as determined by the court, if:

16 (1) the current violation occurred when the person's
17 driver's license was suspended or revoked for a violation
18 of Section 11-401 or 11-501 of this Code, a similar
19 out-of-state offense, a similar provision of a local
20 ordinance, or a statutory summary suspension or revocation
21 under Section 11-501.1 of this Code; and

22 (2) the prior conviction under this Section occurred
23 while the person's driver's license was suspended or
24 revoked for a violation of Section 11-401 or 11-501 of this
25 Code, a similar out-of-state offense, a similar provision
26 of a local ordinance, or a statutory summary suspension or

1 revocation under Section 11-501.1 of this Code, or for a
2 violation of Section 9-3 of the Criminal Code of 1961 or
3 the Criminal Code of 2012, relating to the offense of
4 reckless homicide, or a violation of subparagraph (F) of
5 paragraph (1) of subsection (d) of Section 11-501 of this
6 Code, relating to the offense of aggravated driving under
7 the influence of alcohol, other drug or drugs, or
8 intoxicating compound or compounds, or any combination
9 thereof when the violation was a proximate cause of a
10 death, or a similar out-of-state offense.

11 ~~(3)~~ The court may give credit toward the fulfillment of
12 community service hours for participation in activities and
13 treatment as determined by court services.

14 (d-1) Except as provided in subsections (a-7), (d-2),
15 (d-2.5), and (d-3), any person convicted of a third or
16 subsequent violation of this Section shall serve a minimum term
17 of imprisonment of 30 days or 300 hours of community service,
18 as determined by the court. The court may give credit toward
19 the fulfillment of community service hours for participation in
20 activities and treatment as determined by court services.

21 (d-2) Any person convicted of a third violation of this
22 Section is guilty of a Class 4 felony and must serve a minimum
23 term of imprisonment of 30 days, if:

24 (1) the current violation occurred when the person's
25 driver's license was suspended or revoked for a violation
26 of Section 11-401 or 11-501 of this Code, or a similar

1 out-of-state offense, or a similar provision of a local
2 ordinance, or a statutory summary suspension or revocation
3 under Section 11-501.1 of this Code; and

4 (2) the prior convictions under this Section occurred
5 while the person's driver's license was suspended or
6 revoked for a violation of Section 11-401 or 11-501 of this
7 Code, a similar out-of-state offense, a similar provision
8 of a local ordinance, or a statutory summary suspension or
9 revocation under Section 11-501.1 of this Code, or for a
10 violation of Section 9-3 of the Criminal Code of 1961 or
11 the Criminal Code of 2012, relating to the offense of
12 reckless homicide, or a violation of subparagraph (F) of
13 paragraph (1) of subsection (d) of Section 11-501 of this
14 Code, relating to the offense of aggravated driving under
15 the influence of alcohol, other drug or drugs, or
16 intoxicating compound or compounds, or any combination
17 thereof when the violation was a proximate cause of a
18 death, or a similar out-of-state offense.

19 (d-2.5) Any person convicted of a third violation of this
20 Section is guilty of a Class 1 felony, is not eligible for
21 probation or conditional discharge, and must serve a mandatory
22 term of imprisonment, if:

23 (1) the current violation occurred while the person's
24 driver's license was suspended or revoked for a violation
25 of Section 9-3 of the Criminal Code of 1961 or the Criminal
26 Code of 2012, relating to the offense of reckless homicide,

1 or a violation of subparagraph (F) of paragraph (1) of
2 subsection (d) of Section 11-501 of this Code, relating to
3 the offense of aggravated driving under the influence of
4 alcohol, other drug or drugs, or intoxicating compound or
5 compounds, or any combination thereof when the violation
6 was a proximate cause of a death, or a similar out-of-state
7 offense. The person's driving privileges shall be revoked
8 for the remainder of the person's life; and

9 (2) the prior convictions under this Section occurred
10 while the person's driver's license was suspended or
11 revoked for a violation of Section 9-3 of the Criminal Code
12 of 1961 or the Criminal Code of 2012, relating to the
13 offense of reckless homicide, or a violation of
14 subparagraph (F) of paragraph (1) of subsection (d) of
15 Section 11-501 of this Code, relating to the offense of
16 aggravated driving under the influence of alcohol, other
17 drug or drugs, or intoxicating compound or compounds, or
18 any combination thereof when the violation was a proximate
19 cause of a death, or a similar out-of-state offense, or was
20 suspended or revoked for a violation of Section 11-401 or
21 11-501 of this Code, a similar out-of-state offense, a
22 similar provision of a local ordinance, or a statutory
23 summary suspension or revocation under Section 11-501.1 of
24 this Code.

25 (d-3) Any person convicted of a fourth, fifth, sixth,
26 seventh, eighth, or ninth violation of this Section is guilty

1 of a Class 4 felony and must serve a minimum term of
2 imprisonment of 180 days, if:

3 (1) the current violation occurred when the person's
4 driver's license was suspended or revoked for a violation
5 of Section 11-401 or 11-501 of this Code, a similar
6 out-of-state offense, a similar provision of a local
7 ordinance, or a statutory summary suspension or revocation
8 under Section 11-501.1 of this Code; and

9 (2) the prior convictions under this Section occurred
10 while the person's driver's license was suspended or
11 revoked for a violation of Section 11-401 or 11-501 of this
12 Code, a similar out-of-state offense, a similar provision
13 of a local ordinance, or a statutory summary suspension or
14 revocation under Section 11-501.1 of this Code, or for a
15 violation of Section 9-3 of the Criminal Code of 1961 or
16 the Criminal Code of 2012, relating to the offense of
17 reckless homicide, or a violation of subparagraph (F) of
18 paragraph (1) of subsection (d) of Section 11-501 of this
19 Code, relating to the offense of aggravated driving under
20 the influence of alcohol, other drug or drugs, or
21 intoxicating compound or compounds, or any combination
22 thereof when the violation was a proximate cause of a
23 death, or a similar out-of-state offense.

24 (d-3.5) Any person convicted of a fourth or subsequent
25 violation of this Section is guilty of a Class 1 felony, is not
26 eligible for probation or conditional discharge, ~~and~~ must serve

1 a mandatory term of imprisonment, and is eligible for an
2 extended term, if:

3 (1) the current violation occurred when the person's
4 driver's license was suspended or revoked for a violation
5 of Section 9-3 of the Criminal Code of 1961 or the Criminal
6 Code of 2012, relating to the offense of reckless homicide,
7 or a violation of subparagraph (F) of paragraph (1) of
8 subsection (d) of Section 11-501 of this Code, relating to
9 the offense of aggravated driving under the influence of
10 alcohol, other drug or drugs, or intoxicating compound or
11 compounds, or any combination thereof when the violation
12 was a proximate cause of a death, or a similar out-of-state
13 offense; and

14 (2) the prior convictions under this Section occurred
15 while the person's driver's license was suspended or
16 revoked for a violation of Section 9-3 of the Criminal Code
17 of 1961 or the Criminal Code of 2012, relating to the
18 offense of reckless homicide, or a violation of
19 subparagraph (F) of paragraph (1) of subsection (d) of
20 Section 11-501 of this Code, relating to the offense of
21 aggravated driving under the influence of alcohol, other
22 drug or drugs, or intoxicating compound or compounds, or
23 any combination thereof when the violation was a proximate
24 cause of a death, or a similar out-of-state offense, or was
25 suspended or revoked for a violation of Section 11-401 or
26 11-501 of this Code, a similar out-of-state offense, a

1 similar provision of a local ordinance, or a statutory
2 summary suspension or revocation under Section 11-501.1 of
3 this Code.

4 (d-4) Any person convicted of a tenth, eleventh, twelfth,
5 thirteenth, or fourteenth violation of this Section is guilty
6 of a Class 3 felony, and is not eligible for probation or
7 conditional discharge, if:

8 (1) the current violation occurred when the person's
9 driver's license was suspended or revoked for a violation
10 of Section 11-401 or 11-501 of this Code, or a similar
11 out-of-state offense, or a similar provision of a local
12 ordinance, or a statutory summary suspension or revocation
13 under Section 11-501.1 of this Code; and

14 (2) the prior convictions under this Section occurred
15 while the person's driver's license was suspended or
16 revoked for a violation of Section 11-401 or 11-501 of this
17 Code, a similar out-of-state offense, a similar provision
18 of a local ordinance, or a statutory suspension or
19 revocation under Section 11-501.1 of this Code, or for a
20 violation of Section 9-3 of the Criminal Code of 1961 or
21 the Criminal Code of 2012, relating to the offense of
22 reckless homicide, or a violation of subparagraph (F) of
23 paragraph (1) of subsection (d) of Section 11-501 of this
24 Code, relating to the offense of aggravated driving under
25 the influence of alcohol, other drug or drugs, or
26 intoxicating compound or compounds, or any combination

1 thereof when the violation was a proximate cause of a
2 death, or a similar out-of-state offense.

3 (d-5) Any person convicted of a fifteenth or subsequent
4 violation of this Section is guilty of a Class 2 felony, and is
5 not eligible for probation or conditional discharge, if:

6 (1) the current violation occurred when the person's
7 driver's license was suspended or revoked for a violation
8 of Section 11-401 or 11-501 of this Code, or a similar
9 out-of-state offense, or a similar provision of a local
10 ordinance, or a statutory summary suspension or revocation
11 under Section 11-501.1 of this Code; and

12 (2) the prior convictions under this Section occurred
13 while the person's driver's license was suspended or
14 revoked for a violation of Section 11-401 or 11-501 of this
15 Code, a similar out-of-state offense, a similar provision
16 of a local ordinance, or a statutory summary suspension or
17 revocation under Section 11-501.1 of this Code, or for a
18 violation of Section 9-3 of the Criminal Code of 1961 or
19 the Criminal Code of 2012, relating to the offense of
20 reckless homicide, or a violation of subparagraph (F) of
21 paragraph (1) of subsection (d) of Section 11-501 of this
22 Code, relating to the offense of aggravated driving under
23 the influence of alcohol, other drug or drugs, or
24 intoxicating compound or compounds, or any combination
25 thereof when the violation was a proximate cause of a
26 death, or a similar out-of-state offense.

1 (e) Any person in violation of this Section who is also in
2 violation of Section 7-601 of this Code relating to mandatory
3 insurance requirements, in addition to other penalties imposed
4 under this Section, shall have his or her motor vehicle
5 immediately impounded by the arresting law enforcement
6 officer. The motor vehicle may be released to any licensed
7 driver upon a showing of proof of insurance for the vehicle
8 that was impounded and the notarized written consent for the
9 release by the vehicle owner.

10 (f) For any prosecution under this Section, a certified
11 copy of the driving abstract of the defendant shall be admitted
12 as proof of any prior conviction.

13 (g) The motor vehicle used in a violation of this Section
14 is subject to seizure and forfeiture as provided in Sections
15 36-1 and 36-2 of the Criminal Code of 2012 if the person's
16 driving privilege was revoked or suspended as a result of:

17 (1) a violation of Section 11-501 of this Code, a
18 similar provision of a local ordinance, or a similar
19 provision of a law of another state;

20 (2) a violation of paragraph (b) of Section 11-401 of
21 this Code, a similar provision of a local ordinance, or a
22 similar provision of a law of another state;

23 (3) a statutory summary suspension or revocation under
24 Section 11-501.1 of this Code or a similar provision of a
25 law of another state; or

26 (4) a violation of Section 9-3 of the Criminal Code of

1 1961 or the Criminal Code of 2012 relating to the offense
2 of reckless homicide, or a violation of subparagraph (F) of
3 paragraph (1) of subsection (d) of Section 11-501 of this
4 Code, relating to the offense of aggravated driving under
5 the influence of alcohol, other drug or drugs, or
6 intoxicating compound or compounds, or any combination
7 thereof when the violation was a proximate cause of a
8 death, or a similar provision of a law of another state.

9 (Source: P.A. 99-290, eff. 1-1-16; 100-149, eff. 1-1-18;
10 100-575, eff. 1-8-18; 100-1004, eff. 1-1-19; revised
11 10-22-18.)

12 (625 ILCS 5/6-525) (from Ch. 95 1/2, par. 6-525)

13 Sec. 6-525. Severability. The provisions of this UCDLA
14 ~~UCLDA~~ shall be severable and if any phrase, clause, sentence or
15 provision of this UCDLA ~~UCLDA~~ is declared to be contrary to the
16 Constitutions of this State, or of the United States, such
17 unconstitutionality shall not affect the validity of the
18 remainder of this UCDLA.

19 (Source: P.A. 86-845; revised 10-3-18.)

20 (625 ILCS 5/8-101) (from Ch. 95 1/2, par. 8-101)

21 Sec. 8-101. Proof of financial responsibility; persons
22 ~~responsibility~~ ~~Persons~~ who operate motor vehicles in
23 transportation of passengers for hire.

24 (a) It is unlawful for any person, firm, or corporation to

1 operate any motor vehicle along or upon any public street or
2 highway in any incorporated city, town, or village in this
3 State for the carriage of passengers for hire, accepting and
4 discharging all such persons as may offer themselves for
5 transportation unless such person, firm, or corporation has
6 given, and there is in full force and effect and on file with
7 the Secretary of State of Illinois, proof of financial
8 responsibility provided in this Act.

9 (b) In addition this Section shall also apply to persons,
10 firms, or corporations who are in the business of providing
11 transportation services for minors to or from educational or
12 recreational facilities, except that this Section shall not
13 apply to public utilities subject to regulation under the
14 Public Utilities Act ~~"An Act concerning public utilities,"~~
15 ~~approved June 29, 1921, as amended,~~ or to school buses which
16 are operated by public or parochial schools and are engaged
17 solely in the transportation of the pupils who attend such
18 schools.

19 (c) This Section also applies to a contract carrier
20 transporting employees in the course of their employment on a
21 highway of this State in a vehicle designed to carry 15 or
22 fewer passengers. As part of proof of financial responsibility,
23 a contract carrier transporting employees, including, but not
24 limited to, railroad employees, in the course of their
25 employment is required to verify hit and run and uninsured
26 motor vehicle coverage, as provided in Section 143a of the

1 Illinois Insurance Code, and underinsured motor vehicle
2 coverage, as provided in Section 143a-2 of the Illinois
3 Insurance Code, in a total amount of not less than \$250,000 per
4 passenger, except that beginning on January 1, 2017 the total
5 amount shall be not less than \$500,000 per passenger. Each rail
6 carrier that contracts with a contract carrier for the
7 transportation of its employees in the course of their
8 employment shall verify that the contract carrier has the
9 minimum insurance coverage required under this subsection (c).

10 (d) This Section shall not apply to any person
11 participating in a ridesharing arrangement or operating a
12 commuter van, but only during the performance of activities
13 authorized by the Ridesharing Arrangements Act.

14 (e) If the person operating such motor vehicle is not the
15 owner, then proof of financial responsibility filed hereunder
16 must provide that the owner is primarily liable.

17 (Source: P.A. 99-799, eff. 8-12-16; 100-458, eff. 1-1-18;
18 revised 10-19-18.)

19 (625 ILCS 5/11-501.01)

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

21 Sec. 11-501.01. Additional administrative sanctions.

22 (a) After a finding of guilt and prior to any final
23 sentencing or an order for supervision, for an offense based
24 upon an arrest for a violation of Section 11-501 or a similar
25 provision of a local ordinance, individuals shall be required

1 to undergo a professional evaluation to determine if an
2 alcohol, drug, or intoxicating compound abuse problem exists
3 and the extent of the problem, and undergo the imposition of
4 treatment as appropriate. Programs conducting these
5 evaluations shall be licensed by the Department of Human
6 Services. The cost of any professional evaluation shall be paid
7 for by the individual required to undergo the professional
8 evaluation.

9 (b) Any person who is found guilty of or pleads guilty to
10 violating Section 11-501, including any person receiving a
11 disposition of court supervision for violating that Section,
12 may be required by the Court to attend a victim impact panel
13 offered by, or under contract with, a county State's Attorney's
14 office, a probation and court services department, Mothers
15 Against Drunk Driving, or the Alliance Against Intoxicated
16 Motorists. All costs generated by the victim impact panel shall
17 be paid from fees collected from the offender or as may be
18 determined by the court.

19 (c) Every person found guilty of violating Section 11-501,
20 whose operation of a motor vehicle while in violation of that
21 Section proximately caused any incident resulting in an
22 appropriate emergency response, shall be liable for the expense
23 of an emergency response as provided in subsection (i) of this
24 Section.

25 (d) The Secretary of State shall revoke the driving
26 privileges of any person convicted under Section 11-501 or a

1 similar provision of a local ordinance.

2 (e) The Secretary of State shall require the use of
3 ignition interlock devices for a period not less than 5 years
4 on all vehicles owned by a person who has been convicted of a
5 second or subsequent offense of Section 11-501 or a similar
6 provision of a local ordinance. The person must pay to the
7 Secretary of State DUI Administration Fund an amount not to
8 exceed \$30 for each month that he or she uses the device. The
9 Secretary shall establish by rule and regulation the procedures
10 for certification and use of the interlock system, the amount
11 of the fee, and the procedures, terms, and conditions relating
12 to these fees. During the time period in which a person is
13 required to install an ignition interlock device under this
14 subsection (e), that person shall only operate vehicles in
15 which ignition interlock devices have been installed, except as
16 allowed by subdivision (c)(5) or (d)(5) of Section 6-205 of
17 this Code.

18 (f) In addition to any other penalties and liabilities, a
19 person who is found guilty of or pleads guilty to violating
20 Section 11-501, including any person placed on court
21 supervision for violating Section 11-501, shall be assessed
22 \$750, payable to the circuit clerk, who shall distribute the
23 money as follows: \$350 to the law enforcement agency that made
24 the arrest, and \$400 shall be forwarded to the State Treasurer
25 for deposit into the General Revenue Fund. If the person has
26 been previously convicted of violating Section 11-501 or a

1 similar provision of a local ordinance, the fine shall be
2 \$1,000, and the circuit clerk shall distribute \$200 to the law
3 enforcement agency that made the arrest and \$800 to the State
4 Treasurer for deposit into the General Revenue Fund. In the
5 event that more than one agency is responsible for the arrest,
6 the amount payable to law enforcement agencies shall be shared
7 equally. Any moneys received by a law enforcement agency under
8 this subsection (f) shall be used for enforcement and
9 prevention of driving while under the influence of alcohol,
10 other drug or drugs, intoxicating compound or compounds or any
11 combination thereof, as defined by Section 11-501 of this Code,
12 including but not limited to the purchase of law enforcement
13 equipment and commodities that will assist in the prevention of
14 alcohol related criminal violence throughout the State; police
15 officer training and education in areas related to alcohol
16 related crime, including but not limited to DUI training; and
17 police officer salaries, including but not limited to salaries
18 for hire back funding for safety checkpoints, saturation
19 patrols, and liquor store sting operations. Any moneys received
20 by the Department of State Police under this subsection (f)
21 shall be deposited into the State Police DUI Fund and shall be
22 used to purchase law enforcement equipment that will assist in
23 the prevention of alcohol related criminal violence throughout
24 the State.

25 (g) The Secretary of State Police DUI Fund is created as a
26 special fund in the State treasury. All moneys received by the

1 Secretary of State Police under subsection (f) of this Section
2 shall be deposited into the Secretary of State Police DUI Fund
3 and, subject to appropriation, shall be used for enforcement
4 and prevention of driving while under the influence of alcohol,
5 other drug or drugs, intoxicating compound or compounds or any
6 combination thereof, as defined by Section 11-501 of this Code,
7 including, but not limited to, the purchase of law enforcement
8 equipment and commodities to assist in the prevention of
9 alcohol-related ~~alcohol-related~~ criminal violence throughout
10 the State; police officer training and education in areas
11 related to alcohol-related ~~alcohol-related~~ crime, including,
12 but not limited to, DUI training; and police officer salaries,
13 including, but not limited to, salaries for hire back funding
14 for safety checkpoints, saturation patrols, and liquor store
15 sting operations.

16 (h) Whenever an individual is sentenced for an offense
17 based upon an arrest for a violation of Section 11-501 or a
18 similar provision of a local ordinance, and the professional
19 evaluation recommends remedial or rehabilitative treatment or
20 education, neither the treatment nor the education shall be the
21 sole disposition and either or both may be imposed only in
22 conjunction with another disposition. The court shall monitor
23 compliance with any remedial education or treatment
24 recommendations contained in the professional evaluation.
25 Programs conducting alcohol or other drug evaluation or
26 remedial education must be licensed by the Department of Human

1 Services. If the individual is not a resident of Illinois,
2 however, the court may accept an alcohol or other drug
3 evaluation or remedial education program in the individual's
4 state of residence. Programs providing treatment must be
5 licensed under existing applicable alcoholism and drug
6 treatment licensure standards.

7 (i) In addition to any other fine or penalty required by
8 law, an individual convicted of a violation of Section 11-501,
9 Section 5-7 of the Snowmobile Registration and Safety Act,
10 Section 5-16 of the Boat Registration and Safety Act, or a
11 similar provision, whose operation of a motor vehicle,
12 snowmobile, or watercraft while in violation of Section 11-501,
13 Section 5-7 of the Snowmobile Registration and Safety Act,
14 Section 5-16 of the Boat Registration and Safety Act, or a
15 similar provision proximately caused an incident resulting in
16 an appropriate emergency response, shall be required to make
17 restitution to a public agency for the costs of that emergency
18 response. The restitution may not exceed \$1,000 per public
19 agency for each emergency response. As used in this subsection
20 (i), "emergency response" means any incident requiring a
21 response by a police officer, a firefighter carried on the
22 rolls of a regularly constituted fire department, or an
23 ambulance. With respect to funds designated for the Department
24 of State Police, the moneys shall be remitted by the circuit
25 court clerk to the State Police within one month after receipt
26 for deposit into the State Police DUI Fund. With respect to

1 funds designated for the Department of Natural Resources, the
2 Department of Natural Resources shall deposit the moneys into
3 the Conservation Police Operations Assistance Fund.

4 (j) A person that is subject to a chemical test or tests of
5 blood under subsection (a) of Section 11-501.1 or subdivision
6 (c) (2) of Section 11-501.2 of this Code, whether or not that
7 person consents to testing, shall be liable for the expense up
8 to \$500 for blood withdrawal by a physician authorized to
9 practice medicine, a licensed physician assistant, a licensed
10 advanced practice registered nurse, a registered nurse, a
11 trained phlebotomist, a licensed paramedic, or a qualified
12 person other than a police officer approved by the Department
13 of State Police to withdraw blood, who responds, whether at a
14 law enforcement facility or a health care facility, to a police
15 department request for the drawing of blood based upon refusal
16 of the person to submit to a lawfully requested breath test or
17 probable cause exists to believe the test would disclose the
18 ingestion, consumption, or use of drugs or intoxicating
19 compounds if:

20 (1) the person is found guilty of violating Section
21 11-501 of this Code or a similar provision of a local
22 ordinance; or

23 (2) the person pleads guilty to or stipulates to facts
24 supporting a violation of Section 11-503 of this Code or a
25 similar provision of a local ordinance when the plea or
26 stipulation was the result of a plea agreement in which the

1 person was originally charged with violating Section
2 11-501 of this Code or a similar local ordinance.

3 (Source: P.A. 99-289, eff. 8-6-15; 99-296, eff. 1-1-16; 99-642,
4 eff. 7-28-16; 100-513, eff. 1-1-18; revised 10-19-18.)

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

6 Sec. 11-501.01. Additional administrative sanctions.

7 (a) After a finding of guilt and prior to any final
8 sentencing or an order for supervision, for an offense based
9 upon an arrest for a violation of Section 11-501 or a similar
10 provision of a local ordinance, individuals shall be required
11 to undergo a professional evaluation to determine if an
12 alcohol, drug, or intoxicating compound abuse problem exists
13 and the extent of the problem, and undergo the imposition of
14 treatment as appropriate. Programs conducting these
15 evaluations shall be licensed by the Department of Human
16 Services. The cost of any professional evaluation shall be paid
17 for by the individual required to undergo the professional
18 evaluation.

19 (b) Any person who is found guilty of or pleads guilty to
20 violating Section 11-501, including any person receiving a
21 disposition of court supervision for violating that Section,
22 may be required by the Court to attend a victim impact panel
23 offered by, or under contract with, a county State's Attorney's
24 office, a probation and court services department, Mothers
25 Against Drunk Driving, or the Alliance Against Intoxicated

1 Motorists. All costs generated by the victim impact panel shall
2 be paid from fees collected from the offender or as may be
3 determined by the court.

4 (c) (Blank).

5 (d) The Secretary of State shall revoke the driving
6 privileges of any person convicted under Section 11-501 or a
7 similar provision of a local ordinance.

8 (e) The Secretary of State shall require the use of
9 ignition interlock devices for a period not less than 5 years
10 on all vehicles owned by a person who has been convicted of a
11 second or subsequent offense of Section 11-501 or a similar
12 provision of a local ordinance. The person must pay to the
13 Secretary of State DUI Administration Fund an amount not to
14 exceed \$30 for each month that he or she uses the device. The
15 Secretary shall establish by rule and regulation the procedures
16 for certification and use of the interlock system, the amount
17 of the fee, and the procedures, terms, and conditions relating
18 to these fees. During the time period in which a person is
19 required to install an ignition interlock device under this
20 subsection (e), that person shall only operate vehicles in
21 which ignition interlock devices have been installed, except as
22 allowed by subdivision (c) (5) or (d) (5) of Section 6-205 of
23 this Code.

24 (f) (Blank).

25 (g) The Secretary of State Police DUI Fund is created as a
26 special fund in the State treasury and, subject to

1 appropriation, shall be used for enforcement and prevention of
2 driving while under the influence of alcohol, other drug or
3 drugs, intoxicating compound or compounds or any combination
4 thereof, as defined by Section 11-501 of this Code, including,l
5 but not limited to,l the purchase of law enforcement equipment
6 and commodities to assist in the prevention of alcohol-related
7 ~~alcohol-related~~ criminal violence throughout the State; police
8 officer training and education in areas related to
9 alcohol-related ~~alcohol-related~~ crime, including,l but not
10 limited to,l DUI training; and police officer salaries,
11 including,l but not limited to,l salaries for hire back funding
12 for safety checkpoints, saturation patrols, and liquor store
13 sting operations.

14 (h) Whenever an individual is sentenced for an offense
15 based upon an arrest for a violation of Section 11-501 or a
16 similar provision of a local ordinance, and the professional
17 evaluation recommends remedial or rehabilitative treatment or
18 education, neither the treatment nor the education shall be the
19 sole disposition and either or both may be imposed only in
20 conjunction with another disposition. The court shall monitor
21 compliance with any remedial education or treatment
22 recommendations contained in the professional evaluation.
23 Programs conducting alcohol or other drug evaluation or
24 remedial education must be licensed by the Department of Human
25 Services. If the individual is not a resident of Illinois,
26 however, the court may accept an alcohol or other drug

1 evaluation or remedial education program in the individual's
2 state of residence. Programs providing treatment must be
3 licensed under existing applicable alcoholism and drug
4 treatment licensure standards.

5 (i) (Blank).

6 (j) A person that is subject to a chemical test or tests of
7 blood under subsection (a) of Section 11-501.1 or subdivision
8 (c) (2) of Section 11-501.2 of this Code, whether or not that
9 person consents to testing, shall be liable for the expense up
10 to \$500 for blood withdrawal by a physician authorized to
11 practice medicine, a licensed physician assistant, a licensed
12 advanced practice registered nurse, a registered nurse, a
13 trained phlebotomist, a licensed paramedic, or a qualified
14 person other than a police officer approved by the Department
15 of State Police to withdraw blood, who responds, whether at a
16 law enforcement facility or a health care facility, to a police
17 department request for the drawing of blood based upon refusal
18 of the person to submit to a lawfully requested breath test or
19 probable cause exists to believe the test would disclose the
20 ingestion, consumption, or use of drugs or intoxicating
21 compounds if:

22 (1) the person is found guilty of violating Section
23 11-501 of this Code or a similar provision of a local
24 ordinance; or

25 (2) the person pleads guilty to or stipulates to facts
26 supporting a violation of Section 11-503 of this Code or a

1 similar provision of a local ordinance when the plea or
2 stipulation was the result of a plea agreement in which the
3 person was originally charged with violating Section
4 11-501 of this Code or a similar local ordinance.

5 (Source: P.A. 99-289, eff. 8-6-15; 99-296, eff. 1-1-16; 99-642,
6 eff. 7-28-16; 100-513, eff. 1-1-18; 100-987, eff. 7-1-19;
7 revised 10-19-18.)

8 (625 ILCS 5/11-501.7) (from Ch. 95 1/2, par. 11-501.7)

9 Sec. 11-501.7. (a) As a condition of probation or discharge
10 of a person convicted of a violation of Section 11-501 of this
11 Code, who was less than 21 years of age at the time of the
12 offense, or a person adjudicated delinquent pursuant to the
13 Juvenile Court Act of 1987, for violation of Section 11-501 of
14 this Code, the Court may order the offender to participate in
15 the Youthful Intoxicated Drivers' Visitation Program. The
16 Program shall consist of a supervised visitation as provided by
17 this Section by the person to at least one of the following, to
18 the extent that personnel and facilities are available:

19 (1) A State or private rehabilitation facility that
20 cares for victims of motor vehicle accidents involving
21 persons under the influence of alcohol.

22 (2) A facility which cares for advanced alcoholics to
23 observe persons in the terminal stages of alcoholism, under
24 the supervision of appropriately licensed medical
25 personnel.

1 (3) If approved by the coroner of the county where the
2 person resides, the county coroner's office or the county
3 morgue to observe appropriate victims of motor vehicle
4 accidents involving persons under the influence of
5 alcohol, under the supervision of the coroner or deputy
6 coroner.

7 (b) The Program shall be operated by the appropriate
8 probation authorities of the courts of the various circuits.
9 The youthful offender ordered to participate in the Program
10 shall bear all costs associated with participation in the
11 Program. A parent or guardian of the offender may assume the
12 obligation of the offender to pay the costs of the Program. The
13 court may waive the requirement that the offender pay the costs
14 of participation in the Program upon a finding of indigency.

15 (c) As used in this Section, "appropriate victims" means
16 victims whose condition is determined by the visit supervisor
17 to demonstrate the results of motor vehicle accidents involving
18 persons under the influence of alcohol without being
19 excessively gruesome or traumatic to the observer.

20 (d) Any visitation shall include, before any observation of
21 victims or persons with disabilities, a comprehensive
22 counseling session with the visitation supervisor at which the
23 supervisor shall explain and discuss the experiences which may
24 be encountered during the visitation in order to ascertain
25 whether the visitation is appropriate.

26 (Source: P.A. 99-143, eff. 7-27-15; revised 10-3-18.)

1 (625 ILCS 5/12-610.2)

2 (Text of Section before amendment by P.A. 100-858)

3 Sec. 12-610.2. Electronic communication devices.

4 (a) As used in this Section:

5 "Electronic communication device" means an electronic
6 device, including, but not limited to, a hand-held wireless
7 telephone, hand-held personal digital assistant, or a portable
8 or mobile computer, but does not include a global positioning
9 system or navigation system or a device that is physically or
10 electronically integrated into the motor vehicle.

11 (b) A person may not operate a motor vehicle on a roadway
12 while using an electronic communication device.

13 (b-5) A person commits aggravated use of an electronic
14 communication device when he or she violates subsection (b) and
15 in committing the violation he or she is ~~was~~ involved in a
16 motor vehicle accident that results in great bodily harm,
17 permanent disability, disfigurement, or death to another and
18 the violation is ~~was~~ a proximate cause of the injury or death.

19 (c) A second or subsequent violation of this Section is an
20 offense against traffic regulations governing the movement of
21 vehicles. A person who violates this Section shall be fined a
22 maximum of \$75 for a first offense, \$100 for a second offense,
23 \$125 for a third offense, and \$150 for a fourth or subsequent
24 offense.

25 (d) This Section does not apply to:

1 (1) a law enforcement officer or operator of an
2 emergency vehicle while performing his or her official
3 duties;

4 (1.5) a first responder, including a volunteer first
5 responder ~~responders~~, while operating his or her own
6 personal motor vehicle using an electronic communication
7 device for the sole purpose of receiving information about
8 an emergency situation while en route to performing his or
9 her official duties;

10 (2) a driver using an electronic communication device
11 for the sole purpose of reporting an emergency situation
12 and continued communication with emergency personnel
13 during the emergency situation;

14 (3) a driver using an electronic communication device
15 in hands-free or voice-operated mode, which may include the
16 use of a headset;

17 (4) a driver of a commercial motor vehicle reading a
18 message displayed on a permanently installed communication
19 device designed for a commercial motor vehicle with a
20 screen that does not exceed 10 inches tall by 10 inches
21 wide in size;

22 (5) a driver using an electronic communication device
23 while parked on the shoulder of a roadway;

24 (6) a driver using an electronic communication device
25 when the vehicle is stopped due to normal traffic being
26 obstructed and the driver has the motor vehicle

1 transmission in neutral or park;

2 (7) a driver using two-way or citizens band radio
3 services;

4 (8) a driver using two-way mobile radio transmitters or
5 receivers for licensees of the Federal Communications
6 Commission in the amateur radio service;

7 (9) a driver using an electronic communication device
8 by pressing a single button to initiate or terminate a
9 voice communication; or

10 (10) a driver using an electronic communication device
11 capable of performing multiple functions, other than a
12 hand-held wireless telephone or hand-held personal digital
13 assistant (for example, a fleet management system,
14 dispatching device, citizens band radio, or music player)
15 for a purpose that is not otherwise prohibited by this
16 Section.

17 (e) A person convicted of violating subsection (b-5)
18 commits a Class A misdemeanor if the violation resulted in
19 great bodily harm, permanent disability, or disfigurement to
20 another. A person convicted of violating subsection (b-5)
21 commits a Class 4 felony if the violation resulted in the death
22 of another person.

23 (Source: P.A. 100-727, eff. 8-3-18; revised 10-15-18.)

24 (Text of Section after amendment by P.A. 100-858)

25 Sec. 12-610.2. Electronic communication devices.

1 (a) As used in this Section:

2 "Electronic communication device" means an electronic
3 device, including, l but not limited to, l a hand-held wireless
4 telephone, hand-held personal digital assistant, or a portable
5 or mobile computer, but does not include a global positioning
6 system or navigation system or a device that is physically or
7 electronically integrated into the motor vehicle.

8 (b) A person may not operate a motor vehicle on a roadway
9 while using an electronic communication device.

10 (b-5) A person commits aggravated use of an electronic
11 communication device when he or she violates subsection (b) and
12 in committing the violation he or she is ~~was~~ involved in a
13 motor vehicle accident that results in great bodily harm,
14 permanent disability, disfigurement, or death to another and
15 the violation is ~~was~~ a proximate cause of the injury or death.

16 (c) A violation of this Section is an offense against
17 traffic regulations governing the movement of vehicles. A
18 person who violates this Section shall be fined a maximum of
19 \$75 for a first offense, \$100 for a second offense, \$125 for a
20 third offense, and \$150 for a fourth or subsequent offense.

21 (d) This Section does not apply to:

22 (1) a law enforcement officer or operator of an
23 emergency vehicle while performing his or her official
24 duties;

25 (1.5) a first responder, including a volunteer first
26 responder ~~responders~~, while operating his or her own

1 personal motor vehicle using an electronic communication
2 device for the sole purpose of receiving information about
3 an emergency situation while en route to performing his or
4 her official duties;

5 (2) a driver using an electronic communication device
6 for the sole purpose of reporting an emergency situation
7 and continued communication with emergency personnel
8 during the emergency situation;

9 (3) a driver using an electronic communication device
10 in hands-free or voice-operated mode, which may include the
11 use of a headset;

12 (4) a driver of a commercial motor vehicle reading a
13 message displayed on a permanently installed communication
14 device designed for a commercial motor vehicle with a
15 screen that does not exceed 10 inches tall by 10 inches
16 wide in size;

17 (5) a driver using an electronic communication device
18 while parked on the shoulder of a roadway;

19 (6) a driver using an electronic communication device
20 when the vehicle is stopped due to normal traffic being
21 obstructed and the driver has the motor vehicle
22 transmission in neutral or park;

23 (7) a driver using two-way or citizens band radio
24 services;

25 (8) a driver using two-way mobile radio transmitters or
26 receivers for licensees of the Federal Communications

1 Commission in the amateur radio service;

2 (9) a driver using an electronic communication device
3 by pressing a single button to initiate or terminate a
4 voice communication; or

5 (10) a driver using an electronic communication device
6 capable of performing multiple functions, other than a
7 hand-held wireless telephone or hand-held personal digital
8 assistant (for example, a fleet management system,
9 dispatching device, citizens band radio, or music player)
10 for a purpose that is not otherwise prohibited by this
11 Section.

12 (e) A person convicted of violating subsection (b-5)
13 commits a Class A misdemeanor if the violation resulted in
14 great bodily harm, permanent disability, or disfigurement to
15 another. A person convicted of violating subsection (b-5)
16 commits a Class 4 felony if the violation resulted in the death
17 of another person.

18 (Source: P.A. 100-727, eff. 8-3-18; 100-858, eff. 7-1-19;
19 revised 10-15-18.)

20 (625 ILCS 5/12-806a) (from Ch. 95 1/2, par. 12-806a)

21 Sec. 12-806a. Identification, stop signal arms, and
22 special lighting on school buses used to transport children
23 outside of a school activity or persons in connection with a
24 community based rehabilitation facility.

25 (a) Subject to the conditions in Subsection (c), a bus

1 which meets any of the special requirements for school buses in
2 Sections ~~Section~~ 12-801, 12-802, 12-803, and 12-805 of this
3 Code may be used for the purpose of transporting persons 18
4 years of age or less.

5 (b) Subject to the conditions in subsection (c), a bus
6 which meets any of the special requirements for school buses in
7 Sections 12-801, 12-802, 12-803, and 12-805 of this Code may be
8 used for the purpose of transporting persons recognized as
9 clients of a community based rehabilitation facility which is
10 accredited by the Commission on Accreditation of
11 Rehabilitation Facilities of Tucson, Arizona, and which is
12 under a contractual agreement with the Department of Human
13 Services.

14 (c) A bus used for transportation as provided in subsection
15 (a) or (b) shall meet all of the special requirements for
16 school buses in Sections ~~Section~~ 12-801, 12-802, 12-803, and
17 12-805. A bus which meets all of the special requirements for
18 school buses in Sections ~~Section~~ 12-801, 12-802, 12-803, and
19 12-805 shall be operated by a person who has a valid and
20 properly classified driver's license issued by the Secretary of
21 State and who possesses a valid school bus driver permit or is
22 accompanied and supervised, for the specific purpose of
23 training prior to routine operation of a school bus, by a
24 person who has held a valid school bus driver permit for at
25 least one year.

26 (Source: P.A. 100-791, eff. 1-1-19; revised 10-3-18.)

1 (625 ILCS 5/15-301) (from Ch. 95 1/2, par. 15-301)

2 Sec. 15-301. Permits for excess size and weight.

3 (a) The Department with respect to highways under its
4 jurisdiction and local authorities with respect to highways
5 under their jurisdiction may, in their discretion, upon
6 application and good cause being shown therefor, issue a
7 special permit authorizing the applicant to operate or move a
8 vehicle or combination of vehicles of a size or weight of
9 vehicle or load exceeding the maximum specified in this Code
10 ~~Act~~ or otherwise not in conformity with this Code ~~Act~~ upon any
11 highway under the jurisdiction of the party granting such
12 permit and for the maintenance of which the party is
13 responsible. Applications and permits other than those in
14 written or printed form may only be accepted from and issued to
15 the company or individual making the movement. Except for an
16 application to move directly across a highway, it shall be the
17 duty of the applicant to establish in the application that the
18 load to be moved by such vehicle or combination cannot
19 reasonably be dismantled or disassembled, the reasonableness
20 of which shall be determined by the Secretary of the
21 Department. For the purpose of over length movements, more than
22 one object may be carried side by side as long as the height,
23 width, and weight laws are not exceeded and the cause for the
24 over length is not due to multiple objects. For the purpose of
25 over height movements, more than one object may be carried as

1 long as the cause for the over height is not due to multiple
2 objects and the length, width, and weight laws are not
3 exceeded. For the purpose of an over width movement, more than
4 one object may be carried as long as the cause for the over
5 width is not due to multiple objects and length, height, and
6 weight laws are not exceeded. Except for transporting fluid
7 milk products, no State or local agency shall authorize the
8 issuance of excess size or weight permits for vehicles and
9 loads that are divisible and that can be carried, when divided,
10 within the existing size or weight maximums specified in this
11 Chapter. Any excess size or weight permit issued in violation
12 of the provisions of this Section shall be void at issue and
13 any movement made thereunder shall not be authorized under the
14 terms of the void permit. In any prosecution for a violation of
15 this Chapter when the authorization of an excess size or weight
16 permit is at issue, it is the burden of the defendant to
17 establish that the permit was valid because the load to be
18 moved could not reasonably be dismantled or disassembled, or
19 was otherwise nondivisible.

20 (b) The application for any such permit shall: (1) state
21 whether such permit is requested for a single trip or for
22 limited continuous operation; (2) state if the applicant is an
23 authorized carrier under the Illinois Motor Carrier of Property
24 Law, if so, his certificate, registration, or permit number
25 issued by the Illinois Commerce Commission; (3) specifically
26 describe and identify the vehicle or vehicles and load to be

1 operated or moved; (4) state the routing requested, including
2 the points of origin and destination, and may identify and
3 include a request for routing to the nearest certified scale in
4 accordance with the Department's rules and regulations,
5 provided the applicant has approval to travel on local roads;
6 and (5) state if the vehicles or loads are being transported
7 for hire. No permits for the movement of a vehicle or load for
8 hire shall be issued to any applicant who is required under the
9 Illinois Motor Carrier of Property Law to have a certificate,
10 registration, or permit and does not have such certificate,
11 registration, or permit.

12 (c) The Department or local authority when not inconsistent
13 with traffic safety is authorized to issue or withhold such
14 permit at its discretion; or, if such permit is issued at its
15 discretion to prescribe the route or routes to be traveled, to
16 limit the number of trips, to establish seasonal or other time
17 limitations within which the vehicles described may be operated
18 on the highways indicated, or otherwise to limit or prescribe
19 conditions of operations of such vehicle or vehicles, when
20 necessary to assure against undue damage to the road
21 foundations, surfaces or structures, and may require such
22 undertaking or other security as may be deemed necessary to
23 compensate for any injury to any roadway or road structure. The
24 Department shall maintain a daily record of each permit issued
25 along with the fee and the stipulated dimensions, weights,
26 conditions, and restrictions authorized and this record shall

1 be presumed correct in any case of questions or dispute. The
2 Department shall install an automatic device for recording
3 applications received and permits issued by telephone. In
4 making application by telephone, the Department and applicant
5 waive all objections to the recording of the conversation.

6 (d) The Department shall, upon application in writing from
7 any local authority, issue an annual permit authorizing the
8 local authority to move oversize highway construction,
9 transportation, utility, and maintenance equipment over roads
10 under the jurisdiction of the Department. The permit shall be
11 applicable only to equipment and vehicles owned by or
12 registered in the name of the local authority, and no fee shall
13 be charged for the issuance of such permits.

14 (e) As an exception to subsection (a) of this Section, the
15 Department and local authorities, with respect to highways
16 under their respective jurisdictions, in their discretion and
17 upon application in writing, may issue a special permit for
18 limited continuous operation, authorizing the applicant to
19 move loads of agricultural commodities on a 2-axle single
20 vehicle registered by the Secretary of State with axle loads
21 not to exceed 35%, on a 3-axle or 4-axle vehicle registered by
22 the Secretary of State with axle loads not to exceed 20%, and
23 on a 5-axle vehicle registered by the Secretary of State not to
24 exceed 10% above those provided in Section 15-111. The total
25 gross weight of the vehicle, however, may not exceed the
26 maximum gross weight of the registration class of the vehicle

1 allowed under Section 3-815 or 3-818 of this Code.

2 As used in this Section, "agricultural commodities" means:

3 (1) cultivated plants or agricultural produce grown,
4 including, but not limited to, corn, soybeans, wheat, oats,
5 grain sorghum, canola, and rice;

6 (2) livestock, including, but not limited to, hogs,
7 equine, sheep, and poultry;

8 (3) ensilage; and

9 (4) fruits and vegetables.

10 Permits may be issued for a period not to exceed 40 days
11 and moves may be made of a distance not to exceed 50 miles from
12 a field, an on-farm grain storage facility, a warehouse as
13 defined in the Grain Code, or a livestock management facility
14 as defined in the Livestock Management Facilities Act over any
15 highway except the National System of Interstate and Defense
16 Highways. The operator of the vehicle, however, must abide by
17 posted bridge and posted highway weight limits. All implements
18 of husbandry operating under this Section between sunset and
19 sunrise shall be equipped as prescribed in Section 12-205.1.

20 (e-1) A special permit shall be issued by the Department
21 under this Section and shall be required from September 1
22 through December 31 for a vehicle that exceeds the maximum axle
23 weight and gross weight limits under Section 15-111 of this
24 Code or exceeds the vehicle's registered gross weight, provided
25 that the vehicle's axle weight and gross weight do not exceed
26 10% above the maximum limits under Section 15-111 of this Code

1 and does not exceed the vehicle's registered gross weight by
2 10%. All other restrictions that apply to permits issued under
3 this Section shall apply during the declared time period and no
4 fee shall be charged for the issuance of those permits. Permits
5 issued by the Department under this subsection (e-1) are only
6 valid on federal and State highways under the jurisdiction of
7 the Department, except interstate highways. With respect to
8 highways under the jurisdiction of local authorities, the local
9 authorities may, at their discretion, waive special permit
10 requirements⁷ and set a divisible load weight limit not to
11 exceed 10% above a vehicle's registered gross weight, provided
12 that the vehicle's axle weight and gross weight do not exceed
13 10% above the maximum limits specified in Section 15-111.
14 Permits issued under this subsection (e-1) shall apply to all
15 registered vehicles eligible to obtain permits under this
16 Section, including vehicles used in private or for-hire
17 movement of divisible load agricultural commodities during the
18 declared time period.

19 (f) The form and content of the permit shall be determined
20 by the Department with respect to highways under its
21 jurisdiction and by local authorities with respect to highways
22 under their jurisdiction. Every permit shall be in written form
23 and carried in the vehicle or combination of vehicles to which
24 it refers and shall be open to inspection by any police officer
25 or authorized agent of any authority granting the permit and no
26 person shall violate any of the terms or conditions of such

1 special permit. Violation of the terms and conditions of the
2 permit shall not be deemed a revocation of the permit; however,
3 any vehicle and load found to be off the route prescribed in
4 the permit shall be held to be operating without a permit. Any
5 off-route ~~off-route~~ vehicle and load shall be required to
6 obtain a new permit or permits, as necessary, to authorize the
7 movement back onto the original permit routing. No rule or
8 regulation, nor anything herein, shall be construed to
9 authorize any police officer, court, or authorized agent of any
10 authority granting the permit to remove the permit from the
11 possession of the permittee unless the permittee is charged
12 with a fraudulent permit violation as provided in subsection
13 (i). However, upon arrest for an offense of violation of
14 permit, operating without a permit when the vehicle is off
15 route, or any size or weight offense under this Chapter when
16 the permittee plans to raise the issuance of the permit as a
17 defense, the permittee, or his agent, must produce the permit
18 at any court hearing concerning the alleged offense.

19 If the permit designates and includes a routing to a
20 certified scale, the permittee, while en route ~~enroute~~ to the
21 designated scale, shall be deemed in compliance with the weight
22 provisions of the permit provided the axle or gross weights do
23 not exceed any of the permitted limits by more than the
24 following amounts:

25 Single axle 2000 pounds

26 Tandem axle 3000 pounds

1 Gross 5000 pounds

2 (g) The Department is authorized to adopt, amend, and ~~to~~
3 make available to interested persons a policy concerning
4 reasonable rules, limitations and conditions or provisions of
5 operation upon highways under its jurisdiction in addition to
6 those contained in this Section for the movement by special
7 permit of vehicles, combinations, or loads which cannot
8 reasonably be dismantled or disassembled, including
9 manufactured and modular home sections and portions thereof.
10 All rules, limitations and conditions or provisions adopted in
11 the policy shall have due regard for the safety of the
12 traveling public and the protection of the highway system and
13 shall have been promulgated in conformity with the provisions
14 of the Illinois Administrative Procedure Act. The requirements
15 of the policy for flagmen and escort vehicles shall be the same
16 for all moves of comparable size and weight. When escort
17 vehicles are required, they shall meet the following
18 requirements:

19 (1) All operators shall be 18 years of age or over and
20 properly licensed to operate the vehicle.

21 (2) Vehicles escorting oversized loads more than 12
22 feet ~~12 feet~~ wide must be equipped with a rotating or
23 flashing amber light mounted on top as specified under
24 Section 12-215.

25 The Department shall establish reasonable rules and
26 regulations regarding liability insurance or self insurance

1 for vehicles with oversized loads promulgated under the
2 Illinois Administrative Procedure Act. Police vehicles may be
3 required for escort under circumstances as required by rules
4 and regulations of the Department.

5 (h) Violation of any rule, limitation or condition or
6 provision of any permit issued in accordance with the
7 provisions of this Section shall not render the entire permit
8 null and void but the violator shall be deemed guilty of
9 violation of permit and guilty of exceeding any size, weight,
10 or load limitations in excess of those authorized by the
11 permit. The prescribed route or routes on the permit are not
12 mere rules, limitations, conditions, or provisions of the
13 permit, but are also the sole extent of the authorization
14 granted by the permit. If a vehicle and load are found to be
15 off the route or routes prescribed by any permit authorizing
16 movement, the vehicle and load are operating without a permit.
17 Any off-route movement shall be subject to the size and weight
18 maximums, under the applicable provisions of this Chapter, as
19 determined by the type or class highway upon which the vehicle
20 and load are being operated.

21 (i) Whenever any vehicle is operated or movement made under
22 a fraudulent permit, the permit shall be void, and the person,
23 firm, or corporation to whom such permit was granted, the
24 driver of such vehicle in addition to the person who issued
25 such permit and any accessory, shall be guilty of fraud and
26 either one or all persons may be prosecuted for such violation.

1 Any person, firm, or corporation committing such violation
2 shall be guilty of a Class 4 felony and the Department shall
3 not issue permits to the person, firm, or corporation convicted
4 of such violation for a period of one year after the date of
5 conviction. Penalties for violations of this Section shall be
6 in addition to any penalties imposed for violation of other
7 Sections of this Code.

8 (j) Whenever any vehicle is operated or movement made in
9 violation of a permit issued in accordance with this Section,
10 the person to whom such permit was granted, or the driver of
11 such vehicle, is guilty of such violation and either, but not
12 both, persons may be prosecuted for such violation as stated in
13 this subsection (j). Any person, firm, or corporation convicted
14 of such violation shall be guilty of a petty offense and shall
15 be fined, for the first offense, not less than \$50 nor more
16 than \$200 and, for the second offense by the same person, firm,
17 or corporation within a period of one year, not less than \$200
18 nor more than \$300 and, for the third offense by the same
19 person, firm, or corporation within a period of one year after
20 the date of the first offense, not less than \$300 nor more than
21 \$500 and the Department may, in its discretion ~~descretion~~, not
22 issue permits to the person, firm, or corporation convicted of
23 a third offense during a period of one year after the date of
24 conviction or supervision for such third offense. If any
25 violation is the cause or contributing cause in a motor vehicle
26 accident causing damage to property, injury, or death to a

1 person, the Department may, in its discretion, not issue a
2 permit to the person, firm, or corporation for a period of one
3 year after the date of conviction or supervision for the
4 offense.

5 (k) Whenever any vehicle is operated on local roads under
6 permits for excess width or length issued by local authorities,
7 such vehicle may be moved upon a State highway for a distance
8 not to exceed one-half mile without a permit for the purpose of
9 crossing the State highway.

10 (l) Notwithstanding any other provision of this Section,
11 the Department, with respect to highways under its
12 jurisdiction, and local authorities, with respect to highways
13 under their jurisdiction, may at their discretion authorize the
14 movement of a vehicle in violation of any size or weight
15 requirement, or both, that would not ordinarily be eligible for
16 a permit, when there is a showing of extreme necessity that the
17 vehicle and load should be moved without unnecessary delay.

18 For the purpose of this subsection, showing of extreme
19 necessity shall be limited to the following: shipments of
20 livestock, hazardous materials, liquid concrete being hauled
21 in a mobile cement mixer, or hot asphalt.

22 (m) Penalties for violations of this Section shall be in
23 addition to any penalties imposed for violating any other
24 Section of this Code.

25 (n) The Department with respect to highways under its
26 jurisdiction and local authorities with respect to highways

1 under their jurisdiction, in their discretion and upon
2 application in writing, may issue a special permit for
3 continuous limited operation, authorizing the applicant to
4 operate a tow truck that exceeds the weight limits provided for
5 in subsection (a) of Section 15-111, provided:

6 (1) no rear single axle of the tow truck exceeds 26,000
7 pounds;

8 (2) no rear tandem axle of the tow truck exceeds 50,000
9 pounds;

10 (2.1) no triple rear axle on a manufactured recovery
11 unit exceeds 60,000 pounds;

12 (3) neither the disabled vehicle nor the disabled
13 combination of vehicles exceed the weight restrictions
14 imposed by this Chapter 15, or the weight limits imposed
15 under a permit issued by the Department prior to hookup;

16 (4) the tow truck prior to hookup does not exceed the
17 weight restrictions imposed by this Chapter 15;

18 (5) during the tow operation the tow truck does not
19 violate any weight restriction sign;

20 (6) the tow truck is equipped with flashing, rotating,
21 or oscillating amber lights, visible for at least 500 feet
22 in all directions;

23 (7) the tow truck is specifically designed and licensed
24 as a tow truck;

25 (8) the tow truck has a gross vehicle weight rating of
26 sufficient capacity to safely handle the load;

1 (9) the tow truck is equipped with air brakes;

2 (10) the tow truck is capable of utilizing the lighting
3 and braking systems of the disabled vehicle or combination
4 of vehicles;

5 (11) the tow commences at the initial point of wreck or
6 disablement and terminates at a point where the repairs are
7 actually to occur;

8 (12) the permit issued to the tow truck is carried in
9 the tow truck and exhibited on demand by a police officer;
10 and

11 (13) the movement shall be valid only on State routes
12 approved by the Department.

13 (o) (Blank).

14 (p) In determining whether a load may be reasonably
15 dismantled or disassembled for the purpose of subsection (a),
16 the Department shall consider whether there is a significant
17 negative impact on the condition of the pavement and structures
18 along the proposed route, whether the load or vehicle as
19 proposed causes a safety hazard to the traveling public,
20 whether dismantling or disassembling the load promotes or
21 stifles economic development, and whether the proposed route
22 travels less than 5 miles. A load is not required to be
23 dismantled or disassembled for the purposes of subsection (a)
24 if the Secretary of the Department determines there will be no
25 significant negative impact to pavement or structures along the
26 proposed route, the proposed load or vehicle causes no safety

1 hazard to the traveling public, dismantling or disassembling
2 the load does not promote economic development, and the
3 proposed route travels less than 5 miles. The Department may
4 promulgate rules for the purpose of establishing the
5 divisibility of a load pursuant to subsection (a). Any load
6 determined by the Secretary to be nondivisible shall otherwise
7 comply with the existing size or weight maximums specified in
8 this Chapter.

9 (Source: P.A. 99-717, eff. 8-5-16; 100-70, eff. 8-11-17;
10 100-728, eff. 1-1-19; 100-830, eff. 1-1-19; 100-863, eff.
11 8-14-18; 100-1090, eff. 1-1-19; revised 10-9-18.)

12 (625 ILCS 5/18c-1304) (from Ch. 95 1/2, par. 18c-1304)

13 Sec. 18c-1304. Orders of Employee Boards. Employee Board
14 orders shall be served, in writing, on all parties to the
15 proceeding in which the order is entered. Such orders shall
16 contain, in addition to the decision of the Board, a statement
17 of findings, conclusions, or other reasons therefor ~~therefore~~.
18 Employee Board decisions and orders shall have the same force
19 and effect, and may be made, issued, and evidenced in the same
20 manner, as if the decision had been made and the order issued
21 by the Commission itself. The filing of a timely motion for
22 reconsideration shall, unless otherwise provided by the
23 Commission, stay the effect of an Employee Board order pending
24 reconsideration.

25 (Source: P.A. 84-796; revised 10-2-18.)

1 (625 ILCS 5/18c-4502) (from Ch. 95 1/2, par. 18c-4502)

2 Sec. 18c-4502. Collective ratemaking.

3 (1) Application for approval. Any carrier party to an
4 agreement between or among 2 or more carriers relating to
5 rates, fares, classifications, divisions, allowances, or
6 charges (including charges between carriers and compensation
7 paid or received for the use of facilities and equipment), or
8 rules and regulations pertaining thereto, or procedures for the
9 joint consideration, initiation, or establishment thereof,
10 whether such conference, bureau, committee, or other
11 organization be a "for-profit" or "not-for-profit" corporate
12 entity or whether or not such conference, bureau, committee or
13 other organization is or will be controlled by other businesses
14 may, under such rules and regulations as the Commission may
15 prescribe, apply to the Commission for approval of the
16 agreement, and the Commission shall by order approve any such
17 agreement, if approval thereof is not prohibited by subsection
18 (3), (4), or (5) of this Section, if it finds that, by reason
19 of furtherance of the State transportation policy declared in
20 Section 18c-1103 of this Chapter, the relief provided in
21 subsection (8) should apply with respect to the making and
22 carrying out of such agreement; otherwise the application shall
23 be denied. The approval of the Commission shall be granted only
24 upon such terms and conditions as the Commission may prescribe
25 as necessary to enable it to grant its approval in accordance

1 with the standard above set forth in this paragraph.

2 (2) Accounts, reporting, and internal procedures. Each
3 conference, bureau, committee, or other organization
4 established or continued pursuant to any agreement approved by
5 the Commission under the provisions of this Section shall
6 maintain such accounts, records, files and memoranda and shall
7 submit to the Commission such reports, as may be prescribed by
8 the Commission, and all such accounts, records, files, and
9 memoranda shall be subject to inspection by the Commission or
10 its duly authorized representatives. Any conference, bureau
11 committee, or other organization described in subsection (1) of
12 this Section shall cause to be published notice of the final
13 disposition of any action taken by such entity together with a
14 concise statement of the reasons therefor ~~therefore~~. The
15 Commission shall withhold approval of any agreement under this
16 Section unless the agreement specifies a reasonable period of
17 time within which proposals by parties to the agreement will be
18 finally acted upon by the conference, bureau, committee, or
19 other organization.

20 (3) Matters which may be the subject of agreements approved
21 by the Commission. The Commission shall not approve under this
22 Section any agreement between or among carriers of different
23 classes unless it finds that such agreement is of the character
24 described in subsection (1) of this Section and is limited to
25 matters relating to transportation under joint rates or over
26 through routes. For purposes of this paragraph carriers by

1 railroad and express companies are carriers of one class;
2 carriers by motor vehicle are carriers of one class and
3 carriers by water are carriers of one class.

4 (4) Non-applicability of Section to transfers. The
5 Commission shall not approve under this Section any agreement
6 which it finds is an agreement with respect to a pooling,
7 division, or other matter or transaction, to which Section
8 18c-4302 of this Chapter is applicable.

9 (5) Independent action. The Commission shall not approve
10 under this Section any agreement which establishes a procedure
11 for the determination of any matter through joint consideration
12 unless it finds that under the agreement there is accorded to
13 each party the free and unrestrained right to take independent
14 action either before or after any determination arrived at
15 through such procedures. The Commission shall not find that
16 each party has a free and unrestrained right to take
17 independent action if the conference, bureau, committee, or
18 other organization is granted by the agreement any right to
19 engage in proceedings before the Commission or before any court
20 regarding any action taken by a party to an agreement
21 authorized by this Section, or by any other party providing or
22 seeking authority to provide transportation services.

23 (6) Investigation of activities. The Commission is
24 authorized, upon complaint or upon its own initiative without
25 complaint, to investigate and determine whether any agreement
26 previously approved by it under this Section or terms and

1 conditions upon which such approval was granted, is not or are
2 not in conformity with the standard, set forth in subsection
3 (1), or whether any such terms and conditions are not necessary
4 for purposes of conformity with such standard, and, after such
5 investigation, the Commission shall by order terminate or
6 modify its approval of such agreement if it finds such action
7 necessary to insure conformity with such standard, and shall
8 modify the terms and conditions upon which such approval was
9 granted to the extent it finds necessary to insure conformity
10 with such standard or to the extent to which it finds such
11 terms and conditions not necessary to insure such conformity.
12 The effective date of any order terminating or modifying
13 approval, or modifying terms and conditions, shall be postponed
14 for such period as the Commission determines to be reasonably
15 necessary to avoid undue hardship.

16 (7) Hearings and orders. No order shall be entered under
17 this Section except after interested parties have been afforded
18 reasonable opportunity for hearing.

19 (8) Exemption from State antitrust laws. Parties to any
20 agreement approved by the Commission under this Section and
21 other persons are, if the approval of such agreement is not
22 prohibited by subsection (3), (4), or (5), hereby relieved from
23 the operation of the antitrust laws with respect to the making
24 of such agreement, and with respect to the carrying out of such
25 agreement in conformity with its provisions and in conformity
26 with the terms and conditions prescribed by the Commission.

1 (9) Other laws not affected. Any action of the Commission
2 under this Section in approving an agreement, or in denying an
3 application for such approval, or in terminating or modifying
4 its approval of an agreement, or in prescribing the terms and
5 conditions upon which its approval is to be granted, or in
6 modifying such terms and conditions, shall be construed as
7 having effect solely with reference to the applicability of the
8 relief provisions of paragraph subsection (8) of this Section.

9 (Source: P.A. 84-796; revised 10-2-18.)

10 (625 ILCS 5/18c-7401) (from Ch. 95 1/2, par. 18c-7401)

11 Sec. 18c-7401. Safety Requirements for Track, Facilities,
12 and Equipment.

13 (1) General Requirements. Each rail carrier shall,
14 consistent with rules, orders, and regulations of the Federal
15 Railroad Administration, construct, maintain, and operate all
16 of its equipment, track, and other property in this State in
17 such a manner as to pose no undue risk to its employees or the
18 person or property of any member of the public.

19 (2) Adoption of Federal Standards. The track safety
20 standards and accident/incident standards promulgated by the
21 Federal Railroad Administration shall be safety standards of
22 the Commission. The Commission may, in addition, adopt by
23 reference in its regulations other federal railroad safety
24 standards, whether contained in federal statutes or in
25 regulations adopted pursuant to such statutes.

1 (3) Railroad Crossings. No public road, highway, or street
2 shall hereafter be constructed across the track of any rail
3 carrier at grade, nor shall the track of any rail carrier be
4 constructed across a public road, highway or street at grade,
5 without having first secured the permission of the Commission;
6 provided, that this Section shall not apply to the replacement
7 of lawfully existing roads, highways, and tracks. No public
8 pedestrian bridge or subway shall be constructed across the
9 track of any rail carrier without having first secured the
10 permission of the Commission. The Commission shall have the
11 right to refuse its permission or to grant it upon such terms
12 and conditions as it may prescribe. The Commission shall have
13 power to determine and prescribe the manner, including the
14 particular point of crossing, and the terms of installation,
15 operation, maintenance, use, and protection of each such
16 crossing.

17 The Commission shall also have power, after a hearing, to
18 require major alteration of or to abolish any crossing,
19 heretofore or hereafter established, when in its opinion, the
20 public safety requires such alteration or abolition, and,
21 except in cities, villages, and incorporated towns of 1,000,000
22 or more inhabitants, to vacate and close that part of the
23 highway on such crossing altered or abolished and cause
24 barricades to be erected across such highway in such manner as
25 to prevent the use of such crossing as a highway, when, in the
26 opinion of the Commission, the public convenience served by the

1 crossing in question is not such as to justify the further
2 retention thereof; or to require a separation of grades, at
3 railroad-highway grade crossings; or to require a separation of
4 grades at any proposed crossing where a proposed public highway
5 may cross the tracks of any rail carrier or carriers; and to
6 prescribe, after a hearing of the parties, the terms upon which
7 such separations shall be made and the proportion in which the
8 expense of the alteration or abolition of such crossings or the
9 separation of such grades, having regard to the benefits, if
10 any, accruing to the rail carrier or any party in interest,
11 shall be divided between the rail carrier or carriers affected,
12 or between such carrier or carriers and the State, county,
13 municipality or other public authority in interest. However, a
14 public hearing by the Commission to abolish a crossing shall
15 not be required when the public highway authority in interest
16 vacates the highway. In such instance the rail carrier,
17 following notification to the Commission and the highway
18 authority, shall remove any grade crossing warning devices and
19 the grade crossing surface.

20 The Commission shall also have power by its order to
21 require the reconstruction, minor alteration, minor
22 relocation, or improvement of any crossing (including the
23 necessary highway approaches thereto) of any railroad across
24 any highway or public road, pedestrian bridge, or pedestrian
25 subway, whether such crossing be at grade or by overhead
26 structure or by subway, whenever the Commission finds after a

1 hearing or without a hearing as otherwise provided in this
2 paragraph that such reconstruction, alteration, relocation, or
3 improvement is necessary to preserve or promote the safety or
4 convenience of the public or of the employees or passengers of
5 such rail carrier or carriers. By its original order or
6 supplemental orders in such case, the Commission may direct
7 such reconstruction, alteration, relocation, or improvement to
8 be made in such manner and upon such terms and conditions as
9 may be reasonable and necessary and may apportion the cost of
10 such reconstruction, alteration, relocation, or improvement
11 and the subsequent maintenance thereof, having regard to the
12 benefits, if any, accruing to the railroad or any party in
13 interest, between the rail carrier or carriers and public
14 utilities affected, or between such carrier or carriers and
15 public utilities and the State, county, municipality or other
16 public authority in interest. The cost to be so apportioned
17 shall include the cost of changes or alterations in the
18 equipment of public utilities affected as well as the cost of
19 the relocation, diversion or establishment of any public
20 highway, made necessary by such reconstruction, alteration,
21 relocation, or improvement of said crossing. A hearing shall
22 not be required in those instances when the Commission enters
23 an order confirming a written stipulation in which the
24 Commission, the public highway authority or other public
25 authority in interest, the rail carrier or carriers affected,
26 and in instances involving the use of the Grade Crossing

1 Protection Fund, the Illinois Department of Transportation,
2 agree on the reconstruction, alteration, relocation, or
3 improvement and the subsequent maintenance thereof and the
4 division of costs of such changes of any grade crossing
5 (including the necessary highway approaches thereto) of any
6 railroad across any highway, pedestrian bridge, or pedestrian
7 subway.

8 Every rail carrier operating in the State of Illinois shall
9 construct and maintain every highway crossing over its tracks
10 within the State so that the roadway at the intersection shall
11 be as flush with the rails as superelevated curves will allow,
12 and, unless otherwise ordered by the Commission, shall
13 construct and maintain the approaches thereto at a grade of not
14 more than 5% within the right of way for a distance of not less
15 the 6 feet on each side of the centerline of such tracks;
16 provided, that the grades at the approaches may be maintained
17 in excess of 5% only when authorized by the Commission.

18 Every rail carrier operating within this State shall remove
19 from its right of way at all railroad-highway grade crossings
20 within the State, such brush, shrubbery, and trees as is
21 reasonably practical for a distance of not less than 500 feet
22 in either direction from each grade crossing. The Commission
23 shall have power, upon its own motion, or upon complaint, and
24 after having made proper investigation, to require the
25 installation of adequate and appropriate luminous reflective
26 warning signs, luminous flashing signals, crossing gates

1 illuminated at night, or other protective devices in order to
2 promote and safeguard the health and safety of the public.
3 Luminous flashing signal or crossing gate devices installed at
4 grade crossings, which have been approved by the Commission,
5 shall be deemed adequate and appropriate. The Commission shall
6 have authority to determine the number, type, and location of
7 such signs, signals, gates, or other protective devices which,
8 however, shall conform as near as may be with generally
9 recognized national standards, and the Commission shall have
10 authority to prescribe the division of the cost of the
11 installation and subsequent maintenance of such signs,
12 signals, gates, or other protective devices between the rail
13 carrier or carriers, the public highway authority or other
14 public authority in interest, and in instances involving the
15 use of the Grade Crossing Protection Fund, the Illinois
16 Department of Transportation. Except where train crews provide
17 flagging of the crossing to road users, yield signs shall be
18 installed at all highway intersections with every grade
19 crossing in this State that is not equipped with automatic
20 warning devices, such as luminous flashing signals or crossing
21 gate devices. A stop sign may be used in lieu of the yield sign
22 when an engineering study conducted in cooperation with the
23 highway authority and the Illinois Department of
24 Transportation has determined that a stop sign is warranted. If
25 the Commission has ordered the installation of luminous
26 flashing signal or crossing gate devices at a grade crossing

1 not equipped with active warning devices, the Commission shall
2 order the installation of temporary stop signs at the highway
3 intersection with the grade crossing unless an engineering
4 study has determined that a stop sign is not appropriate. If a
5 stop sign is not appropriate, the Commission may order the
6 installation of other appropriate supplemental signing as
7 determined by an engineering study. The temporary signs shall
8 remain in place until the luminous flashing signal or crossing
9 gate devices have been installed. The rail carrier is
10 responsible for the installation and subsequent maintenance of
11 any required signs. The permanent signs shall be in place by
12 July 1, 2011.

13 No railroad may change or modify the warning device system
14 at a railroad-highway grade crossing, including warning
15 systems interconnected with highway traffic control signals,
16 without having first received the approval of the Commission.
17 The Commission shall have the further power, upon application,
18 upon its own motion, or upon complaint and after having made
19 proper investigation, to require the interconnection of grade
20 crossing warning devices with traffic control signals at
21 highway intersections located at or near railroad crossings
22 within the distances described by the State Manual on Uniform
23 Traffic Control Devices adopted pursuant to Section 11-301 of
24 this Code. In addition, State and local authorities may not
25 install, remove, modernize, or otherwise modify traffic
26 control signals at a highway intersection that is

1 interconnected or proposed to be interconnected with grade
2 crossing warning devices when the change affects the number,
3 type, or location of traffic control devices on the track
4 approach leg or legs of the intersection or the timing of the
5 railroad preemption sequence of operation until the Commission
6 has approved the installation, removal, modernization, or
7 modification. Commission approval shall be limited to
8 consideration of issues directly affecting the public safety at
9 the railroad-highway grade crossing. The electrical circuit
10 devices, alternate warning devices, and preemption sequences
11 shall conform as nearly as possible, considering the particular
12 characteristics of the crossing and intersection area, to the
13 State manual adopted by the Illinois Department of
14 Transportation pursuant to Section 11-301 of this Code and such
15 federal standards as are made applicable by subsection (2) of
16 this Section. In order to carry out this authority, the
17 Commission shall have the authority to determine the number,
18 type, and location of traffic control devices on the track
19 approach leg or legs of the intersection and the timing of the
20 railroad preemption sequence of operation. The Commission
21 shall prescribe the division of costs for installation and
22 maintenance of all devices required by this paragraph between
23 the railroad or railroads and the highway authority in interest
24 and in instances involving the use of the Grade Crossing
25 Protection Fund or a State highway, the Illinois Department of
26 Transportation.

1 Any person who unlawfully or maliciously removes, throws
2 down, damages or defaces any sign, signal, gate, or other
3 protective device, located at or near any public grade
4 crossing, shall be guilty of a petty offense and fined not less
5 than \$50 nor more than \$200 for each offense. In addition to
6 fines levied under the provisions of this Section a person
7 adjudged guilty hereunder may also be directed to make
8 restitution for the costs of repair or replacement, or both,
9 necessitated by his misconduct.

10 It is the public policy of the State of Illinois to enhance
11 public safety by establishing safe grade crossings. In order to
12 implement this policy, the Illinois Commerce Commission is
13 directed to conduct public hearings and to adopt specific
14 criteria by July 1, 1994, that shall be adhered to by the
15 Illinois Commerce Commission in determining if a grade crossing
16 should be opened or abolished. The following factors shall be
17 considered by the Illinois Commerce Commission in developing
18 the specific criteria for opening and abolishing grade
19 crossings:

20 (a) timetable speed of passenger trains;

21 (b) distance to an alternate crossing;

22 (c) accident history for the last 5 years;

23 (d) number of vehicular traffic and posted speed
24 limits;

25 (e) number of freight trains and their timetable
26 speeds;

1 (f) the type of warning device present at the grade
2 crossing;

3 (g) alignments of the roadway and railroad, and the
4 angle of intersection of those alignments;

5 (h) use of the grade crossing by trucks carrying
6 hazardous materials, vehicles carrying passengers for
7 hire, and school buses; and

8 (i) use of the grade crossing by emergency vehicles.

9 The Illinois Commerce Commission, upon petition to open or
10 abolish a grade crossing, shall enter an order opening or
11 abolishing the crossing if it meets the specific criteria
12 adopted by the Commission.

13 Except as otherwise provided in this subsection (3), in no
14 instance shall a grade crossing be permanently closed without
15 public hearing first being held and notice of such hearing
16 being published in an area newspaper of local general
17 circulation.

18 (4) Freight Trains; Radio Trains ~~Radio~~ Communications.
19 The Commission shall after hearing and order require that every
20 main line railroad freight train operating on main tracks
21 outside of yard limits within this State shall be equipped with
22 a radio communication system. The Commission after notice and
23 hearing may grant exemptions from the requirements of this
24 Section as to secondary and branch lines.

25 (5) Railroad Bridges and Trestles; Walkway ~~Trestles~~
26 ~~Walkway~~ and Handrail. In cases in which the Commission finds

1 the same to be practical and necessary for safety of railroad
2 employees, bridges and trestles, over and upon which railroad
3 trains are operated, shall include as a part thereof, a safe
4 and suitable walkway and handrail on one side only of such
5 bridge or trestle, and such handrail shall be located at the
6 outer edge of the walkway and shall provide a clearance of not
7 less than 8 feet, 6 inches, from the center line of the nearest
8 track, measured at right angles thereto.

9 (6) Packages Containing Articles for First Aid to Injured
10 on Trains.

11 (a) All rail carriers shall provide a first aid kit
12 that contains, at a minimum, those articles prescribed by
13 the Commission, on each train or engine, for first aid to
14 persons who may be injured in the course of the operation
15 of such trains.

16 (b) A vehicle, excluding a taxi cab used in an
17 emergency situation, operated by a contract carrier
18 transporting railroad employees in the course of their
19 employment shall be equipped with a readily available first
20 aid kit that contains, as a minimum, the same articles that
21 are required on each train or engine.

22 (7) Abandoned Bridges, Crossings, and Other Rail Plant. The
23 Commission shall have authority, after notice and hearing, to
24 order:

25 (a) the ~~The~~ removal of any abandoned railroad tracks
26 from roads, streets or other thoroughfares in this State;

1 and

2 (b) the ~~The~~ removal of abandoned overhead railroad
3 structures crossing highways, waterways, or railroads.

4 The Commission may equitably apportion the cost of such
5 actions between the rail carrier or carriers, public utilities,
6 and the State, county, municipality, township, road district,
7 or other public authority in interest.

8 (8) Railroad-Highway Bridge Clearance. A vertical
9 clearance of not less than 23 feet above the top of rail shall
10 be provided for all new or reconstructed highway bridges
11 constructed over a railroad track. The Commission may permit a
12 lesser clearance if it determines that the 23-foot ~~23-foot~~
13 clearance standard cannot be justified based on engineering,
14 operational, and economic conditions.

15 (9) Right of Access To Railroad Property.

16 (a) A community antenna television company franchised
17 by a municipality or county pursuant to the Illinois
18 Municipal Code or the Counties Code, respectively, shall
19 not enter upon any real estate or rights-of-way in the
20 possession or control of a railroad subject to the
21 jurisdiction of the Illinois Commerce Commission unless
22 the community antenna television company first complies
23 with the applicable provisions of subparagraph (f) of
24 Section 11-42-11.1 of the Illinois Municipal Code or
25 subparagraph (f) of Section 5-1096 of the Counties Code.

26 (b) Notwithstanding any provision of law to the

1 contrary, this subsection (9) applies to all entries of
2 railroad rights-of-way involving a railroad subject to the
3 jurisdiction of the Illinois Commerce Commission by a
4 community antenna television company and shall govern in
5 the event of any conflict with any other provision of law.

6 (c) This subsection (9) applies to any entry upon any
7 real estate or right-of-way in the possession or control of
8 a railroad subject to the jurisdiction of the Illinois
9 Commerce Commission for the purpose of or in connection
10 with the construction, or installation of a community
11 antenna television company's system or facilities
12 commenced or renewed on or after August 22, 2017 (the
13 effective date of Public Act 100-251) ~~this amendatory Act~~
14 ~~of the 100th General Assembly.~~

15 (d) Nothing in Public Act 100-251 ~~this amendatory Act~~
16 ~~of the 100th General Assembly~~ shall be construed to prevent
17 a railroad from negotiating other terms and conditions or
18 the resolution of any dispute in relation to an entry upon
19 or right of access as set forth in this subsection (9).

20 (e) For purposes of this subsection (9):

21 "Broadband service", "cable operator", and "holder"
22 have the meanings given to those terms under Section 21-201
23 of the Public Utilities Act.

24 "Community antenna television company" includes, in
25 the case of real estate or rights-of-way in possession of
26 or in control of a railroad, a holder, cable operator, or

1 broadband service provider.

2 (f) Beginning on August 22, 2017 (the effective date of
3 Public Act 100-251) ~~this amendatory Act of the 100th~~
4 ~~General Assembly~~, the Transportation Division of the
5 Illinois Commerce Commission shall include in its annual
6 Crossing Safety Improvement Program report a brief
7 description of the number of cases decided by the Illinois
8 Commerce Commission and the number of cases that remain
9 pending before the Illinois Commerce Commission under this
10 subsection (9) for the period covered by the report.

11 (Source: P.A. 100-251, eff. 8-22-17; revised 10-3-18.)

12 Section 680. The Juvenile Court Act of 1987 is amended by
13 changing Sections 2-4b, 2-17, 5-410, and 6-1 as follows:

14 (705 ILCS 405/2-4b)

15 Sec. 2-4b. Family Support Program services; hearing.

16 (a) Any minor who is placed in the custody or guardianship
17 of the Department of Children and Family Services under Article
18 II of this Act on the basis of a petition alleging that the
19 minor is dependent because the minor was left at a psychiatric
20 hospital beyond medical necessity, and for whom an application
21 for the Family Support Program was pending with the Department
22 of Healthcare and Family Services or an active application was
23 being reviewed by the Department of Healthcare and Family
24 Services at the time the petition was filed, shall continue to

1 be considered eligible for services if all other eligibility
2 criteria are met.

3 (b) The court shall conduct a hearing within 14 days upon
4 notification to all parties that an application for the Family
5 Support Program services has been approved and services are
6 available. At the hearing, the court shall determine whether to
7 vacate the custody or guardianship of the Department of
8 Children and Family Services and return the minor to the
9 custody of the respondent with Family Support Program services
10 or whether the minor shall continue to be in the custody or
11 guardianship of the Department of Children and Family Services
12 and decline the Family Support Program services. In making its
13 determination, the court shall consider the minor's best
14 interest, the involvement of the respondent in proceedings
15 under this Act, the involvement of the respondent in the
16 minor's treatment, the relationship between the minor and the
17 respondent, and any other factor the court deems relevant. If
18 the court vacates the custody or guardianship of the Department
19 of Children and Family Services and returns the minor to the
20 custody of the respondent with Family Support Services, the
21 Department of Healthcare and Family Services shall become
22 fiscally responsible for providing services to the minor. If
23 the court determines that the minor shall continue in the
24 custody of the Department of Children and Family Services, the
25 Department of Children and Family Services shall remain
26 fiscally responsible for providing services to the minor, the

1 Family Support Services shall be declined, and the minor shall
2 no longer be eligible for Family Support Services.

3 (c) This Section does not apply to a minor:

4 (1) for whom a petition has been filed under this Act
5 alleging that he or she is an abused or neglected minor;

6 (2) for whom the court has made a finding that he or
7 she is an abused or neglected minor under this Act; or

8 (3) who is in the temporary custody of the Department
9 of Children and Family Services and the minor has been the
10 subject of an indicated allegation of abuse or neglect,
11 other than for psychiatric lockout ~~lock-out~~, where a
12 respondent was the perpetrator within 5 years of the filing
13 of the pending petition.

14 (Source: P.A. 100-978, eff. 8-19-18; revised 10-3-18.)

15 (705 ILCS 405/2-17) (from Ch. 37, par. 802-17)

16 Sec. 2-17. Guardian ad litem.

17 (1) Immediately upon the filing of a petition alleging that
18 the minor is a person described in Sections 2-3 or 2-4 of this
19 Article, the court shall appoint a guardian ad litem for the
20 minor if:

21 (a) such petition alleges that the minor is an abused
22 or neglected child; or

23 (b) such petition alleges that charges alleging the
24 commission of any of the sex offenses defined in Article 11
25 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,

1 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
2 Criminal Code of 1961 or the Criminal Code of 2012, have
3 been filed against a defendant in any court and that such
4 minor is the alleged victim of the acts of defendant in the
5 commission of such offense.

6 Unless the guardian ad litem appointed pursuant to this
7 paragraph (1) is an attorney at law, he shall be represented in
8 the performance of his duties by counsel. The guardian ad litem
9 shall represent the best interests of the minor and shall
10 present recommendations to the court consistent with that duty.

11 (2) Before proceeding with the hearing, the court shall
12 appoint a guardian ad litem for the minor if:

13 (a) no parent, guardian, custodian or relative of the
14 minor appears at the first or any subsequent hearing of the
15 case;

16 (b) the petition prays for the appointment of a
17 guardian with power to consent to adoption; or

18 (c) the petition for which the minor is before the
19 court resulted from a report made pursuant to the Abused
20 and Neglected Child Reporting Act.

21 (3) The court may appoint a guardian ad litem for the minor
22 whenever it finds that there may be a conflict of interest
23 between the minor and his parents or other custodian or that it
24 is otherwise in the minor's best interest to do so.

25 (4) Unless the guardian ad litem is an attorney, he shall
26 be represented by counsel.

1 (5) The reasonable fees of a guardian ad litem appointed
2 under this Section shall be fixed by the court and charged to
3 the parents of the minor, to the extent they are able to pay.
4 If the parents are unable to pay those fees, they shall be paid
5 from the general fund of the county.

6 (6) A guardian ad litem appointed under this Section, shall
7 receive copies of any and all classified reports of child abuse
8 and neglect made under the Abused and Neglected Child Reporting
9 Act in which the minor who is the subject of a report under the
10 Abused and Neglected Child Reporting Act, is also the minor for
11 whom the guardian ad litem is appointed under this Section.

12 (6.5) A guardian ad litem appointed under this Section or
13 attorney appointed under this Act, shall receive a copy of each
14 significant event report that involves the minor no later than
15 3 days after the Department learns of an event requiring a
16 significant event report to be written, or earlier as required
17 by Department rule.

18 (7) The appointed guardian ad litem shall remain the
19 child's guardian ad litem throughout the entire juvenile trial
20 court proceedings, including permanency hearings and
21 termination of parental rights proceedings, unless there is a
22 substitution entered by order of the court.

23 (8) The guardian ad litem or an agent of the guardian ad
24 litem shall have a minimum of one in-person contact with the
25 minor and one contact with one of the current foster parents or
26 caregivers prior to the adjudicatory hearing, and at least one

1 additional in-person contact with the child and one contact
2 with one of the current foster parents or caregivers after the
3 adjudicatory hearing but prior to the first permanency hearing
4 and one additional in-person contact with the child and one
5 contact with one of the current foster parents or caregivers
6 each subsequent year. For good cause shown, the judge may
7 excuse face-to-face interviews required in this subsection.

8 (9) In counties with a population of 100,000 or more but
9 less than 3,000,000, each guardian ad litem must successfully
10 complete a training program approved by the Department of
11 Children and Family Services. The Department of Children and
12 Family Services shall provide training materials and documents
13 to guardians ad litem who are not mandated to attend the
14 training program. The Department of Children and Family
15 Services shall develop and distribute to all guardians ad litem
16 a bibliography containing information including but not
17 limited to the juvenile court process, termination of parental
18 rights, child development, medical aspects of child abuse, and
19 the child's need for safety and permanence.

20 (Source: P.A. 100-689, eff. 1-1-19; revised 10-3-18.)

21 (705 ILCS 405/5-410)

22 Sec. 5-410. Non-secure custody or detention.

23 (1) Any minor arrested or taken into custody pursuant to
24 this Act who requires care away from his or her home but who
25 does not require physical restriction shall be given temporary

1 care in a foster family home or other shelter facility
2 designated by the court.

3 (2) (a) Any minor 10 years of age or older arrested
4 pursuant to this Act where there is probable cause to believe
5 that the minor is a delinquent minor and that (i) secure
6 ~~secured~~ custody is a matter of immediate and urgent necessity
7 for the protection of the minor or of the person or property of
8 another, (ii) the minor is likely to flee the jurisdiction of
9 the court, or (iii) the minor was taken into custody under a
10 warrant, may be kept or detained in an authorized detention
11 facility. A minor under 13 years of age shall not be admitted,
12 kept, or detained in a detention facility unless a local youth
13 service provider, including a provider through the
14 Comprehensive Community Based Youth Services network, has been
15 contacted and has not been able to accept the minor. No minor
16 under 12 years of age shall be detained in a county jail or a
17 municipal lockup for more than 6 hours.

18 (a-5) For a minor arrested or taken into custody for
19 vehicular hijacking or aggravated vehicular hijacking, a
20 previous finding of delinquency for vehicular hijacking or
21 aggravated vehicular hijacking shall be given greater weight in
22 determining whether secured custody of a minor is a matter of
23 immediate and urgent necessity for the protection of the minor
24 or of the person or property of another.

25 (b) The written authorization of the probation officer or
26 detention officer (or other public officer designated by the

1 court in a county having 3,000,000 or more inhabitants)
2 constitutes authority for the superintendent of any juvenile
3 detention home to detain and keep a minor for up to 40 hours,
4 excluding Saturdays, Sundays, and court-designated holidays.
5 These records shall be available to the same persons and
6 pursuant to the same conditions as are law enforcement records
7 as provided in Section 5-905.

8 (b-4) The consultation required by paragraph ~~subsection~~
9 (b-5) shall not be applicable if the probation officer or
10 detention officer (or other public officer designated by the
11 court in a county having 3,000,000 or more inhabitants)
12 utilizes a scorable detention screening instrument, which has
13 been developed with input by the State's Attorney, to determine
14 whether a minor should be detained, however, paragraph
15 ~~subsection~~ (b-5) shall still be applicable where no such
16 screening instrument is used or where the probation officer,
17 detention officer (or other public officer designated by the
18 court in a county having 3,000,000 or more inhabitants)
19 deviates from the screening instrument.

20 (b-5) Subject to the provisions of paragraph ~~subsection~~
21 (b-4), if a probation officer or detention officer (or other
22 public officer designated by the court in a county having
23 3,000,000 or more inhabitants) does not intend to detain a
24 minor for an offense which constitutes one of the following
25 offenses he or she shall consult with the State's Attorney's
26 Office prior to the release of the minor: first degree murder,

1 second degree murder, involuntary manslaughter, criminal
2 sexual assault, aggravated criminal sexual assault, aggravated
3 battery with a firearm as described in Section 12-4.2 or
4 subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of Section
5 12-3.05, aggravated or heinous battery involving permanent
6 disability or disfigurement or great bodily harm, robbery,
7 aggravated robbery, armed robbery, vehicular hijacking,
8 aggravated vehicular hijacking, vehicular invasion, arson,
9 aggravated arson, kidnapping, aggravated kidnapping, home
10 invasion, burglary, or residential burglary.

11 (c) Except as otherwise provided in paragraph (a), (d), or
12 (e), no minor shall be detained in a county jail or municipal
13 lockup for more than 12 hours, unless the offense is a crime of
14 violence in which case the minor may be detained up to 24
15 hours. For the purpose of this paragraph, "crime of violence"
16 has the meaning ascribed to it in Section 1-10 of the
17 Alcoholism and Other Drug Abuse and Dependency Act.

18 (i) The period of detention is deemed to have begun
19 once the minor has been placed in a locked room or cell or
20 handcuffed to a stationary object in a building housing a
21 county jail or municipal lockup. Time spent transporting a
22 minor is not considered to be time in detention or secure
23 custody.

24 (ii) Any minor so confined shall be under periodic
25 supervision and shall not be permitted to come into or
26 remain in contact with adults in custody in the building.

1 (iii) Upon placement in secure custody in a jail or
2 lockup, the minor shall be informed of the purpose of the
3 detention, the time it is expected to last and the fact
4 that it cannot exceed the time specified under this Act.

5 (iv) A log shall be kept which shows the offense which
6 is the basis for the detention, the reasons and
7 circumstances for the decision to detain, and the length of
8 time the minor was in detention.

9 (v) Violation of the time limit on detention in a
10 county jail or municipal lockup shall not, in and of
11 itself, render inadmissible evidence obtained as a result
12 of the violation of this time limit. Minors under 18 years
13 of age shall be kept separate from confined adults and may
14 not at any time be kept in the same cell, room, or yard
15 with adults confined pursuant to criminal law. Persons 18
16 years of age and older who have a petition of delinquency
17 filed against them may be confined in an adult detention
18 facility. In making a determination whether to confine a
19 person 18 years of age or older who has a petition of
20 delinquency filed against the person, these factors, among
21 other matters, shall be considered:

22 (A) the ~~The~~ age of the person;

23 (B) any ~~Any~~ previous delinquent or criminal
24 history of the person;

25 (C) any ~~Any~~ previous abuse or neglect history of
26 the person; and

1 (D) any ~~Any~~ mental health or educational history of
2 the person, or both.

3 (d) (i) If a minor 12 years of age or older is confined in a
4 county jail in a county with a population below 3,000,000
5 inhabitants, then the minor's confinement shall be implemented
6 in such a manner that there will be no contact by sight, sound,l
7 or otherwise between the minor and adult prisoners. Minors 12
8 years of age or older must be kept separate from confined
9 adults and may not at any time be kept in the same cell, room,
10 or yard with confined adults. This paragraph (d) (i) shall only
11 apply to confinement pending an adjudicatory hearing and shall
12 not exceed 40 hours, excluding Saturdays, Sundays,l and
13 court-designated ~~court-designated~~ holidays. To accept or hold
14 minors during this time period, county jails shall comply with
15 all monitoring standards adopted by the Department of
16 Corrections and training standards approved by the Illinois Law
17 Enforcement Training Standards Board.

18 (ii) To accept or hold minors, 12 years of age or older,
19 after the time period prescribed in paragraph (d) (i) of this
20 subsection (2) of this Section but not exceeding 7 days
21 including Saturdays, Sundays,l and holidays pending an
22 adjudicatory hearing, county jails shall comply with all
23 temporary detention standards adopted by the Department of
24 Corrections and training standards approved by the Illinois Law
25 Enforcement Training Standards Board.

26 (iii) To accept or hold minors 12 years of age or older,

1 after the time period prescribed in paragraphs (d)(i) and
2 (d)(ii) of this subsection (2) of this Section, county jails
3 shall comply with all county juvenile detention standards
4 adopted by the Department of Juvenile Justice.

5 (e) When a minor who is at least 15 years of age is
6 prosecuted under the criminal laws of this State, the court may
7 enter an order directing that the juvenile be confined in the
8 county jail. However, any juvenile confined in the county jail
9 under this provision shall be separated from adults who are
10 confined in the county jail in such a manner that there will be
11 no contact by sight, sound or otherwise between the juvenile
12 and adult prisoners.

13 (f) For purposes of appearing in a physical lineup, the
14 minor may be taken to a county jail or municipal lockup under
15 the direct and constant supervision of a juvenile police
16 officer. During such time as is necessary to conduct a lineup,
17 and while supervised by a juvenile police officer, the sight
18 and sound separation provisions shall not apply.

19 (g) For purposes of processing a minor, the minor may be
20 taken to a county jail ~~County Jail~~ or municipal lockup under
21 the direct and constant supervision of a law enforcement
22 officer or correctional officer. During such time as is
23 necessary to process the minor, and while supervised by a law
24 enforcement officer or correctional officer, the sight and
25 sound separation provisions shall not apply.

26 (3) If the probation officer or State's Attorney (or such

1 other public officer designated by the court in a county having
2 3,000,000 or more inhabitants) determines that the minor may be
3 a delinquent minor as described in subsection (3) of Section
4 5-105, and should be retained in custody but does not require
5 physical restriction, the minor may be placed in non-secure
6 custody for up to 40 hours pending a detention hearing.

7 (4) Any minor taken into temporary custody, not requiring
8 secure detention, may, however, be detained in the home of his
9 or her parent or guardian subject to such conditions as the
10 court may impose.

11 (5) The changes made to this Section by Public Act 98-61
12 apply to a minor who has been arrested or taken into custody on
13 or after January 1, 2014 (the effective date of Public Act
14 98-61).

15 (Source: P.A. 99-254, eff. 1-1-16; 100-745, eff. 8-10-18;
16 revised 10-3-18.)

17 (705 ILCS 405/6-1) (from Ch. 37, par. 806-1)

18 Sec. 6-1. Probation departments; functions and duties.

19 (1) The chief judge of each circuit shall make provision
20 for probation services for each county in his or her circuit.
21 The appointment of officers to probation or court services
22 departments and the administration of such departments shall be
23 governed by the provisions of the Probation and Probation
24 Officers Act.

25 (2) Every county or every group of counties constituting a

1 probation district shall maintain a court services or probation
2 department subject to the provisions of the Probation and
3 Probation Officers Act. For the purposes of this Act, such a
4 court services or probation department has, but is not limited
5 to, the following powers and duties:

6 (a) When authorized or directed by the court, to
7 receive, investigate and evaluate complaints indicating
8 dependency, requirement of authoritative intervention,
9 addiction or delinquency within the meaning of Sections
10 2-3, 2-4, 3-3, 4-31 or 5-105, respectively; to determine or
11 assist the complainant in determining whether a petition
12 should be filed under Sections 2-13, 3-15, 4-121 or 5-520
13 or whether referral should be made to an agency,
14 association or other person or whether some other action is
15 advisable; and to see that the indicating filing, referral
16 or other action is accomplished. However, no such
17 investigation, evaluation or supervision by such court
18 services or probation department is to occur with regard to
19 complaints indicating only that a minor may be a chronic or
20 habitual truant.

21 (a-1) To confer in a preliminary conference, with a
22 view to adjusting suitable cases without the filing of a
23 petition as provided for in Section 2-12 or Section 5-305.

24 (b) When a petition is filed under Section 2-13, 3-15,
25 4-151 or 5-520, to make pre-adjudicatory investigations
26 and formulate recommendations to the court when the court

1 has authorized or directed the department to do so.

2 (b-1) When authorized or directed by the court, and
3 with the consent of the party respondents and the State's
4 Attorney, to confer in a pre-adjudicatory conference, with
5 a view to adjusting suitable cases as provided for in
6 Section 2-12 or Section 5-305.

7 (c) To counsel and, by order of the court, to supervise
8 minors referred to the court; to conduct indicated programs
9 of casework, including referrals for medical and mental
10 health service, organized recreation and job placement for
11 wards of the court and, when appropriate, for members of
12 the family of a ward; to act as liaison officer between the
13 court and agencies or associations to which minors are
14 referred or through which they are placed; when so
15 appointed, to serve as guardian of the person of a ward of
16 the court; to provide probation supervision and protective
17 supervision ordered by the court; and to provide like
18 services to wards and probationers of courts in other
19 counties or jurisdictions who have lawfully become local
20 residents.

21 (d) To arrange for placements pursuant to court order.

22 (e) To assume administrative responsibility for such
23 detention, shelter care and other institutions for minors
24 as the court may operate.

25 (f) To maintain an adequate system of case records,
26 statistical records, and financial records related to

1 juvenile detention and shelter care and to make reports to
2 the court and other authorized persons, and to the Supreme
3 Court pursuant to the Probation and Probation Officers Act.

4 (g) To perform such other services as may be
5 appropriate to effectuate the purposes of this Act or as
6 may be directed by any order of court made under this Act.

7 (3) The court services or probation department in any
8 probation district or county having less than 1,000,000
9 inhabitants, or any personnel of the department, may be
10 required by the circuit court to render services to the court
11 in other matters as well as proceedings under this Act.

12 (4) In any county or probation district, a probation
13 department may be established as a separate division of a more
14 inclusive department of court services, with any appropriate
15 divisional designation. The organization of any such
16 department of court services and the appointment of officers
17 and other personnel must comply with the Probation and
18 Probation ~~Probations~~ Officers Act.

19 (5) For purposes of this Act only, probation officers
20 appointed to probation or court services departments shall be
21 considered peace officers. In the exercise of their official
22 duties, probation officers, sheriffs, and police officers may,
23 anywhere within the State, arrest any minor who is in violation
24 of any of the conditions of his or her probation, continuance
25 under supervision, or informal supervision, and it shall be the
26 duty of the officer making the arrest to take the minor before

1 the court having jurisdiction over the minor for further
2 action.

3 (Source: P.A. 98-892, eff. 1-1-15; revised 10-3-18.)

4 Section 685. The Criminal Code of 2012 is amended by
5 changing Sections 3-6, 11-9.2, and 33G-6 as follows:

6 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

7 Sec. 3-6. Extended limitations. The period within which a
8 prosecution must be commenced under the provisions of Section
9 3-5 or other applicable statute is extended under the following
10 conditions:

11 (a) A prosecution for theft involving a breach of a
12 fiduciary obligation to the aggrieved person may be commenced
13 as follows:

14 (1) If the aggrieved person is a minor or a person
15 under legal disability, then during the minority or legal
16 disability or within one year after the termination
17 thereof.

18 (2) In any other instance, within one year after the
19 discovery of the offense by an aggrieved person, or by a
20 person who has legal capacity to represent an aggrieved
21 person or has a legal duty to report the offense, and is
22 not himself or herself a party to the offense; or in the
23 absence of such discovery, within one year after the proper
24 prosecuting officer becomes aware of the offense. However,

1 in no such case is the period of limitation so extended
2 more than 3 years beyond the expiration of the period
3 otherwise applicable.

4 (b) A prosecution for any offense based upon misconduct in
5 office by a public officer or employee may be commenced within
6 one year after discovery of the offense by a person having a
7 legal duty to report such offense, or in the absence of such
8 discovery, within one year after the proper prosecuting officer
9 becomes aware of the offense. However, in no such case is the
10 period of limitation so extended more than 3 years beyond the
11 expiration of the period otherwise applicable.

12 (b-5) When the victim is under 18 years of age at the time
13 of the offense, a prosecution for involuntary servitude,
14 involuntary sexual servitude of a minor, or trafficking in
15 persons and related offenses under Section 10-9 of this Code
16 may be commenced within 25 years of the victim attaining the
17 age of 18 years.

18 (c) (Blank).

19 (d) A prosecution for child pornography, aggravated child
20 pornography, indecent solicitation of a child, soliciting for a
21 juvenile prostitute, juvenile pimping, exploitation of a
22 child, or promoting juvenile prostitution except for keeping a
23 place of juvenile prostitution may be commenced within one year
24 of the victim attaining the age of 18 years. However, in no
25 such case shall the time period for prosecution expire sooner
26 than 3 years after the commission of the offense.

1 (e) Except as otherwise provided in subdivision (j), a
2 prosecution for any offense involving sexual conduct or sexual
3 penetration, as defined in Section 11-0.1 of this Code, where
4 the defendant was within a professional or fiduciary
5 relationship or a purported professional or fiduciary
6 relationship with the victim at the time of the commission of
7 the offense may be commenced within one year after the
8 discovery of the offense by the victim.

9 (f) A prosecution for any offense set forth in Section 44
10 of the Environmental Protection Act may be commenced within 5
11 years after the discovery of such an offense by a person or
12 agency having the legal duty to report the offense or in the
13 absence of such discovery, within 5 years after the proper
14 prosecuting officer becomes aware of the offense.

15 (f-5) A prosecution for any offense set forth in Section
16 16-30 of this Code may be commenced within 5 years after the
17 discovery of the offense by the victim of that offense.

18 (g) (Blank).

19 (h) (Blank).

20 (i) Except as otherwise provided in subdivision (j), a
21 prosecution for criminal sexual assault, aggravated criminal
22 sexual assault, or aggravated criminal sexual abuse may be
23 commenced within 10 years of the commission of the offense if
24 the victim reported the offense to law enforcement authorities
25 within 3 years after the commission of the offense. If the
26 victim consented to the collection of evidence using an

1 Illinois State Police Sexual Assault Evidence Collection Kit
2 under the Sexual Assault Survivors Emergency Treatment Act, it
3 shall constitute reporting for purposes of this Section.

4 Nothing in this subdivision (i) shall be construed to
5 shorten a period within which a prosecution must be commenced
6 under any other provision of this Section.

7 (i-5) A prosecution for armed robbery, home invasion,
8 kidnapping, or aggravated kidnaping may be commenced within 10
9 years of the commission of the offense if it arises out of the
10 same course of conduct and meets the criteria under one of the
11 offenses in subsection (i) of this Section.

12 (j) (1) When the victim is under 18 years of age at the
13 time of the offense, a prosecution for criminal sexual assault,
14 aggravated criminal sexual assault, predatory criminal sexual
15 assault of a child, aggravated criminal sexual abuse, or felony
16 criminal sexual abuse may be commenced at any time.

17 (2) When the victim is under 18 years of age at the time of
18 the offense, a prosecution for failure of a person who is
19 required to report an alleged or suspected commission of
20 criminal sexual assault, aggravated criminal sexual assault,
21 predatory criminal sexual assault of a child, aggravated
22 criminal sexual abuse, or felony criminal sexual abuse under
23 the Abused and Neglected Child Reporting Act may be commenced
24 within 20 years after the child victim attains 18 years of age.

25 (3) When the victim is under 18 years of age at the time of
26 the offense, a prosecution for misdemeanor criminal sexual

1 abuse may be commenced within 10 years after the child victim
2 attains 18 years of age.

3 (4) Nothing in this subdivision (j) shall be construed to
4 shorten a period within which a prosecution must be commenced
5 under any other provision of this Section.

6 (j-5) A prosecution for armed robbery, home invasion,
7 kidnapping, or aggravated kidnaping may be commenced at any
8 time if it arises out of the same course of conduct and meets
9 the criteria under one of the offenses in subsection (j) of
10 this Section.

11 (k) (Blank).

12 (l) A prosecution for any offense set forth in Section 26-4
13 of this Code may be commenced within one year after the
14 discovery of the offense by the victim of that offense.

15 (l-5) A prosecution for any offense involving sexual
16 conduct or sexual penetration, as defined in Section 11-0.1 of
17 this Code, in which the victim was 18 years of age or older at
18 the time of the offense, may be commenced within one year after
19 the discovery of the offense by the victim when corroborating
20 physical evidence is available. The charging document shall
21 state that the statute of limitations is extended under this
22 subsection (l-5) and shall state the circumstances justifying
23 the extension. Nothing in this subsection (l-5) shall be
24 construed to shorten a period within which a prosecution must
25 be commenced under any other provision of this Section or
26 Section 3-5 of this Code.

1 (m) The prosecution shall not be required to prove at trial
2 facts which extend the general limitations in Section 3-5 of
3 this Code when the facts supporting extension of the period of
4 general limitations are properly pled in the charging document.
5 Any challenge relating to the extension of the general
6 limitations period as defined in this Section shall be
7 exclusively conducted under Section 114-1 of the Code of
8 Criminal Procedure of 1963.

9 (n) A prosecution for any offense set forth in subsection
10 (a), (b), or (c) of Section 8A-3 or Section 8A-13 of the
11 Illinois Public Aid Code, in which the total amount of money
12 involved is \$5,000 or more, including the monetary value of
13 food stamps and the value of commodities under Section 16-1 of
14 this Code may be commenced within 5 years of the last act
15 committed in furtherance of the offense.

16 (Source: P.A. 99-234, eff. 8-3-15; 99-820, eff. 8-15-16;
17 100-80, eff. 8-11-17; 100-318, eff. 8-24-17; 100-434, eff.
18 1-1-18; 100-863, eff. 8-14-18; 100-998, eff. 1-1-19; 100-1010,
19 eff. 1-1-19; 100-1087, eff. 1-1-19; revised 10-9-18.)

20 (720 ILCS 5/11-9.2)

21 Sec. 11-9.2. Custodial sexual misconduct.

22 (a) A person commits custodial sexual misconduct when: (1)
23 he or she is an employee of a penal system and engages in
24 sexual conduct or sexual penetration with a person who is in
25 the custody of that penal system; (2) he or she is an employee

1 of a treatment and detention facility and engages in sexual
2 conduct or sexual penetration with a person who is in the
3 custody of that treatment and detention facility; or (3) he or
4 she is an employee of a law enforcement agency and engages in
5 sexual conduct or sexual penetration with a person who is in
6 the custody of a law enforcement agency or employee.

7 (b) A probation or supervising officer, surveillance
8 agent, or aftercare specialist commits custodial sexual
9 misconduct when the probation or supervising officer,
10 surveillance agent, or aftercare specialist engages in sexual
11 conduct or sexual penetration with a probationer, parolee, or
12 releasee or person serving a term of conditional release who is
13 under the supervisory, disciplinary, or custodial authority of
14 the officer or agent or employee so engaging in the sexual
15 conduct or sexual penetration.

16 (c) Custodial sexual misconduct is a Class 3 felony.

17 (d) Any person convicted of violating this Section
18 immediately shall forfeit his or her employment with a law
19 enforcement agency, a penal system, a treatment and detention
20 facility, or a conditional release program.

21 (e) In this Section, the consent of the probationer,
22 parolee, releasee, inmate in custody of the penal system or
23 person detained or civilly committed under the Sexually Violent
24 Persons Commitment Act, or a person in the custody of a law
25 enforcement agency or employee shall not be a defense to a
26 prosecution under this Section. A person is deemed incapable of

1 consent, for purposes of this Section, when he or she is a
2 probationer, parolee, releasee, inmate in custody of a penal
3 system or person detained or civilly committed under the
4 Sexually Violent Persons Commitment Act, or a person in the
5 custody of a law enforcement agency or employee.

6 (f) This Section does not apply to:

7 (1) Any employee, probation or supervising officer,
8 surveillance agent, or aftercare specialist who is
9 lawfully married to a person in custody if the marriage
10 occurred before the date of custody.

11 (2) Any employee, probation or supervising officer,
12 surveillance agent, or aftercare specialist who has no
13 knowledge, and would have no reason to believe, that the
14 person with whom he or she engaged in custodial sexual
15 misconduct was a person in custody.

16 (g) In this Section:

17 (0.5) "Aftercare specialist" means any person employed
18 by the Department of Juvenile Justice to supervise and
19 facilitate services for persons placed on aftercare
20 release.

21 (1) "Custody" means:

22 (i) pretrial incarceration or detention;

23 (ii) incarceration or detention under a sentence
24 or commitment to a State or local penal institution;

25 (iii) parole, aftercare release, or mandatory
26 supervised release;

- 1 (iv) electronic monitoring or home detention;
- 2 (v) probation;
- 3 (vi) detention or civil commitment either in
4 secure care or in the community under the Sexually
5 Violent Persons Commitment Act; or
- 6 (vii) detention ~~detained~~ or ~~under~~ arrest by a law
7 enforcement agency or employee.

8 (2) "Penal system" means any system which includes
9 institutions as defined in Section 2-14 of this Code or a
10 county shelter care or detention home established under
11 Section 1 of the County Shelter Care and Detention Home
12 Act.

13 (2.1) "Treatment and detention facility" means any
14 Department of Human Services facility established for the
15 detention or civil commitment of persons under the Sexually
16 Violent Persons Commitment Act.

17 (2.2) "Conditional release" means a program of
18 treatment and services, vocational services, and alcohol
19 or other drug abuse treatment provided to any person
20 civilly committed and conditionally released to the
21 community under the Sexually Violent Persons Commitment
22 Act;

23 (3) "Employee" means:

24 (i) an employee of any governmental agency of this
25 State or any county or municipal corporation that has
26 by statute, ordinance, or court order the

1 responsibility for the care, control, or supervision
2 of pretrial or sentenced persons in a penal system or
3 persons detained or civilly committed under the
4 Sexually Violent Persons Commitment Act;

5 (ii) a contractual employee of a penal system as
6 defined in paragraph (g) (2) of this Section who works
7 in a penal institution as defined in Section 2-14 of
8 this Code;

9 (iii) a contractual employee of a "treatment and
10 detention facility" as defined in paragraph (g) (2.1)
11 of this Code or a contractual employee of the
12 Department of Human Services who provides supervision
13 of persons serving a term of conditional release as
14 defined in paragraph (g) (2.2) of this Code; or

15 (iv) an employee of a law enforcement agency.

16 (3.5) "Law enforcement agency" means an agency of the
17 State or of a unit of local government charged with
18 enforcement of State, county, or municipal laws or with
19 managing custody of detained persons in the State, but not
20 including a State's Attorney.

21 (4) "Sexual conduct" or "sexual penetration" means any
22 act of sexual conduct or sexual penetration as defined in
23 Section 11-0.1 of this Code.

24 (5) "Probation officer" means any person employed in a
25 probation or court services department as defined in
26 Section 9b of the Probation and Probation Officers Act.

1 (6) "Supervising officer" means any person employed to
2 supervise persons placed on parole or mandatory supervised
3 release with the duties described in Section 3-14-2 of the
4 Unified Code of Corrections.

5 (7) "Surveillance agent" means any person employed or
6 contracted to supervise persons placed on conditional
7 release in the community under the Sexually Violent Persons
8 Commitment Act.

9 (Source: P.A. 100-431, eff. 8-25-17; 100-693, eff. 8-3-18;
10 revised 10-9-18.)

11 (720 ILCS 5/33G-6)

12 (Section scheduled to be repealed on June 11, 2022)

13 Sec. 33G-6. Remedial proceedings, procedures, and
14 forfeiture. ~~Under this Article:~~

15 (a) Under this Article, the ~~The~~ circuit court shall have
16 jurisdiction to prevent and restrain violations of this Article
17 by issuing appropriate orders, including:

18 (1) ordering any person to disgorge illicit proceeds
19 obtained by a violation of this Article or divest himself
20 or herself of any interest, direct or indirect, in any
21 enterprise or real or personal property of any character,
22 including money, obtained, directly or indirectly, by a
23 violation of this Article;

24 (2) imposing reasonable restrictions on the future
25 activities or investments of any person or enterprise,

1 including prohibiting any person or enterprise from
2 engaging in the same type of endeavor as the person or
3 enterprise engaged in, that violated this Article; or

4 (3) ordering dissolution or reorganization of any
5 enterprise, making due provision for the rights of innocent
6 persons.

7 (b) Any violation of this Article is subject to the
8 remedies, procedures, and forfeiture as set forth in Article
9 29B of this Code.

10 (c) Property seized or forfeited under this Article is
11 subject to reporting under the Seizure and Forfeiture Reporting
12 Act.

13 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18;
14 revised 10-3-18.)

15 Section 690. The Illinois Controlled Substances Act is
16 amended by changing Sections 316, 320, and 411.2 as follows:

17 (720 ILCS 570/316)

18 Sec. 316. Prescription Monitoring Program.

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

23 (1) The dispenser must transmit to the central
24 repository, in a form and manner specified by the

1 Department, the following information:

2 (A) The recipient's name and address.

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

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

6 (D) The date the controlled substance is
7 dispensed.

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

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

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

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

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

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

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

1 its successor.

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

7 (3) A dispenser must transmit the information required
8 under this Section by:

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

11 (B) a computer diskette;

12 (C) a magnetic tape; or

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

15 (4) The Department may impose a civil fine of up to
16 \$100 per day for willful failure to report controlled
17 substance dispensing to the Prescription Monitoring
18 Program. The fine shall be calculated on no more than the
19 number of days from the time the report was required to be
20 made until the time the problem was resolved, and shall be
21 payable to the Prescription Monitoring Program.

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

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

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

11 (e) (Blank).

12 (f) Within one year of January 1, 2008 (the effective date
13 of 100-564) ~~this amendatory Act of the 100th General Assembly,~~
14 the Department shall adopt rules requiring all Electronic
15 Health Records Systems to interface with the Prescription
16 Monitoring Program application program on or before January 1,
17 2021 to ensure that all providers have access to specific
18 patient records during the treatment of their patients. These
19 rules shall also address the electronic integration of pharmacy
20 records with the Prescription Monitoring Program to allow for
21 faster transmission of the information required under this
22 Section. The Department shall establish actions to be taken if
23 a prescriber's Electronic Health Records System does not
24 effectively interface with the Prescription Monitoring Program
25 within the required timeline.

26 (g) The Department, in consultation with the Advisory

1 Committee, shall adopt rules allowing licensed prescribers or
2 pharmacists who have registered to access the Prescription
3 Monitoring Program to authorize a licensed or non-licensed
4 designee employed in that licensed prescriber's office or a
5 licensed designee in a licensed pharmacist's pharmacy, ~~and~~ who
6 has received training in the federal Health Insurance
7 Portability and Accountability Act to consult the Prescription
8 Monitoring Program on their behalf. The rules shall include
9 reasonable parameters concerning a practitioner's authority to
10 authorize a designee, and the eligibility of a person to be
11 selected as a designee. In this subsection (g), "pharmacist"
12 shall include a clinical pharmacist employed by and designated
13 by a Medicaid Managed Care Organization providing services
14 under Article V of the Illinois Public Aid Code under a
15 contract with the Department of Healthcare ~~Health~~ and Family
16 Services for the sole purpose of clinical review of services
17 provided to persons covered by the entity under the contract to
18 determine compliance with subsections (a) and (b) of Section
19 314.5 of this Act. A managed care entity pharmacist shall
20 notify prescribers of review activities.

21 (Source: P.A. 99-480, eff. 9-9-15; 100-564, eff. 1-1-18;
22 100-861, eff. 8-14-18; 100-1005, eff. 8-21-18; 100-1093, eff.
23 8-26-18; revised 10-9-18.)

24 (720 ILCS 570/320)

25 Sec. 320. Advisory committee.

1 (a) There is created a Prescription Monitoring Program
2 Advisory Committee to assist the Department of Human Services
3 in implementing the Prescription Monitoring Program created by
4 this Article and to advise the Department on the professional
5 performance of prescribers and dispensers and other matters
6 germane to the advisory committee's field of competence.

7 (b) The Prescription Monitoring Program Advisory Committee
8 shall consist of 16 members appointed by the Clinical Director
9 of the Prescription Monitoring Program composed of prescribers
10 and dispensers licensed to practice medicine in his or her
11 respective profession as follows: one family or primary care
12 physician; one pain specialist physician; 4 other physicians,
13 one of whom may be an ophthalmologist; 2 advanced practice
14 registered nurses; one physician assistant; one optometrist;
15 one dentist; one veterinarian; one clinical representative
16 from a statewide organization representing hospitals; and 3
17 pharmacists. The Advisory Committee members serving on August
18 26, 2018 (the effective date of Public Act 100-1093) ~~this~~
19 ~~amendatory Act of the 100th General Assembly~~ shall continue to
20 serve until January 1, 2019. Prescriber and dispenser
21 nominations for membership on the Committee shall be submitted
22 by their respective professional associations. If there are
23 more nominees than membership positions for a prescriber or
24 dispenser category, as provided in this subsection (b), the
25 Clinical Director of the Prescription Monitoring Program shall
26 appoint a member or members for each profession as provided in

1 this subsection (b), from the nominations to serve on the
2 advisory committee. At the first meeting of the Committee in
3 2019 members shall draw lots for initial terms and 6 members
4 shall serve 3 years, 5 members shall serve 2 years, and 5
5 members shall serve one year. Thereafter, members shall serve
6 3-year ~~3-year~~ terms. Members may serve more than one term but
7 no more than 3 terms. The Clinical Director of the Prescription
8 Monitoring Program may appoint a representative of an
9 organization representing a profession required to be
10 appointed. The Clinical Director of the Prescription
11 Monitoring Program shall serve as the Secretary of the
12 committee.

13 (c) The advisory committee may appoint a chairperson and
14 other officers as it deems appropriate.

15 (d) The members of the advisory committee shall receive no
16 compensation for their services as members of the advisory
17 committee, unless appropriated by the General Assembly, but may
18 be reimbursed for their actual expenses incurred in serving on
19 the advisory committee.

20 (e) The advisory committee shall:

21 (1) provide a uniform approach to reviewing this Act in
22 order to determine whether changes should be recommended to
23 the General Assembly;

24 (2) review current drug schedules in order to manage
25 changes to the administrative rules pertaining to the
26 utilization of this Act;

1 (3) review the following: current clinical guidelines
2 developed by health care professional organizations on the
3 prescribing of opioids or other controlled substances;
4 accredited continuing education programs related to
5 prescribing and dispensing; programs or information
6 developed by health care professional organizations that
7 may be used to assess patients or help ensure compliance
8 with prescriptions; updates from the Food and Drug
9 Administration, the Centers for Disease Control and
10 Prevention, and other public and private organizations
11 which are relevant to prescribing and dispensing; relevant
12 medical studies; and other publications which involve the
13 prescription of controlled substances;

14 (4) make recommendations for inclusion of these
15 materials or other studies which may be effective resources
16 for prescribers and dispensers on the Internet website of
17 the inquiry system established under Section 318;

18 (5) semi-annually review the content of the Internet
19 website of the inquiry system established pursuant to
20 Section 318 to ensure this Internet website has the most
21 current available information;

22 (6) semi-annually review opportunities for federal
23 grants and other forms of funding to support projects which
24 will increase the number of pilot programs which integrate
25 the inquiry system with electronic health records; and

26 (7) semi-annually review communication to be sent to

1 all registered users of the inquiry system established
2 pursuant to Section 318, including recommendations for
3 relevant accredited continuing education and information
4 regarding prescribing and dispensing.

5 (f) The Advisory Committee shall select from its members 11
6 members of the Peer Review Committee composed of: ~~6, and one~~
7 ~~dentist,~~

8 (1) 3 physicians;

9 (2) 3 pharmacists;

10 (3) one dentist;

11 (4) one advanced practice registered nurse;

12 (4.5) one veterinarian;

13 (5) one physician assistant; and

14 (6) one optometrist.

15 The purpose of the Peer Review Committee is to establish a
16 formal peer review of professional performance of prescribers
17 and dispensers. The deliberations, information, and
18 communications of the Peer Review Committee are privileged and
19 confidential and shall not be disclosed in any manner except in
20 accordance with current law.

21 (1) The Peer Review Committee shall periodically
22 review the data contained within the prescription
23 monitoring program to identify those prescribers or
24 dispensers who may be prescribing or dispensing outside the
25 currently accepted standard and practice of their
26 profession. The Peer Review Committee member, whose

1 profession is the same as the prescriber or dispenser being
2 reviewed, shall prepare a preliminary report and
3 recommendation for any non-action or action. The
4 Prescription Monitoring Program Clinical Director and
5 staff shall provide the necessary assistance and data as
6 required.

7 (2) The Peer Review Committee may identify prescribers
8 or dispensers who may be prescribing outside the currently
9 accepted medical standards in the course of their
10 professional practice and send the identified prescriber
11 or dispenser a request for information regarding their
12 prescribing or dispensing practices. This request for
13 information shall be sent via certified mail, return
14 receipt requested. A prescriber or dispenser shall have 30
15 days to respond to the request for information.

16 (3) The Peer Review Committee shall refer a prescriber
17 or a dispenser to the Department of Financial and
18 Professional Regulation in the following situations:

19 (i) if a prescriber or dispenser does not respond
20 to three successive requests for information;

21 (ii) in the opinion of a majority of members of the
22 Peer Review Committee, the prescriber or dispenser
23 does not have a satisfactory explanation for the
24 practices identified by the Peer Review Committee in
25 its request for information; or

26 (iii) following communications with the Peer

1 Review Committee, the prescriber or dispenser does not
2 sufficiently rectify the practices identified in the
3 request for information in the opinion of a majority of
4 the members of the Peer Review Committee.

5 (4) The Department of Financial and Professional
6 Regulation may initiate an investigation and discipline in
7 accordance with current laws and rules for any prescriber
8 or dispenser referred by the Peer Review Committee ~~peer~~
9 ~~review subcommittee~~.

10 (5) The Peer Review Committee shall prepare an annual
11 report starting on July 1, 2017. This report shall contain
12 the following information: the number of times the Peer
13 Review Committee was convened; the number of prescribers or
14 dispensers who were reviewed by the Peer Review Committee;
15 the number of requests for information sent out by the Peer
16 Review Committee; and the number of prescribers or
17 dispensers referred to the Department of Financial and
18 Professional Regulation. The annual report shall be
19 delivered electronically to the Department and to the
20 General Assembly. The report to the General Assembly shall
21 be filed with the Clerk of the House of Representatives and
22 the Secretary of the Senate in electronic form only, in the
23 manner that the Clerk and the Secretary shall direct. The
24 report prepared by the Peer Review Committee shall not
25 identify any prescriber, dispenser, or patient.

26 (Source: P.A. 99-480, eff. 9-9-15; 100-513, eff. 1-1-18;

1 100-861, eff. 8-14-18; 100-1093, eff. 8-26-18; revised
2 10-3-18.)

3 (720 ILCS 570/411.2)

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

5 Sec. 411.2. (a) Every person convicted of a violation of
6 this Act, and every person placed on probation, conditional
7 discharge, supervision or probation under Section 410 of this
8 Act, shall be assessed for each offense a sum fixed at:

9 (1) \$3,000 for a Class X felony;

10 (2) \$2,000 for a Class 1 felony;

11 (3) \$1,000 for a Class 2 felony;

12 (4) \$500 for a Class 3 or Class 4 felony;

13 (5) \$300 for a Class A misdemeanor;

14 (6) \$200 for a Class B or Class C misdemeanor.

15 (b) The assessment under this Section is in addition to and
16 not in lieu of any fines, restitution costs, forfeitures or
17 other assessments authorized or required by law.

18 (c) As a condition of the assessment, the court may require
19 that payment be made in specified installments or within a
20 specified period of time. If the assessment is not paid within
21 the period of probation, conditional discharge or supervision
22 to which the defendant was originally sentenced, the court may
23 extend the period of probation, conditional discharge or
24 supervision pursuant to Section 5-6-2 or 5-6-3.1 of the Unified
25 Code of Corrections, as applicable, until the assessment is

1 paid or until successful completion of public or community
2 service set forth in subsection (e) or the successful
3 completion of the substance abuse intervention or treatment
4 program set forth in subsection (f). If a term of probation,
5 conditional discharge or supervision is not imposed, the
6 assessment shall be payable upon judgment or as directed by the
7 court.

8 (d) If an assessment for a violation of this Act is imposed
9 on an organization, it is the duty of each individual
10 authorized to make disbursements of the assets of the
11 organization to pay the assessment from assets of the
12 organization.

13 (e) A defendant who has been ordered to pay an assessment
14 may petition the court to convert all or part of the assessment
15 into court-approved public or community service. One hour of
16 public or community service shall be equivalent to \$4 of
17 assessment. The performance of this public or community service
18 shall be a condition of the probation, conditional discharge or
19 supervision and shall be in addition to the performance of any
20 other period of public or community service ordered by the
21 court or required by law.

22 (f) The court may suspend the collection of the assessment
23 imposed under this Section; provided the defendant agrees to
24 enter a substance abuse intervention or treatment program
25 approved by the court; and further provided that the defendant
26 agrees to pay for all or some portion of the costs associated

1 with the intervention or treatment program. In this case, the
2 collection of the assessment imposed under this Section shall
3 be suspended during the defendant's participation in the
4 approved intervention or treatment program. Upon successful
5 completion of the program, the defendant may apply to the court
6 to reduce the assessment imposed under this Section by any
7 amount actually paid by the defendant for his or her
8 participation in the program. The court shall not reduce the
9 penalty under this subsection unless the defendant establishes
10 to the satisfaction of the court that he or she has
11 successfully completed the intervention or treatment program.
12 If the defendant's participation is for any reason terminated
13 before his or her successful completion of the intervention or
14 treatment program, collection of the entire assessment imposed
15 under this Section shall be enforced. Nothing in this Section
16 shall be deemed to affect or suspend any other fines,
17 restitution costs, forfeitures or assessments imposed under
18 this or any other Act.

19 (g) The court shall not impose more than one assessment per
20 complaint, indictment or information. If the person is
21 convicted of more than one offense in a complaint, indictment
22 or information, the assessment shall be based on the highest
23 class offense for which the person is convicted.

24 (h) In counties under 3,000,000, all moneys collected under
25 this Section shall be forwarded by the clerk of the circuit
26 court to the State Treasurer for deposit in the Drug Treatment

1 Fund, which is hereby established as a special fund within the
2 State Treasury. The Department of Human Services may make
3 grants to persons licensed under Section 15-10 of the Substance
4 Use Disorder Act or to municipalities or counties from funds
5 appropriated to the Department from the Drug Treatment Fund for
6 the treatment of pregnant women who are addicted to alcohol,
7 cannabis or controlled substances and for the needed care of
8 minor, unemancipated children of women undergoing residential
9 drug treatment. If the Department of Human Services grants
10 funds to a municipality or a county that the Department
11 determines is not experiencing a problem with pregnant women
12 addicted to alcohol, cannabis or controlled substances, or with
13 care for minor, unemancipated children of women undergoing
14 residential drug treatment, or intervention, the funds shall be
15 used for the treatment of any person addicted to alcohol,
16 cannabis or controlled substances. The Department may adopt
17 such rules as it deems appropriate for the administration of
18 such grants.

19 (i) In counties over 3,000,000, all moneys collected under
20 this Section shall be forwarded to the County Treasurer for
21 deposit into the County Health Fund. The County Treasurer
22 shall, no later than the 15th day of each month, forward to the
23 State Treasurer 30 percent of all moneys collected under this
24 Act and received into the County Health Fund since the prior
25 remittance to the State Treasurer. Funds retained by the County
26 shall be used for community-based treatment of pregnant women

1 who are addicted to alcohol, cannabis, or controlled substances
2 or for the needed care of minor, unemancipated children of
3 these women. Funds forwarded to the State Treasurer shall be
4 deposited into the State Drug Treatment Fund maintained by the
5 State Treasurer from which the Department of Human Services may
6 make grants to persons licensed under Section 15-10 of the
7 Substance Use Disorder Act or to municipalities or counties
8 from funds appropriated to the Department from the Drug
9 Treatment Fund, provided that the moneys collected from each
10 county be returned proportionately to the counties through
11 grants to licensees located within the county from which the
12 assessment was received and moneys in the State Drug Treatment
13 Fund shall not supplant other local, State or federal funds. If
14 the Department of Human Services grants funds to a municipality
15 or county that the Department determines is not experiencing a
16 problem with pregnant women addicted to alcohol, cannabis or
17 controlled substances, or with care for minor, unemancipated
18 children or women undergoing residential drug treatment, the
19 funds shall be used for the treatment of any person addicted to
20 alcohol, cannabis or controlled substances. The Department may
21 adopt such rules as it deems appropriate for the administration
22 of such grants.

23 (Source: P.A. 100-759, eff. 1-1-19.)

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

25 Sec. 411.2. Drug Treatment Fund; drug treatment grants.

1 (a) (Blank).

2 (b) (Blank).

3 (c) (Blank).

4 (d) (Blank).

5 (e) (Blank).

6 (f) (Blank).

7 (g) (Blank).

8 (h) The Drug Treatment Fund is hereby established as a
9 special fund within the State Treasury. The Department of Human
10 Services may make grants to persons licensed under Section
11 15-10 of the Substance Use Disorder Act or to municipalities or
12 counties from funds appropriated to the Department from the
13 Drug Treatment Fund for the treatment of pregnant women who are
14 addicted to alcohol, cannabis, or controlled substances and for
15 the needed care of minor, unemancipated children of women
16 undergoing residential drug treatment. If the Department of
17 Human Services grants funds to a municipality or a county that
18 the Department determines is not experiencing a problem with
19 pregnant women addicted to alcohol, cannabis, or controlled
20 substances, or with care for minor, unemancipated children of
21 women undergoing residential drug treatment, or intervention,
22 the funds shall be used for the treatment of any person
23 addicted to alcohol, cannabis, or controlled substances. The
24 Department may adopt such rules as it deems appropriate for the
25 administration of such grants.

26 (i) (Blank). ~~Substance Use Disorder Act~~

1 (Source: P.A. 100-759, eff. 1-1-19; 100-987, eff. 7-1-19;
2 revised 10-22-18.)

3 Section 695. The Methamphetamine Control and Community
4 Protection Act is amended by changing Section 80 as follows:

5 (720 ILCS 646/80)

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

7 Sec. 80. Assessment.

8 (a) Every person convicted of a violation of this Act, and
9 every person placed on probation, conditional discharge,
10 supervision, or probation under this Act, shall be assessed for
11 each offense a sum fixed at:

12 (1) \$3,000 for a Class X felony;

13 (2) \$2,000 for a Class 1 felony;

14 (3) \$1,000 for a Class 2 felony;

15 (4) \$500 for a Class 3 or Class 4 felony.

16 (b) The assessment under this Section is in addition to and
17 not in lieu of any fines, restitution, costs, forfeitures, or
18 other assessments authorized or required by law.

19 (c) As a condition of the assessment, the court may require
20 that payment be made in specified installments or within a
21 specified period of time. If the assessment is not paid within
22 the period of probation, conditional discharge, or supervision
23 to which the defendant was originally sentenced, the court may
24 extend the period of probation, conditional discharge, or

1 supervision pursuant to Section 5-6-2 or 5-6-3.1 of the Unified
2 Code of Corrections, as applicable, until the assessment is
3 paid or until successful completion of public or community
4 service set forth in subsection (e) or the successful
5 completion of the substance abuse intervention or treatment
6 program set forth in subsection (f). If a term of probation,
7 conditional discharge, or supervision is not imposed, the
8 assessment shall be payable upon judgment or as directed by the
9 court.

10 (d) If an assessment for a violation of this Act is imposed
11 on an organization, it is the duty of each individual
12 authorized to make disbursements of the assets of the
13 organization to pay the assessment from assets of the
14 organization.

15 (e) A defendant who has been ordered to pay an assessment
16 may petition the court to convert all or part of the assessment
17 into court-approved public or community service. One hour of
18 public or community service shall be equivalent to \$4 of
19 assessment. The performance of this public or community service
20 shall be a condition of the probation, conditional discharge,
21 or supervision and shall be in addition to the performance of
22 any other period of public or community service ordered by the
23 court or required by law.

24 (f) The court may suspend the collection of the assessment
25 imposed under this Section if the defendant agrees to enter a
26 substance abuse intervention or treatment program approved by

1 the court and the defendant agrees to pay for all or some
2 portion of the costs associated with the intervention or
3 treatment program. In this case, the collection of the
4 assessment imposed under this Section shall be suspended during
5 the defendant's participation in the approved intervention or
6 treatment program. Upon successful completion of the program,
7 the defendant may apply to the court to reduce the assessment
8 imposed under this Section by any amount actually paid by the
9 defendant for his or her participation in the program. The
10 court shall not reduce the penalty under this subsection unless
11 the defendant establishes to the satisfaction of the court that
12 he or she has successfully completed the intervention or
13 treatment program. If the defendant's participation is for any
14 reason terminated before his or her successful completion of
15 the intervention or treatment program, collection of the entire
16 assessment imposed under this Section shall be enforced.
17 Nothing in this Section shall be deemed to affect or suspend
18 any other fines, restitution costs, forfeitures, or
19 assessments imposed under this or any other Act.

20 (g) The court shall not impose more than one assessment per
21 complaint, indictment, or information. If the person is
22 convicted of more than one offense in a complaint, indictment,
23 or information, the assessment shall be based on the highest
24 class offense for which the person is convicted.

25 (h) In counties with a population under 3,000,000, all
26 moneys collected under this Section shall be forwarded by the

1 clerk of the circuit court to the State Treasurer for deposit
2 in the Drug Treatment Fund. The Department of Human Services
3 may make grants to persons licensed under Section 15-10 of the
4 Substance Use Disorder Act or to municipalities or counties
5 from funds appropriated to the Department from the Drug
6 Treatment Fund for the treatment of pregnant women who are
7 addicted to alcohol, cannabis or controlled substances and for
8 the needed care of minor, unemancipated children of women
9 undergoing residential drug treatment. If the Department of
10 Human Services grants funds to a municipality or a county that
11 the Department determines is not experiencing a problem with
12 pregnant women addicted to alcohol, cannabis or controlled
13 substances, or with care for minor, unemancipated children of
14 women undergoing residential drug treatment, or intervention,
15 the funds shall be used for the treatment of any person
16 addicted to alcohol, cannabis, or controlled substances. The
17 Department may adopt such rules as it deems appropriate for the
18 administration of such grants.

19 (i) In counties with a population of 3,000,000 or more, all
20 moneys collected under this Section shall be forwarded to the
21 County Treasurer for deposit into the County Health Fund. The
22 County Treasurer shall, no later than the 15th day of each
23 month, forward to the State Treasurer 30 percent of all moneys
24 collected under this Act and received into the County Health
25 Fund since the prior remittance to the State Treasurer. Funds
26 retained by the County shall be used for community-based

1 treatment of pregnant women who are addicted to alcohol,
2 cannabis, or controlled substances or for the needed care of
3 minor, unemancipated children of these women. Funds forwarded
4 to the State Treasurer shall be deposited into the State Drug
5 Treatment Fund maintained by the State Treasurer from which the
6 Department of Human Services may make grants to persons
7 licensed under Section 15-10 of the Alcoholism and Other Drug
8 Abuse and Dependency Act or to municipalities or counties from
9 funds appropriated to the Department from the Drug Treatment
10 Fund, provided that the moneys collected from each county be
11 returned proportionately to the counties through grants to
12 licensees located within the county from which the assessment
13 was received and moneys in the State Drug Treatment Fund shall
14 not supplant other local, State or federal funds. If the
15 Department of Human Services grants funds to a municipality or
16 county that the Department determines is not experiencing a
17 problem with pregnant women addicted to alcohol, cannabis or
18 controlled substances, or with care for minor, unemancipated
19 children or women undergoing residential drug treatment, the
20 funds shall be used for the treatment of any person addicted to
21 alcohol, cannabis or controlled substances. The Department may
22 adopt such rules as it deems appropriate for the administration
23 of such grants.

24 (Source: P.A. 100-759, eff. 1-1-19.)

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

1 Sec. 80. Drug treatment grants.

2 ~~(a) (Blank).~~

3 ~~(b) (Blank).~~

4 ~~(c) (Blank).~~

5 ~~(d) (Blank).~~

6 ~~(e) (Blank).~~

7 ~~(f) (Blank).~~

8 ~~(g) (Blank).~~

9 ~~(h)~~ The Department of Human Services may make grants to
10 persons licensed under Section 15-10 of the Substance Use
11 Disorder Act or to municipalities or counties from funds
12 appropriated to the Department from the Drug Treatment Fund for
13 the treatment of pregnant women who are addicted to alcohol,
14 cannabis, or controlled substances and for the needed care of
15 minor, unemancipated children of women undergoing residential
16 drug treatment. If the Department of Human Services grants
17 funds to a municipality or a county that the Department
18 determines is not experiencing a problem with pregnant women
19 addicted to alcohol, cannabis, or controlled substances, or
20 with care for minor, unemancipated children of women undergoing
21 residential drug treatment, or intervention, the funds shall be
22 used for the treatment of any person addicted to alcohol,
23 cannabis, or controlled substances. The Department may adopt
24 such rules as it deems appropriate for the administration of
25 such grants.

26 ~~(i) (Blank).~~

1 (Source: P.A. 100-759, eff. 1-1-19; 100-987, eff. 7-1-19;
2 revised 10-12-18.)

3 Section 700. The Code of Criminal Procedure of 1963 is
4 amended by changing Sections 110-17, 112A-4.5, and 112A-14 as
5 follows:

6 (725 ILCS 5/110-17) (from Ch. 38, par. 110-17)

7 Sec. 110-17. Unclaimed bail deposits. Any sum of money
8 deposited by any person to secure his or her release from
9 custody which remains unclaimed by the person entitled to its
10 return for 3 years after the conditions of the bail bond have
11 been performed and the accused has been discharged from all
12 obligations in the cause shall be presumed to be abandoned and
13 subject to disposition under the Revised Uniform Unclaimed
14 Property Act.

15 ~~(a) (Blank).~~

16 ~~(b) (Blank).~~

17 ~~(c) (Blank).~~

18 ~~(d) (Blank).~~

19 ~~(e) (Blank).~~

20 (Source: P.A. 100-22, eff. 1-1-18; 100-929, eff. 1-1-19;
21 revised 10-3-18.)

22 (725 ILCS 5/112A-4.5)

23 Sec. 112A-4.5. Who may file petition.

1 (a) A petition for a domestic violence order of protection
2 may be filed:

3 (1) by a named victim who has been abused by a family
4 or household member;

5 (2) by any person or by the State's Attorney on behalf
6 of a named victim who is a minor child or an adult who has
7 been abused by a family or household member and who,
8 because of age, health, disability, or inaccessibility,
9 cannot file the petition; ~~or~~

10 (3) by a State's Attorney on behalf of any minor child
11 or dependent adult in the care of the named victim, if the
12 named victim does not file a petition or request the
13 State's Attorney file the petition; or

14 (4) ~~(3)~~ any of the following persons if the person is
15 abused by a family or household member of a child:

16 (i) a foster parent of that child if the child has
17 been placed in the foster parent's home by the
18 Department of Children and Family Services or by
19 another state's public child welfare agency;

20 (ii) a legally appointed guardian or legally
21 appointed custodian of that child;

22 (iii) an adoptive parent of that child;

23 (iv) a prospective adoptive parent of that child if
24 the child has been placed in the prospective adoptive
25 parent's home pursuant to the Adoption Act or pursuant
26 to another state's law.

1 For purposes of this paragraph (a) (4) ~~(3)~~, individuals who
2 would have been considered "family or household members" of the
3 child under paragraph (3) of subsection (b) of Section 112A-3
4 before a termination of the parental rights with respect to the
5 child continue to meet the definition of "family or household
6 members" of the child.

7 (b) A petition for a civil no contact order may be filed:

8 (1) by any person who is a named victim of
9 non-consensual sexual conduct or non-consensual sexual
10 penetration, including a single incident of non-consensual
11 sexual conduct or non-consensual sexual penetration;

12 (2) by a person or by the State's Attorney on behalf of
13 a named victim who is a minor child or an adult who is a
14 victim of non-consensual sexual conduct or non-consensual
15 sexual penetration but, because of age, disability,
16 health, or inaccessibility, cannot file the petition; or

17 (3) by a State's Attorney on behalf of any minor child
18 who is a family or household member of the named victim, if
19 the named victim does not file a petition or request the
20 State's Attorney file the petition.

21 (c) A petition for a stalking no contact order may be
22 filed:

23 (1) by any person who is a named victim of stalking;

24 (2) by a person or by the State's Attorney on behalf of
25 a named victim who is a minor child or an adult who is a
26 victim of stalking but, because of age, disability, health,

1 or inaccessibility, cannot file the petition; or

2 (3) by a State's Attorney on behalf of any minor child
3 who is a family or household member of the named victim, if
4 the named victim does not file a petition or request the
5 State's Attorney file the petition.

6 (d) The State's Attorney shall file a petition on behalf of
7 any person who may file a petition under subsections (a), (b),
8 or (c) of this Section if the person requests the State's
9 Attorney to file a petition on the person's behalf, unless the
10 State's Attorney has a good faith basis to delay filing the
11 petition. The State's Attorney shall inform the person that the
12 State's Attorney will not be filing the petition at that time
13 and that the person may file a petition or may retain an
14 attorney to file the petition. The State's Attorney may file
15 the petition at a later date.

16 (d-5) (1) A person eligible to file a petition under
17 subsection (a), (b), or (c) of this Section may retain an
18 attorney to represent the petitioner on the petitioner's
19 request for a protective order. The attorney's representation
20 is limited to matters related to the petition and relief
21 authorized under this Article.

22 (2) Advocates shall be allowed to accompany the petitioner
23 and confer with the victim, unless otherwise directed by the
24 court. Advocates are not engaged in the unauthorized practice
25 of law when providing assistance to the petitioner.

26 (e) Any petition properly filed under this Article may seek

1 protection for any additional persons protected by this
2 Article.

3 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18;
4 100-639, eff. 1-1-19; revised 8-20-18.)

5 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

6 Sec. 112A-14. Domestic violence order of protection;
7 remedies.

8 (a) (Blank).

9 (b) The court may order any of the remedies listed in this
10 subsection (b). The remedies listed in this subsection (b)
11 shall be in addition to other civil or criminal remedies
12 available to petitioner.

13 (1) Prohibition of abuse. Prohibit respondent's
14 harassment, interference with personal liberty,
15 intimidation of a dependent, physical abuse, or willful
16 deprivation, as defined in this Article, if such abuse has
17 occurred or otherwise appears likely to occur if not
18 prohibited.

19 (2) Grant of exclusive possession of residence.
20 Prohibit respondent from entering or remaining in any
21 residence, household, or premises of the petitioner,
22 including one owned or leased by respondent, if petitioner
23 has a right to occupancy thereof. The grant of exclusive
24 possession of the residence, household, or premises shall
25 not affect title to real property, nor shall the court be

1 limited by the standard set forth in subsection (c-2) of
2 Section 501 of the Illinois Marriage and Dissolution of
3 Marriage Act.

4 (A) Right to occupancy. A party has a right to
5 occupancy of a residence or household if it is solely
6 or jointly owned or leased by that party, that party's
7 spouse, a person with a legal duty to support that
8 party or a minor child in that party's care, or by any
9 person or entity other than the opposing party that
10 authorizes that party's occupancy (e.g., a domestic
11 violence shelter). Standards set forth in subparagraph
12 (B) shall not preclude equitable relief.

13 (B) Presumption of hardships. If petitioner and
14 respondent each has the right to occupancy of a
15 residence or household, the court shall balance (i) the
16 hardships to respondent and any minor child or
17 dependent adult in respondent's care resulting from
18 entry of this remedy with (ii) the hardships to
19 petitioner and any minor child or dependent adult in
20 petitioner's care resulting from continued exposure to
21 the risk of abuse (should petitioner remain at the
22 residence or household) or from loss of possession of
23 the residence or household (should petitioner leave to
24 avoid the risk of abuse). When determining the balance
25 of hardships, the court shall also take into account
26 the accessibility of the residence or household.

1 Hardships need not be balanced if respondent does not
2 have a right to occupancy.

3 The balance of hardships is presumed to favor
4 possession by petitioner unless the presumption is
5 rebutted by a preponderance of the evidence, showing
6 that the hardships to respondent substantially
7 outweigh the hardships to petitioner and any minor
8 child or dependent adult in petitioner's care. The
9 court, on the request of petitioner or on its own
10 motion, may order respondent to provide suitable,
11 accessible, alternate housing for petitioner instead
12 of excluding respondent from a mutual residence or
13 household.

14 (3) Stay away order and additional prohibitions. Order
15 respondent to stay away from petitioner or any other person
16 protected by the domestic violence order of protection, or
17 prohibit respondent from entering or remaining present at
18 petitioner's school, place of employment, or other
19 specified places at times when petitioner is present, or
20 both, if reasonable, given the balance of hardships.
21 Hardships need not be balanced for the court to enter a
22 stay away order or prohibit entry if respondent has no
23 right to enter the premises.

24 (A) If a domestic violence order of protection
25 grants petitioner exclusive possession of the
26 residence, prohibits respondent from entering the

1 residence, or orders respondent to stay away from
2 petitioner or other protected persons, then the court
3 may allow respondent access to the residence to remove
4 items of clothing and personal adornment used
5 exclusively by respondent, medications, and other
6 items as the court directs. The right to access shall
7 be exercised on only one occasion as the court directs
8 and in the presence of an agreed-upon adult third party
9 or law enforcement officer.

10 (B) When the petitioner and the respondent attend
11 the same public, private, or non-public elementary,
12 middle, or high school, the court when issuing a
13 domestic violence order of protection and providing
14 relief shall consider the severity of the act, any
15 continuing physical danger or emotional distress to
16 the petitioner, the educational rights guaranteed to
17 the petitioner and respondent under federal and State
18 law, the availability of a transfer of the respondent
19 to another school, a change of placement or a change of
20 program of the respondent, the expense, difficulty,
21 and educational disruption that would be caused by a
22 transfer of the respondent to another school, and any
23 other relevant facts of the case. The court may order
24 that the respondent not attend the public, private, or
25 non-public elementary, middle, or high school attended
26 by the petitioner, order that the respondent accept a

1 change of placement or change of program, as determined
2 by the school district or private or non-public school,
3 or place restrictions on the respondent's movements
4 within the school attended by the petitioner. The
5 respondent bears the burden of proving by a
6 preponderance of the evidence that a transfer, change
7 of placement, or change of program of the respondent is
8 not available. The respondent also bears the burden of
9 production with respect to the expense, difficulty,
10 and educational disruption that would be caused by a
11 transfer of the respondent to another school. A
12 transfer, change of placement, or change of program is
13 not unavailable to the respondent solely on the ground
14 that the respondent does not agree with the school
15 district's or private or non-public school's transfer,
16 change of placement, or change of program or solely on
17 the ground that the respondent fails or refuses to
18 consent or otherwise does not take an action required
19 to effectuate a transfer, change of placement, or
20 change of program. When a court orders a respondent to
21 stay away from the public, private, or non-public
22 school attended by the petitioner and the respondent
23 requests a transfer to another attendance center
24 within the respondent's school district or private or
25 non-public school, the school district or private or
26 non-public school shall have sole discretion to

1 determine the attendance center to which the
2 respondent is transferred. If the court order results
3 in a transfer of the minor respondent to another
4 attendance center, a change in the respondent's
5 placement, or a change of the respondent's program, the
6 parents, guardian, or legal custodian of the
7 respondent is responsible for transportation and other
8 costs associated with the transfer or change.

9 (C) The court may order the parents, guardian, or
10 legal custodian of a minor respondent to take certain
11 actions or to refrain from taking certain actions to
12 ensure that the respondent complies with the order. If
13 the court orders a transfer of the respondent to
14 another school, the parents, guardian, or legal
15 custodian of the respondent is responsible for
16 transportation and other costs associated with the
17 change of school by the respondent.

18 (4) Counseling. Require or recommend the respondent to
19 undergo counseling for a specified duration with a social
20 worker, psychologist, clinical psychologist, psychiatrist,
21 family service agency, alcohol or substance abuse program,
22 mental health center guidance counselor, agency providing
23 services to elders, program designed for domestic violence
24 abusers, or any other guidance service the court deems
25 appropriate. The court may order the respondent in any
26 intimate partner relationship to report to an Illinois

1 Department of Human Services protocol approved partner
2 abuse intervention program for an assessment and to follow
3 all recommended treatment.

4 (5) Physical care and possession of the minor child. In
5 order to protect the minor child from abuse, neglect, or
6 unwarranted separation from the person who has been the
7 minor child's primary caretaker, or to otherwise protect
8 the well-being of the minor child, the court may do either
9 or both of the following: (i) grant petitioner physical
10 care or possession of the minor child, or both, or (ii)
11 order respondent to return a minor child to, or not remove
12 a minor child from, the physical care of a parent or person
13 in loco parentis.

14 If the respondent is charged with abuse (as defined in
15 Section 112A-3 of this Code) of a minor child, there shall
16 be a rebuttable presumption that awarding physical care to
17 respondent would not be in the minor child's best interest.

18 (6) Temporary allocation of parental responsibilities
19 and significant decision-making responsibilities. Award
20 temporary significant decision-making responsibility to
21 petitioner in accordance with this Section, the Illinois
22 Marriage and Dissolution of Marriage Act, the Illinois
23 Parentage Act of 2015, and this State's Uniform
24 Child-Custody Jurisdiction and Enforcement Act.

25 If the respondent is charged with abuse (as defined in
26 Section 112A-3 of this Code) of a minor child, there shall

1 be a rebuttable presumption that awarding temporary
2 significant decision-making responsibility to respondent
3 would not be in the child's best interest.

4 (7) Parenting time. Determine the parenting time, if
5 any, of respondent in any case in which the court awards
6 physical care or temporary significant decision-making
7 responsibility of a minor child to petitioner. The court
8 shall restrict or deny respondent's parenting time with a
9 minor child if the court finds that respondent has done or
10 is likely to do any of the following:

11 (i) abuse or endanger the minor child during
12 parenting time;

13 (ii) use the parenting time as an opportunity to
14 abuse or harass petitioner or petitioner's family or
15 household members;

16 (iii) improperly conceal or detain the minor
17 child; or

18 (iv) otherwise act in a manner that is not in the
19 best interests of the minor child.

20 The court shall not be limited by the standards set
21 forth in Section 603.10 of the Illinois Marriage and
22 Dissolution of Marriage Act. If the court grants parenting
23 time, the order shall specify dates and times for the
24 parenting time to take place or other specific parameters
25 or conditions that are appropriate. No order for parenting
26 time shall refer merely to the term "reasonable parenting

1 time". Petitioner may deny respondent access to the minor
2 child if, when respondent arrives for parenting time,
3 respondent is under the influence of drugs or alcohol and
4 constitutes a threat to the safety and well-being of
5 petitioner or petitioner's minor children or is behaving in
6 a violent or abusive manner. If necessary to protect any
7 member of petitioner's family or household from future
8 abuse, respondent shall be prohibited from coming to
9 petitioner's residence to meet the minor child for
10 parenting time, and the petitioner and respondent shall
11 submit to the court their recommendations for reasonable
12 alternative arrangements for parenting time. A person may
13 be approved to supervise parenting time only after filing
14 an affidavit accepting that responsibility and
15 acknowledging accountability to the court.

16 (8) Removal or concealment of minor child. Prohibit
17 respondent from removing a minor child from the State or
18 concealing the child within the State.

19 (9) Order to appear. Order the respondent to appear in
20 court, alone or with a minor child, to prevent abuse,
21 neglect, removal or concealment of the child, to return the
22 child to the custody or care of the petitioner, or to
23 permit any court-ordered interview or examination of the
24 child or the respondent.

25 (10) Possession of personal property. Grant petitioner
26 exclusive possession of personal property and, if

1 respondent has possession or control, direct respondent to
2 promptly make it available to petitioner, if:

3 (i) petitioner, but not respondent, owns the
4 property; or

5 (ii) the petitioner and respondent own the
6 property jointly; sharing it would risk abuse of
7 petitioner by respondent or is impracticable; and the
8 balance of hardships favors temporary possession by
9 petitioner.

10 If petitioner's sole claim to ownership of the property
11 is that it is marital property, the court may award
12 petitioner temporary possession thereof under the
13 standards of subparagraph (ii) of this paragraph only if a
14 proper proceeding has been filed under the Illinois
15 Marriage and Dissolution of Marriage Act, as now or
16 hereafter amended.

17 No order under this provision shall affect title to
18 property.

19 (11) Protection of property. Forbid the respondent
20 from taking, transferring, encumbering, concealing,
21 damaging, or otherwise disposing of any real or personal
22 property, except as explicitly authorized by the court, if:

23 (i) petitioner, but not respondent, owns the
24 property; or

25 (ii) the petitioner and respondent own the
26 property jointly, and the balance of hardships favors

1 granting this remedy.

2 If petitioner's sole claim to ownership of the property
3 is that it is marital property, the court may grant
4 petitioner relief under subparagraph (ii) of this
5 paragraph only if a proper proceeding has been filed under
6 the Illinois Marriage and Dissolution of Marriage Act, as
7 now or hereafter amended.

8 The court may further prohibit respondent from
9 improperly using the financial or other resources of an
10 aged member of the family or household for the profit or
11 advantage of respondent or of any other person.

12 (11.5) Protection of animals. Grant the petitioner the
13 exclusive care, custody, or control of any animal owned,
14 possessed, leased, kept, or held by either the petitioner
15 or the respondent or a minor child residing in the
16 residence or household of either the petitioner or the
17 respondent and order the respondent to stay away from the
18 animal and forbid the respondent from taking,
19 transferring, encumbering, concealing, harming, or
20 otherwise disposing of the animal.

21 (12) Order for payment of support. Order respondent to
22 pay temporary support for the petitioner or any child in
23 the petitioner's care or over whom the petitioner has been
24 allocated parental responsibility, when the respondent has
25 a legal obligation to support that person, in accordance
26 with the Illinois Marriage and Dissolution of Marriage Act,

1 which shall govern, among other matters, the amount of
2 support, payment through the clerk and withholding of
3 income to secure payment. An order for child support may be
4 granted to a petitioner with lawful physical care of a
5 child, or an order or agreement for physical care of a
6 child, prior to entry of an order allocating significant
7 decision-making responsibility. Such a support order shall
8 expire upon entry of a valid order allocating parental
9 responsibility differently and vacating petitioner's
10 significant decision-making responsibility unless
11 otherwise provided in the order.

12 (13) Order for payment of losses. Order respondent to
13 pay petitioner for losses suffered as a direct result of
14 the abuse. Such losses shall include, but not be limited
15 to, medical expenses, lost earnings or other support,
16 repair or replacement of property damaged or taken,
17 reasonable attorney's fees, court costs, and moving or
18 other travel expenses, including additional reasonable
19 expenses for temporary shelter and restaurant meals.

20 (i) Losses affecting family needs. If a party is
21 entitled to seek maintenance, child support, or
22 property distribution from the other party under the
23 Illinois Marriage and Dissolution of Marriage Act, as
24 now or hereafter amended, the court may order
25 respondent to reimburse petitioner's actual losses, to
26 the extent that such reimbursement would be

1 "appropriate temporary relief", as authorized by
2 subsection (a) (3) of Section 501 of that Act.

3 (ii) Recovery of expenses. In the case of an
4 improper concealment or removal of a minor child, the
5 court may order respondent to pay the reasonable
6 expenses incurred or to be incurred in the search for
7 and recovery of the minor child, including, but not
8 limited to, legal fees, court costs, private
9 investigator fees, and travel costs.

10 (14) Prohibition of entry. Prohibit the respondent
11 from entering or remaining in the residence or household
12 while the respondent is under the influence of alcohol or
13 drugs and constitutes a threat to the safety and well-being
14 of the petitioner or the petitioner's children.

15 (14.5) Prohibition of firearm possession.

16 (A) A person who is subject to an existing domestic
17 violence order of protection issued under this Code may
18 not lawfully possess weapons under Section 8.2 of the
19 Firearm Owners Identification Card Act.

20 (B) Any firearms in the possession of the
21 respondent, except as provided in subparagraph (C) of
22 this paragraph (14.5), shall be ordered by the court to
23 be turned over to a person with a valid Firearm Owner's
24 Identification Card for safekeeping. The court shall
25 issue an order that the respondent's Firearm Owner's
26 Identification Card be turned over to the local law

1 enforcement agency, which in turn shall immediately
2 mail the card to the Department of State Police Firearm
3 Owner's Identification Card Office for safekeeping.
4 The period of safekeeping shall be for the duration of
5 the domestic violence order of protection. The firearm
6 or firearms and Firearm Owner's Identification Card,
7 if unexpired, shall at the respondent's request be
8 returned to the respondent at expiration of the
9 domestic violence order of protection.

10 (C) If the respondent is a peace officer as defined
11 in Section 2-13 of the Criminal Code of 2012, the court
12 shall order that any firearms used by the respondent in
13 the performance of his or her duties as a peace officer
14 be surrendered to the chief law enforcement executive
15 of the agency in which the respondent is employed, who
16 shall retain the firearms for safekeeping for the
17 duration of the domestic violence order of protection.

18 (D) Upon expiration of the period of safekeeping,
19 if the firearms or Firearm Owner's Identification Card
20 cannot be returned to respondent because respondent
21 cannot be located, fails to respond to requests to
22 retrieve the firearms, or is not lawfully eligible to
23 possess a firearm, upon petition from the local law
24 enforcement agency, the court may order the local law
25 enforcement agency to destroy the firearms, use the
26 firearms for training purposes, or for any other

1 application as deemed appropriate by the local law
2 enforcement agency; or that the firearms be turned over
3 to a third party who is lawfully eligible to possess
4 firearms, and who does not reside with respondent.

5 (15) Prohibition of access to records. If a domestic
6 violence order of protection prohibits respondent from
7 having contact with the minor child, or if petitioner's
8 address is omitted under subsection (b) of Section 112A-5
9 of this Code, or if necessary to prevent abuse or wrongful
10 removal or concealment of a minor child, the order shall
11 deny respondent access to, and prohibit respondent from
12 inspecting, obtaining, or attempting to inspect or obtain,
13 school or any other records of the minor child who is in
14 the care of petitioner.

15 (16) Order for payment of shelter services. Order
16 respondent to reimburse a shelter providing temporary
17 housing and counseling services to the petitioner for the
18 cost of the services, as certified by the shelter and
19 deemed reasonable by the court.

20 (17) Order for injunctive relief. Enter injunctive
21 relief necessary or appropriate to prevent further abuse of
22 a family or household member or to effectuate one of the
23 granted remedies, if supported by the balance of hardships.
24 If the harm to be prevented by the injunction is abuse or
25 any other harm that one of the remedies listed in
26 paragraphs (1) through (16) of this subsection is designed

1 to prevent, no further evidence is necessary to establish
2 that the harm is an irreparable injury.

3 (18) Telephone services.

4 (A) Unless a condition described in subparagraph
5 (B) of this paragraph exists, the court may, upon
6 request by the petitioner, order a wireless telephone
7 service provider to transfer to the petitioner the
8 right to continue to use a telephone number or numbers
9 indicated by the petitioner and the financial
10 responsibility associated with the number or numbers,
11 as set forth in subparagraph (C) of this paragraph. In
12 this paragraph (18), the term "wireless telephone
13 service provider" means a provider of commercial
14 mobile service as defined in 47 U.S.C. 332. The
15 petitioner may request the transfer of each telephone
16 number that the petitioner, or a minor child in his or
17 her custody, uses. The clerk of the court shall serve
18 the order on the wireless telephone service provider's
19 agent for service of process provided to the Illinois
20 Commerce Commission. The order shall contain all of the
21 following:

22 (i) The name and billing telephone number of
23 the account holder including the name of the
24 wireless telephone service provider that serves
25 the account.

26 (ii) Each telephone number that will be

1 transferred.

2 (iii) A statement that the provider transfers
3 to the petitioner all financial responsibility for
4 and right to the use of any telephone number
5 transferred under this paragraph.

6 (B) A wireless telephone service provider shall
7 terminate the respondent's use of, and shall transfer
8 to the petitioner use of, the telephone number or
9 numbers indicated in subparagraph (A) of this
10 paragraph unless it notifies the petitioner, within 72
11 hours after it receives the order, that one of the
12 following applies:

13 (i) The account holder named in the order has
14 terminated the account.

15 (ii) A difference in network technology would
16 prevent or impair the functionality of a device on
17 a network if the transfer occurs.

18 (iii) The transfer would cause a geographic or
19 other limitation on network or service provision
20 to the petitioner.

21 (iv) Another technological or operational
22 issue would prevent or impair the use of the
23 telephone number if the transfer occurs.

24 (C) The petitioner assumes all financial
25 responsibility for and right to the use of any
26 telephone number transferred under this paragraph. In

1 this paragraph, "financial responsibility" includes
2 monthly service costs and costs associated with any
3 mobile device associated with the number.

4 (D) A wireless telephone service provider may
5 apply to the petitioner its routine and customary
6 requirements for establishing an account or
7 transferring a number, including requiring the
8 petitioner to provide proof of identification,
9 financial information, and customer preferences.

10 (E) Except for willful or wanton misconduct, a
11 wireless telephone service provider is immune from
12 civil liability for its actions taken in compliance
13 with a court order issued under this paragraph.

14 (F) All wireless service providers that provide
15 services to residential customers shall provide to the
16 Illinois Commerce Commission the name and address of an
17 agent for service of orders entered under this
18 paragraph (18). Any change in status of the registered
19 agent must be reported to the Illinois Commerce
20 Commission within 30 days of such change.

21 (G) The Illinois Commerce Commission shall
22 maintain the list of registered agents for service for
23 each wireless telephone service provider on the
24 Commission's website. The Commission may consult with
25 wireless telephone service providers and the Circuit
26 Court Clerks on the manner in which this information is

1 provided and displayed.

2 (c) Relevant factors; findings.

3 (1) In determining whether to grant a specific remedy,
4 other than payment of support, the court shall consider
5 relevant factors, including, but not limited to, the
6 following:

7 (i) the nature, frequency, severity, pattern, and
8 consequences of the respondent's past abuse of the
9 petitioner or any family or household member,
10 including the concealment of his or her location in
11 order to evade service of process or notice, and the
12 likelihood of danger of future abuse to petitioner or
13 any member of petitioner's or respondent's family or
14 household; and

15 (ii) the danger that any minor child will be abused
16 or neglected or improperly relocated from the
17 jurisdiction, improperly concealed within the State,
18 or improperly separated from the child's primary
19 caretaker.

20 (2) In comparing relative hardships resulting to the
21 parties from loss of possession of the family home, the
22 court shall consider relevant factors, including, but not
23 limited to, the following:

24 (i) availability, accessibility, cost, safety,
25 adequacy, location, and other characteristics of
26 alternate housing for each party and any minor child or

1 dependent adult in the party's care;

2 (ii) the effect on the party's employment; and

3 (iii) the effect on the relationship of the party,
4 and any minor child or dependent adult in the party's
5 care, to family, school, church, and community.

6 (3) Subject to the exceptions set forth in paragraph
7 (4) of this subsection (c), the court shall make its
8 findings in an official record or in writing, and shall at
9 a minimum set forth the following:

10 (i) That the court has considered the applicable
11 relevant factors described in paragraphs (1) and (2) of
12 this subsection (c).

13 (ii) Whether the conduct or actions of respondent,
14 unless prohibited, will likely cause irreparable harm
15 or continued abuse.

16 (iii) Whether it is necessary to grant the
17 requested relief in order to protect petitioner or
18 other alleged abused persons.

19 (4) (Blank).

20 (5) Never married parties. No rights or
21 responsibilities for a minor child born outside of marriage
22 attach to a putative father until a father and child
23 relationship has been established under the Illinois
24 Parentage Act of 1984, the Illinois Parentage Act of 2015,
25 the Illinois Public Aid Code, Section 12 of the Vital
26 Records Act, the Juvenile Court Act of 1987, the Probate

1 Act of 1975, the Uniform Interstate Family Support Act, the
2 Expedited Child Support Act of 1990, any judicial,
3 administrative, or other act of another state or territory,
4 any other statute of this State, or by any foreign nation
5 establishing the father and child relationship, any other
6 proceeding substantially in conformity with the federal
7 Personal Responsibility and Work Opportunity
8 Reconciliation Act of 1996, or when both parties appeared
9 in open court or at an administrative hearing acknowledging
10 under oath or admitting by affirmation the existence of a
11 father and child relationship. Absent such an
12 adjudication, no putative father shall be granted
13 temporary allocation of parental responsibilities,
14 including parenting time with the minor child, or physical
15 care and possession of the minor child, nor shall an order
16 of payment for support of the minor child be entered.

17 (d) Balance of hardships; findings. If the court finds that
18 the balance of hardships does not support the granting of a
19 remedy governed by paragraph (2), (3), (10), (11), or (16) of
20 subsection (b) of this Section, which may require such
21 balancing, the court's findings shall so indicate and shall
22 include a finding as to whether granting the remedy will result
23 in hardship to respondent that would substantially outweigh the
24 hardship to petitioner from denial of the remedy. The findings
25 shall be an official record or in writing.

26 (e) Denial of remedies. Denial of any remedy shall not be

1 based, in whole or in part, on evidence that:

2 (1) respondent has cause for any use of force, unless
3 that cause satisfies the standards for justifiable use of
4 force provided by Article 7 of the Criminal Code of 2012;

5 (2) respondent was voluntarily intoxicated;

6 (3) petitioner acted in self-defense or defense of
7 another, provided that, if petitioner utilized force, such
8 force was justifiable under Article 7 of the Criminal Code
9 of 2012;

10 (4) petitioner did not act in self-defense or defense
11 of another;

12 (5) petitioner left the residence or household to avoid
13 further abuse by respondent;

14 (6) petitioner did not leave the residence or household
15 to avoid further abuse by respondent; or

16 (7) conduct by any family or household member excused
17 the abuse by respondent, unless that same conduct would
18 have excused such abuse if the parties had not been family
19 or household members.

20 (Source: P.A. 99-85, eff. 1-1-16; 100-199, eff. 1-1-18;
21 100-388, eff. 1-1-18; 100-597, eff. 6-29-18; 100-863, eff.
22 8-14-18; 100-923, eff. 1-1-19; revised 10-18-18.)

23 Section 705. The Rights of Crime Victims and Witnesses Act
24 is amended by changing Sections 4.5 and 6 as follows:

1 (725 ILCS 120/4.5)

2 Sec. 4.5. Procedures to implement the rights of crime
3 victims. To afford crime victims their rights, law enforcement,
4 prosecutors, judges, and corrections will provide information,
5 as appropriate, of the following procedures:

6 (a) At the request of the crime victim, law enforcement
7 authorities investigating the case shall provide notice of the
8 status of the investigation, except where the State's Attorney
9 determines that disclosure of such information would
10 unreasonably interfere with the investigation, until such time
11 as the alleged assailant is apprehended or the investigation is
12 closed.

13 (a-5) When law enforcement authorities reopen ~~re-open~~ a
14 closed case to resume investigating, they shall provide notice
15 of the reopening ~~re-opening~~ of the case, except where the
16 State's Attorney determines that disclosure of such
17 information would unreasonably interfere with the
18 investigation.

19 (b) The office of the State's Attorney:

20 (1) shall provide notice of the filing of an
21 information, the return of an indictment, or the filing of
22 a petition to adjudicate a minor as a delinquent for a
23 violent crime;

24 (2) shall provide timely notice of the date, time, and
25 place of court proceedings; of any change in the date,
26 time, and place of court proceedings; and of any

1 cancellation of court proceedings. Notice shall be
2 provided in sufficient time, wherever possible, for the
3 victim to make arrangements to attend or to prevent an
4 unnecessary appearance at court proceedings;

5 (3) or victim advocate personnel shall provide
6 information of social services and financial assistance
7 available for victims of crime, including information of
8 how to apply for these services and assistance;

9 (3.5) or victim advocate personnel shall provide
10 information about available victim services, including
11 referrals to programs, counselors, and agencies that
12 assist a victim to deal with trauma, loss, and grief;

13 (4) shall assist in having any stolen or other personal
14 property held by law enforcement authorities for
15 evidentiary or other purposes returned as expeditiously as
16 possible, pursuant to the procedures set out in Section
17 115-9 of the Code of Criminal Procedure of 1963;

18 (5) or victim advocate personnel shall provide
19 appropriate employer intercession services to ensure that
20 employers of victims will cooperate with the criminal
21 justice system in order to minimize an employee's loss of
22 pay and other benefits resulting from court appearances;

23 (6) shall provide, whenever possible, a secure waiting
24 area during court proceedings that does not require victims
25 to be in close proximity to defendants or juveniles accused
26 of a violent crime, and their families and friends;

1 (7) shall provide notice to the crime victim of the
2 right to have a translator present at all court proceedings
3 and, in compliance with the federal Americans with
4 Disabilities Act of 1990, the right to communications
5 access through a sign language interpreter or by other
6 means;

7 (8) (blank);

8 (8.5) shall inform the victim of the right to be
9 present at all court proceedings, unless the victim is to
10 testify and the court determines that the victim's
11 testimony would be materially affected if the victim hears
12 other testimony at trial;

13 (9) shall inform the victim of the right to have
14 present at all court proceedings, subject to the rules of
15 evidence and confidentiality, an advocate and other
16 support person of the victim's choice;

17 (9.3) shall inform the victim of the right to retain an
18 attorney, at the victim's own expense, who, upon written
19 notice filed with the clerk of the court and State's
20 Attorney, is to receive copies of all notices, motions, and
21 court orders filed thereafter in the case, in the same
22 manner as if the victim were a named party in the case;

23 (9.5) shall inform the victim of (A) the victim's right
24 under Section 6 of this Act to make a statement at the
25 sentencing hearing; (B) the right of the victim's spouse,
26 guardian, parent, grandparent, and other immediate family

1 and household members under Section 6 of this Act to
2 present a statement at sentencing; and (C) if a presentence
3 report is to be prepared, the right of the victim's spouse,
4 guardian, parent, grandparent, and other immediate family
5 and household members to submit information to the preparer
6 of the presentence report about the effect the offense has
7 had on the victim and the person;

8 (10) at the sentencing shall make a good faith attempt
9 to explain the minimum amount of time during which the
10 defendant may actually be physically imprisoned. The
11 Office of the State's Attorney shall further notify the
12 crime victim of the right to request from the Prisoner
13 Review Board or Department of Juvenile Justice information
14 concerning the release of the defendant;

15 (11) shall request restitution at sentencing and as
16 part of a plea agreement if the victim requests
17 restitution;

18 (12) shall, upon the court entering a verdict of not
19 guilty by reason of insanity, inform the victim of the
20 notification services available from the Department of
21 Human Services, including the statewide telephone number,
22 under subparagraph (d) (2) of this Section;

23 (13) shall provide notice within a reasonable time
24 after receipt of notice from the custodian, of the release
25 of the defendant on bail or personal recognizance or the
26 release from detention of a minor who has been detained;

1 (14) shall explain in nontechnical language the
2 details of any plea or verdict of a defendant, or any
3 adjudication of a juvenile as a delinquent;

4 (15) shall make all reasonable efforts to consult with
5 the crime victim before the Office of the State's Attorney
6 makes an offer of a plea bargain to the defendant or enters
7 into negotiations with the defendant concerning a possible
8 plea agreement, and shall consider the written statement,
9 if prepared prior to entering into a plea agreement. The
10 right to consult with the prosecutor does not include the
11 right to veto a plea agreement or to insist the case go to
12 trial. If the State's Attorney has not consulted with the
13 victim prior to making an offer or entering into plea
14 negotiations with the defendant, the Office of the State's
15 Attorney shall notify the victim of the offer or the
16 negotiations within 2 business days and confer with the
17 victim;

18 (16) shall provide notice of the ultimate disposition
19 of the cases arising from an indictment or an information,
20 or a petition to have a juvenile adjudicated as a
21 delinquent for a violent crime;

22 (17) shall provide notice of any appeal taken by the
23 defendant and information on how to contact the appropriate
24 agency handling the appeal, and how to request notice of
25 any hearing, oral argument, or decision of an appellate
26 court;

1 (18) shall provide timely notice of any request for
2 post-conviction review filed by the defendant under
3 Article 122 of the Code of Criminal Procedure of 1963, and
4 of the date, time and place of any hearing concerning the
5 petition. Whenever possible, notice of the hearing shall be
6 given within 48 hours of the court's scheduling of the
7 hearing; and

8 (19) shall forward a copy of any statement presented
9 under Section 6 to the Prisoner Review Board or Department
10 of Juvenile Justice to be considered in making a
11 determination under Section 3-2.5-85 or subsection (b) of
12 Section 3-3-8 of the Unified Code of Corrections.

13 (c) The court shall ensure that the rights of the victim
14 are afforded.

15 (c-5) The following procedures shall be followed to afford
16 victims the rights guaranteed by Article I, Section 8.1 of the
17 Illinois Constitution:

18 (1) Written notice. A victim may complete a written
19 notice of intent to assert rights on a form prepared by the
20 Office of the Attorney General and provided to the victim
21 by the State's Attorney. The victim may at any time provide
22 a revised written notice to the State's Attorney. The
23 State's Attorney shall file the written notice with the
24 court. At the beginning of any court proceeding in which
25 the right of a victim may be at issue, the court and
26 prosecutor shall review the written notice to determine

1 whether the victim has asserted the right that may be at
2 issue.

3 (2) Victim's retained attorney. A victim's attorney
4 shall file an entry of appearance limited to assertion of
5 the victim's rights. Upon the filing of the entry of
6 appearance and service on the State's Attorney and the
7 defendant, the attorney is to receive copies of all
8 notices, motions and court orders filed thereafter in the
9 case.

10 (3) Standing. The victim has standing to assert the
11 rights enumerated in subsection (a) of Article I, Section
12 8.1 of the Illinois Constitution and the statutory rights
13 under Section 4 of this Act in any court exercising
14 jurisdiction over the criminal case. The prosecuting
15 attorney, a victim, or the victim's retained attorney may
16 assert the victim's rights. The defendant in the criminal
17 case has no standing to assert a right of the victim in any
18 court proceeding, including on appeal.

19 (4) Assertion of and enforcement of rights.

20 (A) The prosecuting attorney shall assert a
21 victim's right or request enforcement of a right by
22 filing a motion or by orally asserting the right or
23 requesting enforcement in open court in the criminal
24 case outside the presence of the jury. The prosecuting
25 attorney shall consult with the victim and the victim's
26 attorney regarding the assertion or enforcement of a

1 right. If the prosecuting attorney decides not to
2 assert or enforce a victim's right, the prosecuting
3 attorney shall notify the victim or the victim's
4 attorney in sufficient time to allow the victim or the
5 victim's attorney to assert the right or to seek
6 enforcement of a right.

7 (B) If the prosecuting attorney elects not to
8 assert a victim's right or to seek enforcement of a
9 right, the victim or the victim's attorney may assert
10 the victim's right or request enforcement of a right by
11 filing a motion or by orally asserting the right or
12 requesting enforcement in open court in the criminal
13 case outside the presence of the jury.

14 (C) If the prosecuting attorney asserts a victim's
15 right or seeks enforcement of a right, and the court
16 denies the assertion of the right or denies the request
17 for enforcement of a right, the victim or victim's
18 attorney may file a motion to assert the victim's right
19 or to request enforcement of the right within 10 days
20 of the court's ruling. The motion need not demonstrate
21 the grounds for a motion for reconsideration. The court
22 shall rule on the merits of the motion.

23 (D) The court shall take up and decide any motion
24 or request asserting or seeking enforcement of a
25 victim's right without delay, unless a specific time
26 period is specified by law or court rule. The reasons

1 for any decision denying the motion or request shall be
2 clearly stated on the record.

3 (5) Violation of rights and remedies.

4 (A) If the court determines that a victim's right
5 has been violated, the court shall determine the
6 appropriate remedy for the violation of the victim's
7 right by hearing from the victim and the parties,
8 considering all factors relevant to the issue, and then
9 awarding appropriate relief to the victim.

10 (A-5) Consideration of an issue of a substantive
11 nature or an issue that implicates the constitutional
12 or statutory right of a victim at a court proceeding
13 labeled as a status hearing shall constitute a per se
14 violation of a victim's right.

15 (B) The appropriate remedy shall include only
16 actions necessary to provide the victim the right to
17 which the victim was entitled and may include reopening
18 previously held proceedings; however, in no event
19 shall the court vacate a conviction. Any remedy shall
20 be tailored to provide the victim an appropriate remedy
21 without violating any constitutional right of the
22 defendant. In no event shall the appropriate remedy be
23 a new trial, damages, or costs.

24 (6) Right to be heard. Whenever a victim has the right
25 to be heard, the court shall allow the victim to exercise
26 the right in any reasonable manner the victim chooses.

1 (7) Right to attend trial. A party must file a written
2 motion to exclude a victim from trial at least 60 days
3 prior to the date set for trial. The motion must state with
4 specificity the reason exclusion is necessary to protect a
5 constitutional right of the party, and must contain an
6 offer of proof. The court shall rule on the motion within
7 30 days. If the motion is granted, the court shall set
8 forth on the record the facts that support its finding that
9 the victim's testimony will be materially affected if the
10 victim hears other testimony at trial.

11 (8) Right to have advocate and support person present
12 at court proceedings.

13 (A) A party who intends to call an advocate as a
14 witness at trial must seek permission of the court
15 before the subpoena is issued. The party must file a
16 written motion at least 90 days before trial that sets
17 forth specifically the issues on which the advocate's
18 testimony is sought and an offer of proof regarding (i)
19 the content of the anticipated testimony of the
20 advocate; and (ii) the relevance, admissibility, and
21 materiality of the anticipated testimony. The court
22 shall consider the motion and make findings within 30
23 days of the filing of the motion. If the court finds by
24 a preponderance of the evidence that: (i) the
25 anticipated testimony is not protected by an absolute
26 privilege; and (ii) the anticipated testimony contains

1 relevant, admissible, and material evidence that is
2 not available through other witnesses or evidence, the
3 court shall issue a subpoena requiring the advocate to
4 appear to testify at an in camera hearing. The
5 prosecuting attorney and the victim shall have 15 days
6 to seek appellate review before the advocate is
7 required to testify at an ex parte in camera
8 proceeding.

9 The prosecuting attorney, the victim, and the
10 advocate's attorney shall be allowed to be present at
11 the ex parte in camera proceeding. If, after conducting
12 the ex parte in camera hearing, the court determines
13 that due process requires any testimony regarding
14 confidential or privileged information or
15 communications, the court shall provide to the
16 prosecuting attorney, the victim, and the advocate's
17 attorney a written memorandum on the substance of the
18 advocate's testimony. The prosecuting attorney, the
19 victim, and the advocate's attorney shall have 15 days
20 to seek appellate review before a subpoena may be
21 issued for the advocate to testify at trial. The
22 presence of the prosecuting attorney at the ex parte in
23 camera proceeding does not make the substance of the
24 advocate's testimony that the court has ruled
25 inadmissible subject to discovery.

26 (B) If a victim has asserted the right to have a

1 support person present at the court proceedings, the
2 victim shall provide the name of the person the victim
3 has chosen to be the victim's support person to the
4 prosecuting attorney, within 60 days of trial. The
5 prosecuting attorney shall provide the name to the
6 defendant. If the defendant intends to call the support
7 person as a witness at trial, the defendant must seek
8 permission of the court before a subpoena is issued.
9 The defendant must file a written motion at least 45
10 days prior to trial that sets forth specifically the
11 issues on which the support person will testify and an
12 offer of proof regarding: (i) the content of the
13 anticipated testimony of the support person; and (ii)
14 the relevance, admissibility, and materiality of the
15 anticipated testimony.

16 If the prosecuting attorney intends to call the
17 support person as a witness during the State's
18 case-in-chief, the prosecuting attorney shall inform
19 the court of this intent in the response to the
20 defendant's written motion. The victim may choose a
21 different person to be the victim's support person. The
22 court may allow the defendant to inquire about matters
23 outside the scope of the direct examination during
24 cross-examination ~~cross-examination~~. If the court
25 allows the defendant to do so, the support person shall
26 be allowed to remain in the courtroom after the support

1 person has testified. A defendant who fails to question
2 the support person about matters outside the scope of
3 direct examination during the State's case-in-chief
4 waives the right to challenge the presence of the
5 support person on appeal. The court shall allow the
6 support person to testify if called as a witness in the
7 defendant's case-in-chief or the State's rebuttal.

8 If the court does not allow the defendant to
9 inquire about matters outside the scope of the direct
10 examination, the support person shall be allowed to
11 remain in the courtroom after the support person has
12 been called by the defendant or the defendant has
13 rested. The court shall allow the support person to
14 testify in the State's rebuttal.

15 If the prosecuting attorney does not intend to call
16 the support person in the State's case-in-chief, the
17 court shall verify with the support person whether the
18 support person, if called as a witness, would testify
19 as set forth in the offer of proof. If the court finds
20 that the support person would testify as set forth in
21 the offer of proof, the court shall rule on the
22 relevance, materiality, and admissibility of the
23 anticipated testimony. If the court rules the
24 anticipated testimony is admissible, the court shall
25 issue the subpoena. The support person may remain in
26 the courtroom after the support person testifies and

1 shall be allowed to testify in rebuttal.

2 If the court excludes the victim's support person
3 during the State's case-in-chief, the victim shall be
4 allowed to choose another support person to be present
5 in court.

6 If the victim fails to designate a support person
7 within 60 days of trial and the defendant has
8 subpoenaed the support person to testify at trial, the
9 court may exclude the support person from the trial
10 until the support person testifies. If the court
11 excludes the support person the victim may choose
12 another person as a support person.

13 (9) Right to notice and hearing before disclosure of
14 confidential or privileged information or records. A
15 defendant who seeks to subpoena records of or concerning
16 the victim that are confidential or privileged by law must
17 seek permission of the court before the subpoena is issued.
18 The defendant must file a written motion and an offer of
19 proof regarding the relevance, admissibility and
20 materiality of the records. If the court finds by a
21 preponderance of the evidence that: (A) the records are not
22 protected by an absolute privilege and (B) the records
23 contain relevant, admissible, and material evidence that
24 is not available through other witnesses or evidence, the
25 court shall issue a subpoena requiring a sealed copy of the
26 records be delivered to the court to be reviewed in camera.

1 If, after conducting an in camera review of the records,
2 the court determines that due process requires disclosure
3 of any portion of the records, the court shall provide
4 copies of what it intends to disclose to the prosecuting
5 attorney and the victim. The prosecuting attorney and the
6 victim shall have 30 days to seek appellate review before
7 the records are disclosed to the defendant. The disclosure
8 of copies of any portion of the records to the prosecuting
9 attorney does not make the records subject to discovery.

10 (10) Right to notice of court proceedings. If the
11 victim is not present at a court proceeding in which a
12 right of the victim is at issue, the court shall ask the
13 prosecuting attorney whether the victim was notified of the
14 time, place, and purpose of the court proceeding and that
15 the victim had a right to be heard at the court proceeding.
16 If the court determines that timely notice was not given or
17 that the victim was not adequately informed of the nature
18 of the court proceeding, the court shall not rule on any
19 substantive issues, accept a plea, or impose a sentence and
20 shall continue the hearing for the time necessary to notify
21 the victim of the time, place and nature of the court
22 proceeding. The time between court proceedings shall not be
23 attributable to the State under Section 103-5 of the Code
24 of Criminal Procedure of 1963.

25 (11) Right to timely disposition of the case. A victim
26 has the right to timely disposition of the case so as to

1 minimize the stress, cost, and inconvenience resulting
2 from the victim's involvement in the case. Before ruling on
3 a motion to continue trial or other court proceeding, the
4 court shall inquire into the circumstances for the request
5 for the delay and, if the victim has provided written
6 notice of the assertion of the right to a timely
7 disposition, and whether the victim objects to the delay.
8 If the victim objects, the prosecutor shall inform the
9 court of the victim's objections. If the prosecutor has not
10 conferred with the victim about the continuance, the
11 prosecutor shall inform the court of the attempts to
12 confer. If the court finds the attempts of the prosecutor
13 to confer with the victim were inadequate to protect the
14 victim's right to be heard, the court shall give the
15 prosecutor at least 3 but not more than 5 business days to
16 confer with the victim. In ruling on a motion to continue,
17 the court shall consider the reasons for the requested
18 continuance, the number and length of continuances that
19 have been granted, the victim's objections and procedures
20 to avoid further delays. If a continuance is granted over
21 the victim's objection, the court shall specify on the
22 record the reasons for the continuance and the procedures
23 that have been or will be taken to avoid further delays.

24 (12) Right to Restitution.

25 (A) If the victim has asserted the right to
26 restitution and the amount of restitution is known at

1 the time of sentencing, the court shall enter the
2 judgment of restitution at the time of sentencing.

3 (B) If the victim has asserted the right to
4 restitution and the amount of restitution is not known
5 at the time of sentencing, the prosecutor shall, within
6 5 days after sentencing, notify the victim what
7 information and documentation related to restitution
8 is needed and that the information and documentation
9 must be provided to the prosecutor within 45 days after
10 sentencing. Failure to timely provide information and
11 documentation related to restitution shall be deemed a
12 waiver of the right to restitution. The prosecutor
13 shall file and serve within 60 days after sentencing a
14 proposed judgment for restitution and a notice that
15 includes information concerning the identity of any
16 victims or other persons seeking restitution, whether
17 any victim or other person expressly declines
18 restitution, the nature and amount of any damages
19 together with any supporting documentation, a
20 restitution amount recommendation, and the names of
21 any co-defendants and their case numbers. Within 30
22 days after receipt of the proposed judgment for
23 restitution, the defendant shall file any objection to
24 the proposed judgment, a statement of grounds for the
25 objection, and a financial statement. If the defendant
26 does not file an objection, the court may enter the

1 judgment for restitution without further proceedings.
2 If the defendant files an objection and either party
3 requests a hearing, the court shall schedule a hearing.

4 (13) Access to presentence reports.

5 (A) The victim may request a copy of the
6 presentence report prepared under the Unified Code of
7 Corrections from the State's Attorney. The State's
8 Attorney shall redact the following information before
9 providing a copy of the report:

10 (i) the defendant's mental history and
11 condition;

12 (ii) any evaluation prepared under subsection
13 (b) or (b-5) of Section 5-3-2; and

14 (iii) the name, address, phone number, and
15 other personal information about any other victim.

16 (B) The State's Attorney or the defendant may
17 request the court redact other information in the
18 report that may endanger the safety of any person.

19 (C) The State's Attorney may orally disclose to the
20 victim any of the information that has been redacted if
21 there is a reasonable likelihood that the information
22 will be stated in court at the sentencing.

23 (D) The State's Attorney must advise the victim
24 that the victim must maintain the confidentiality of
25 the report and other information. Any dissemination of
26 the report or information that was not stated at a

1 court proceeding constitutes indirect criminal
2 contempt of court.

3 (14) Appellate relief. If the trial court denies the
4 relief requested, the victim, the victim's attorney, or the
5 prosecuting attorney may file an appeal within 30 days of
6 the trial court's ruling. The trial or appellate court may
7 stay the court proceedings if the court finds that a stay
8 would not violate a constitutional right of the defendant.
9 If the appellate court denies the relief sought, the
10 reasons for the denial shall be clearly stated in a written
11 opinion. In any appeal in a criminal case, the State may
12 assert as error the court's denial of any crime victim's
13 right in the proceeding to which the appeal relates.

14 (15) Limitation on appellate relief. In no case shall
15 an appellate court provide a new trial to remedy the
16 violation of a victim's right.

17 (16) The right to be reasonably protected from the
18 accused throughout the criminal justice process and the
19 right to have the safety of the victim and the victim's
20 family considered in denying or fixing the amount of bail,
21 determining whether to release the defendant, and setting
22 conditions of release after arrest and conviction. A victim
23 of domestic violence, a sexual offense, or stalking may
24 request the entry of a protective order under Article 112A
25 of the Code of Criminal Procedure of 1963.

26 (d) (1) The Prisoner Review Board shall inform a victim or

1 any other concerned citizen, upon written request, of the
2 prisoner's release on parole, mandatory supervised release,
3 electronic detention, work release, international transfer or
4 exchange, or by the custodian, other than the Department of
5 Juvenile Justice, of the discharge of any individual who was
6 adjudicated a delinquent for a crime from State custody and by
7 the sheriff of the appropriate county of any such person's
8 final discharge from county custody. The Prisoner Review Board,
9 upon written request, shall provide to a victim or any other
10 concerned citizen a recent photograph of any person convicted
11 of a felony, upon his or her release from custody. The Prisoner
12 Review Board, upon written request, shall inform a victim or
13 any other concerned citizen when feasible at least 7 days prior
14 to the prisoner's release on furlough of the times and dates of
15 such furlough. Upon written request by the victim or any other
16 concerned citizen, the State's Attorney shall notify the person
17 once of the times and dates of release of a prisoner sentenced
18 to periodic imprisonment. Notification shall be based on the
19 most recent information as to victim's or other concerned
20 citizen's residence or other location available to the
21 notifying authority.

22 (2) When the defendant has been committed to the Department
23 of Human Services pursuant to Section 5-2-4 or any other
24 provision of the Unified Code of Corrections, the victim may
25 request to be notified by the releasing authority of the
26 approval by the court of an on-grounds pass, a supervised

1 off-grounds pass, an unsupervised off-grounds pass, or
2 conditional release; the release on an off-grounds pass; the
3 return from an off-grounds pass; transfer to another facility;
4 conditional release; escape; death; or final discharge from
5 State custody. The Department of Human Services shall establish
6 and maintain a statewide telephone number to be used by victims
7 to make notification requests under these provisions and shall
8 publicize this telephone number on its website and to the
9 State's Attorney of each county.

10 (3) In the event of an escape from State custody, the
11 Department of Corrections or the Department of Juvenile Justice
12 immediately shall notify the Prisoner Review Board of the
13 escape and the Prisoner Review Board shall notify the victim.
14 The notification shall be based upon the most recent
15 information as to the victim's residence or other location
16 available to the Board. When no such information is available,
17 the Board shall make all reasonable efforts to obtain the
18 information and make the notification. When the escapee is
19 apprehended, the Department of Corrections or the Department of
20 Juvenile Justice immediately shall notify the Prisoner Review
21 Board and the Board shall notify the victim.

22 (4) The victim of the crime for which the prisoner has been
23 sentenced shall receive reasonable written notice not less than
24 30 days prior to the parole hearing or target aftercare release
25 date and may submit, in writing, on film, videotape, or other
26 electronic means or in the form of a recording prior to the

1 parole hearing or target aftercare release date or in person at
2 the parole hearing or aftercare release protest hearing or if a
3 victim of a violent crime, by calling the toll-free number
4 established in subsection (f) of this Section, information for
5 consideration by the Prisoner Review Board or Department of
6 Juvenile Justice. The victim shall be notified within 7 days
7 after the prisoner has been granted parole or aftercare release
8 and shall be informed of the right to inspect the registry of
9 parole decisions, established under subsection (g) of Section
10 3-3-5 of the Unified Code of Corrections. The provisions of
11 this paragraph (4) are subject to the Open Parole Hearings Act.

12 (5) If a statement is presented under Section 6, the
13 Prisoner Review Board or Department of Juvenile Justice shall
14 inform the victim of any order of discharge pursuant to Section
15 3-2.5-85 or 3-3-8 of the Unified Code of Corrections.

16 (6) At the written or oral request of the victim of the
17 crime for which the prisoner was sentenced or the State's
18 Attorney of the county where the person seeking parole or
19 aftercare release was prosecuted, the Prisoner Review Board or
20 Department of Juvenile Justice shall notify the victim and the
21 State's Attorney of the county where the person seeking parole
22 or aftercare release was prosecuted of the death of the
23 prisoner if the prisoner died while on parole or aftercare
24 release or mandatory supervised release.

25 (7) When a defendant who has been committed to the
26 Department of Corrections, the Department of Juvenile Justice,

1 or the Department of Human Services is released or discharged
2 and subsequently committed to the Department of Human Services
3 as a sexually violent person and the victim had requested to be
4 notified by the releasing authority of the defendant's
5 discharge, conditional release, death, or escape from State
6 custody, the releasing authority shall provide to the
7 Department of Human Services such information that would allow
8 the Department of Human Services to contact the victim.

9 (8) When a defendant has been convicted of a sex offense as
10 defined in Section 2 of the Sex Offender Registration Act and
11 has been sentenced to the Department of Corrections or the
12 Department of Juvenile Justice, the Prisoner Review Board or
13 the Department of Juvenile Justice shall notify the victim of
14 the sex offense of the prisoner's eligibility for release on
15 parole, aftercare release, mandatory supervised release,
16 electronic detention, work release, international transfer or
17 exchange, or by the custodian of the discharge of any
18 individual who was adjudicated a delinquent for a sex offense
19 from State custody and by the sheriff of the appropriate county
20 of any such person's final discharge from county custody. The
21 notification shall be made to the victim at least 30 days,
22 whenever possible, before release of the sex offender.

23 (e) The officials named in this Section may satisfy some or
24 all of their obligations to provide notices and other
25 information through participation in a statewide victim and
26 witness notification system established by the Attorney

1 General under Section 8.5 of this Act.

2 (f) To permit a crime victim of a violent crime to provide
3 information to the Prisoner Review Board or the Department of
4 Juvenile Justice for consideration by the Board or Department
5 at a parole hearing or before an aftercare release decision of
6 a person who committed the crime against the victim in
7 accordance with clause (d)(4) of this Section or at a
8 proceeding to determine the conditions of mandatory supervised
9 release of a person sentenced to a determinate sentence or at a
10 hearing on revocation of mandatory supervised release of a
11 person sentenced to a determinate sentence, the Board shall
12 establish a toll-free number that may be accessed by the victim
13 of a violent crime to present that information to the Board.

14 (Source: P.A. 99-413, eff. 8-20-15; 99-628, eff. 1-1-17;
15 100-199, eff. 1-1-18; 100-961, eff. 1-1-19; revised 10-3-18.)

16 (725 ILCS 120/6) (from Ch. 38, par. 1406)

17 Sec. 6. Right to be heard at sentencing.

18 (a) A crime victim shall be allowed to present an oral or
19 written statement in any case in which a defendant has been
20 convicted of a violent crime or a juvenile has been adjudicated
21 delinquent for a violent crime after a bench or jury trial, or
22 a defendant who was charged with a violent crime and has been
23 convicted under a plea agreement of a crime that is not a
24 violent crime as defined in subsection (c) of Section 3 of this
25 Act. The court shall allow a victim to make an oral statement

1 if the victim is present in the courtroom and requests to make
2 an oral statement. An oral statement includes the victim or a
3 representative of the victim reading the written statement. The
4 court may allow persons impacted by the crime who are not
5 victims under subsection (a) of Section 3 of this Act to
6 present an oral or written statement. A victim and any person
7 making an oral statement shall not be put under oath or subject
8 to cross-examination. The court shall consider any statement
9 presented along with all other appropriate factors in
10 determining the sentence of the defendant or disposition of
11 such juvenile.

12 (a-1) In any case where a defendant has been convicted of a
13 violation of any statute, ordinance, or regulation relating to
14 the operation or use of motor vehicles, the use of streets and
15 highways by pedestrians or the operation of any other wheeled
16 or tracked vehicle, except parking violations, if the violation
17 resulted in great bodily harm or death, the person who suffered
18 great bodily harm, the injured person's representative, or the
19 representative of a deceased person shall be entitled to notice
20 of the sentencing hearing. "Representative" includes the
21 spouse, guardian, grandparent, or other immediate family or
22 household member of an injured or deceased person. The injured
23 person or his or her representative and a representative of the
24 deceased person shall have the right to address the court
25 regarding the impact that the defendant's criminal conduct has
26 had upon them. If more than one representative of an injured or

1 deceased person is present in the courtroom at the time of
2 sentencing, the court has discretion to permit one or more of
3 the representatives to present an oral impact statement. A
4 victim and any person making an oral statement shall not be put
5 under oath or subject to cross-examination. The court shall
6 consider any impact statement presented along with all other
7 appropriate factors in determining the sentence of the
8 defendant.

9 (a-5) A crime victim shall be allowed to present an oral
10 and written victim impact statement at a hearing ordered by the
11 court under the Mental Health and Developmental Disabilities
12 Code to determine if the defendant is: (1) in need of mental
13 health services on an inpatient basis; (2) in need of mental
14 health services on an outpatient basis; or (3) not in need of
15 mental health services, unless the defendant was under 18 years
16 of age at the time the offense was committed. The court shall
17 allow a victim to make an oral impact statement if the victim
18 is present in the courtroom and requests to make an oral
19 statement. An oral statement includes the victim or a
20 representative of the victim reading the written impact
21 statement. The court may allow persons impacted by the crime
22 who are not victims under subsection (a) of Section 3 of this
23 Act, to present an oral or written statement. A victim and any
24 person making an oral statement shall not be put under oath or
25 subject to cross-examination. The court may only consider the
26 impact statement along with all other appropriate factors in

1 determining the: (1) threat of serious physical harm posed
2 ~~poised~~ by the respondent to himself or herself, or to another
3 person; (2) location of inpatient or outpatient mental health
4 services ordered by the court, but only after complying with
5 all other applicable administrative, rule, and statutory
6 requirements; (3) maximum period of commitment for inpatient
7 mental health services; and (4) conditions of release for
8 outpatient mental health services ordered by the court.

9 (b) The crime victim has the right to prepare a victim
10 impact statement and present it to the Office of the State's
11 Attorney at any time during the proceedings. Any written victim
12 impact statement submitted to the Office of the State's
13 Attorney shall be considered by the court during its
14 consideration of aggravation and mitigation in plea
15 proceedings under Supreme Court Rule 402.

16 (c) This Section shall apply to any victims during any
17 dispositional hearing under Section 5-705 of the Juvenile Court
18 Act of 1987 which takes place pursuant to an adjudication or
19 trial or plea of delinquency for any such offense.

20 (d) If any provision of this Section or its application to
21 any person or circumstance is held invalid, the invalidity of
22 that provision does not affect any other provision or
23 application of this Section that can be given effect without
24 the invalid provision or application.

25 (Source: P.A. 99-413, eff. 8-20-15; 100-961, eff. 1-1-19;
26 revised 10-3-18.)

1 Section 710. The Unified Code of Corrections is amended by
2 changing Sections 3-2-12, 3-5-3.1, 3-6-2, 3-10-2, 5-2-4,
3 5-2-6, 5-4-1, 5-5-3, 5-5-6, and 5-7-1 as follows:

4 (730 ILCS 5/3-2-12)

5 Sec. 3-2-12. Report of violence in Department of
6 Corrections institutions and facilities; public safety
7 reports.

8 (a) The Department of Corrections shall collect and report:

9 (1) data on a rate per 100 of committed persons
10 regarding violence within Department institutions and
11 facilities as defined under the terms, if applicable, in 20
12 Ill. Adm. Code 504 as follows:

13 (A) committed person on committed person assaults;

14 (B) committed person on correctional staff
15 assaults;

16 (C) dangerous contraband, including weapons,
17 explosives, dangerous chemicals, or other dangerous
18 weapons;

19 (D) committed person on committed person fights;

20 (E) multi-committed person on single committed
21 person fights;

22 (F) committed person use of a weapon on
23 correctional staff;

24 (G) committed person use of a weapon on committed

1 person;

2 (H) sexual assault committed by a committed person
3 against another committed person, correctional staff,
4 or visitor;

5 (I) sexual assault committed by correctional staff
6 against another correctional staff, committed person,
7 or visitor;

8 (J) correctional staff use of physical force;

9 (K) forced cell extraction;

10 (L) use of oleoresin capsaicin (pepper spray),
11 2-chlorobenzalmalononitrile (CS gas), or other control
12 agents or implements;

13 (M) committed person suicide and attempted
14 suicide;

15 (N) requests and placements in protective custody;
16 and

17 (O) committed persons in segregation, secured
18 housing, and restrictive housing; and

19 (2) data on average length of stay in segregation,
20 secured housing, and restrictive housing.

21 (b) The Department of Corrections shall collect and report:

22 (1) data on a rate per 100 of committed persons
23 regarding public safety as follows:

24 (A) committed persons released directly from
25 segregation secured housing and restrictive housing to
26 the community;

1 (B) the ~~types~~ type of housing ~~facilities~~ facility,
2 whether ~~a~~ private residences ~~residence~~, transitional
3 housing, homeless shelters, ~~shelter~~ or other, to which
4 committed persons are released ~~to~~ from Department
5 correctional institutions and facilities;

6 (C) committed persons in custody who have
7 completed evidence-based programs, including:

8 (i) educational;

9 (ii) vocational;

10 (iii) chemical dependency;

11 (iv) sex offender treatment; or

12 (v) cognitive behavioral;

13 (D) committed persons who are being held in custody
14 past their mandatory statutory release date and the
15 reasons for their continued confinement;

16 (E) parole and mandatory supervised release
17 revocation rate by county and reasons for revocation;
18 and

19 (F) committed persons on parole or mandatory
20 supervised release who have completed evidence-based
21 programs, including:

22 (A) educational;

23 (B) vocational;

24 (C) chemical dependency;

25 (D) sex offender treatment; or

26 (E) cognitive behavioral; and

1 (2) data on the average daily population and vacancy
2 rate of each Adult Transition Center and work camp.

3 (c) The data provided under subsections (a) and (b) of this
4 Section shall be included in the Department of Corrections
5 quarterly report to the General Assembly under Section 3-5-3.1
6 of this Code and shall include an aggregate chart at the agency
7 level and individual reports by each correctional institution
8 or facility of the Department of Corrections.

9 (d) The Director of Corrections shall ensure that the
10 agency level data is reviewed by the Director's executive team
11 on a quarterly basis. The correctional institution or
12 facility's executive team and each chief administrative
13 officer of the correctional institution or facility shall
14 examine statewide and local data at least quarterly. During
15 these reviews, each chief administrative officer shall:

16 (1) identify trends;

17 (2) develop action items to mitigate the root causes of
18 violence; and

19 (3) establish committees at each correctional
20 institution or facility which shall review the violence
21 data on a quarterly basis and develop action plans to
22 reduce violence. These plans shall include a wide range of
23 strategies to incentivize good conduct.

24 (Source: P.A. 100-907, eff. 1-1-19; revised 10-3-18.)

25 (730 ILCS 5/3-5-3.1) (from Ch. 38, par. 1003-5-3.1)

1 Sec. 3-5-3.1. Report to the General Assembly.

2 (a) As used in this Section, "facility" includes any
3 facility of the Department of Corrections.

4 (b) ~~(a)~~ The Department of Corrections shall, by January
5 1st, April 1st, July 1st, and October 1st of each year,
6 electronically transmit to the General Assembly, a report which
7 shall include the following information reflecting the period
8 ending 30 days prior to the submission of the report:

9 (1) the number of residents in all Department
10 facilities indicating the number of residents in each
11 listed facility;

12 (2) a classification of each facility's residents by
13 the nature of the offense for which each resident was
14 committed to the Department;

15 (3) the number of residents in maximum, medium, and
16 minimum security facilities indicating the classification
17 of each facility's residents by the nature of the offense
18 for which each resident was committed to the Department;

19 (4) the educational and vocational programs provided
20 at each facility and the number of residents participating
21 in each such program;

22 (5) the present design and rated capacity levels in
23 each facility;

24 (6) the projected design and rated capacity of each
25 facility six months and one year following each reporting
26 date;

1 (7) the ratio of the security staff to residents in
2 each facility;

3 (8) the ratio of total employees to residents in each
4 facility;

5 (9) the number of residents in each facility that are
6 single-celled and the number in each facility that are
7 double-celled;

8 (10) information indicating the distribution of
9 residents in each facility by the allocated floor space per
10 resident;

11 (11) a status of all capital projects currently funded
12 by the Department, location of each capital project, the
13 projected on-line dates for each capital project,
14 including phase-in dates and full occupancy dates;

15 (12) the projected adult prison facility populations
16 of the Department for each of the succeeding twelve months
17 following each reporting date, indicating all assumptions
18 built into such population estimates;

19 (13) the projected exits and projected admissions in
20 each facility for each of the succeeding twelve months
21 following each reporting date, indicating all assumptions
22 built into such population estimate;

23 (14) the locations of all Department-operated or
24 contractually operated community correctional centers,
25 including the present design and rated capacity and
26 population levels at each facility;

1 (15) the number of reported assaults on employees at
2 each facility;

3 (16) the number of reported incidents of resident
4 sexual aggression towards employees at each facility
5 including sexual assault, residents exposing themselves,
6 sexual touching, and sexually offensive language; and

7 (17) the number of employee injuries resulting from
8 resident violence at each facility including descriptions
9 of the nature of the injuries, the number of injuries
10 requiring medical treatment at the facility, the number of
11 injuries requiring outside medical treatment, and the
12 number of days off work per injury.

13 For purposes of this Section, the definition of assault on
14 staff includes, but is not limited to, kicking, punching,
15 knocking down, harming or threatening to harm with improvised
16 weapons, or throwing urine or feces at staff.

17 The report shall also include the data collected under
18 Section 3-2-12 of this Code in the manner required under that
19 Section. The report to the General Assembly shall be filed with
20 the Clerk of the House of Representatives and the Secretary of
21 the Senate in electronic form only, in the manner that the
22 Clerk and the Secretary shall direct.

23 (c) A copy of the report required under this Section shall
24 be posted to the Department's Internet website at the time the
25 report is submitted to the General Assembly.

26 (d) ~~(b)~~ The requirements in subsection (b) ~~(a)~~ do not

1 relieve the Department from the recordkeeping requirements of
2 the Occupational Safety and Health Act.

3 (e) ~~(e)~~ The Department shall:

4 (1) establish a reasonable procedure for employees to
5 report work-related assaults and injuries. A procedure is
6 not reasonable if it would deter or discourage a reasonable
7 employee from accurately reporting a workplace assault or
8 injury;

9 (2) inform each employee:

10 (A) of the procedure for reporting work-related
11 assaults and injuries;

12 (B) of the right to report work-related assaults
13 and injuries; and

14 (C) that the Department is prohibited from
15 discharging or in any manner discriminating against
16 employees for reporting work-related assaults and
17 injuries; and

18 (3) not discharge, discipline, or in any manner
19 discriminate against any employee for reporting a
20 work-related assault or injury.

21 (Source: P.A. 99-255, eff. 1-1-16; 100-907, eff. 1-1-19;
22 100-1075, eff. 1-1-19; revised 10-18-18.)

23 (730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)

24 Sec. 3-6-2. Institutions and facility administration.

25 (a) Each institution and facility of the Department shall

1 be administered by a chief administrative officer appointed by
2 the Director. A chief administrative officer shall be
3 responsible for all persons assigned to the institution or
4 facility. The chief administrative officer shall administer
5 the programs of the Department for the custody and treatment of
6 such persons.

7 (b) The chief administrative officer shall have such
8 assistants as the Department may assign.

9 (c) The Director or Assistant Director shall have the
10 emergency powers to temporarily transfer individuals without
11 formal procedures to any State, county, municipal or regional
12 correctional or detention institution or facility in the State,
13 subject to the acceptance of such receiving institution or
14 facility, or to designate any reasonably secure place in the
15 State as such an institution or facility and to make transfers
16 thereto. However, transfers made under emergency powers shall
17 be reviewed as soon as practicable under Article 8, and shall
18 be subject to Section 5-905 of the Juvenile Court Act of 1987.
19 This Section shall not apply to transfers to the Department of
20 Human Services which are provided for under Section 3-8-5 or
21 Section 3-10-5.

22 (d) The Department shall provide educational programs for
23 all committed persons so that all persons have an opportunity
24 to attain the achievement level equivalent to the completion of
25 the twelfth grade in the public school system in this State.
26 Other higher levels of attainment shall be encouraged and

1 professional instruction shall be maintained wherever
2 possible. The Department may establish programs of mandatory
3 education and may establish rules and regulations for the
4 administration of such programs. A person committed to the
5 Department who, during the period of his or her incarceration,
6 participates in an educational program provided by or through
7 the Department and through that program is awarded or earns the
8 number of hours of credit required for the award of an
9 associate, baccalaureate, or higher degree from a community
10 college, college, or university located in Illinois shall
11 reimburse the State, through the Department, for the costs
12 incurred by the State in providing that person during his or
13 her incarceration with the education that qualifies him or her
14 for the award of that degree. The costs for which reimbursement
15 is required under this subsection shall be determined and
16 computed by the Department under rules and regulations that it
17 shall establish for that purpose. However, interest at the rate
18 of 6% per annum shall be charged on the balance of those costs
19 from time to time remaining unpaid, from the date of the
20 person's parole, mandatory supervised release, or release
21 constituting a final termination of his or her commitment to
22 the Department until paid.

23 (d-5) A person committed to the Department is entitled to
24 confidential testing for infection with human immunodeficiency
25 virus (HIV) and to counseling in connection with such testing,
26 with no copay to the committed person. A person committed to

1 the Department who has tested positive for infection with HIV
2 is entitled to medical care while incarcerated, counseling, and
3 referrals to support services, in connection with that positive
4 test result. Implementation of this subsection (d-5) is subject
5 to appropriation.

6 (e) A person committed to the Department who becomes in
7 need of medical or surgical treatment but is incapable of
8 giving consent thereto shall receive such medical or surgical
9 treatment by the chief administrative officer consenting on the
10 person's behalf. Before the chief administrative officer
11 consents, he or she shall obtain the advice of one or more
12 physicians licensed to practice medicine in all its branches in
13 this State. If such physician or physicians advise:

14 (1) that immediate medical or surgical treatment is
15 required relative to a condition threatening to cause
16 death, damage or impairment to bodily functions, or
17 disfigurement; and

18 (2) that the person is not capable of giving consent to
19 such treatment; the chief administrative officer may give
20 consent for such medical or surgical treatment, and such
21 consent shall be deemed to be the consent of the person for
22 all purposes, including, but not limited to, the authority
23 of a physician to give such treatment.

24 (e-5) If a physician providing medical care to a committed
25 person on behalf of the Department advises the chief
26 administrative officer that the committed person's mental or

1 physical health has deteriorated as a result of the cessation
2 of ingestion of food or liquid to the point where medical or
3 surgical treatment is required to prevent death, damage, or
4 impairment to bodily functions, the chief administrative
5 officer may authorize such medical or surgical treatment.

6 (f) In the event that the person requires medical care and
7 treatment at a place other than the institution or facility,
8 the person may be removed therefrom under conditions prescribed
9 by the Department. The Department shall require the committed
10 person receiving medical or dental services on a non-emergency
11 basis to pay a \$5 co-payment to the Department for each visit
12 for medical or dental services. The amount of each co-payment
13 shall be deducted from the committed person's individual
14 account. A committed person who has a chronic illness, as
15 defined by Department rules and regulations, shall be exempt
16 from the \$5 co-payment for treatment of the chronic illness. A
17 committed person shall not be subject to a \$5 co-payment for
18 follow-up visits ordered by a physician, who is employed by, or
19 contracts with, the Department. A committed person who is
20 indigent is exempt from the \$5 co-payment and is entitled to
21 receive medical or dental services on the same basis as a
22 committed person who is financially able to afford the
23 co-payment. For purposes of this Section only, "indigent" means
24 a committed person who has \$20 or less in his or her Inmate
25 Trust Fund at the time of such services and for the 30 days
26 prior to such services. Notwithstanding any other provision in

1 this subsection (f) to the contrary, any person committed to
2 any facility operated by the Department of Juvenile Justice, as
3 set forth in Section 3-2.5-15 of this Code, is exempt from the
4 co-payment requirement for the duration of confinement in those
5 facilities.

6 (f-5) The Department shall comply with the Health Care
7 Violence Prevention Act.

8 (g) Any person having sole custody of a child at the time
9 of commitment or any woman giving birth to a child after her
10 commitment, may arrange through the Department of Children and
11 Family Services for suitable placement of the child outside of
12 the Department of Corrections. The Director of the Department
13 of Corrections may determine that there are special reasons why
14 the child should continue in the custody of the mother until
15 the child is 6 years old.

16 (h) The Department may provide Family Responsibility
17 Services which may consist of, but not be limited to the
18 following:

- 19 (1) family advocacy counseling;
- 20 (2) parent self-help group;
- 21 (3) parenting skills training;
- 22 (4) parent and child overnight program;
- 23 (5) parent and child reunification counseling, either
24 separately or together, preceding the inmate's release;
25 and
- 26 (6) a prerelease reunification staffing involving the

1 family advocate, the inmate and the child's counselor, or
2 both and the inmate.

3 (i) (Blank).

4 (j) Any person convicted of a sex offense as defined in the
5 Sex Offender Management Board Act shall be required to receive
6 a sex offender evaluation prior to release into the community
7 from the Department of Corrections. The sex offender evaluation
8 shall be conducted in conformance with the standards and
9 guidelines developed under the Sex Offender Management Board
10 Act and by an evaluator approved by the Board.

11 (k) Any minor committed to the Department of Juvenile
12 Justice for a sex offense as defined by the Sex Offender
13 Management Board Act shall be required to undergo sex offender
14 treatment by a treatment provider approved by the Board and
15 conducted in conformance with the Sex Offender Management Board
16 Act.

17 (l) Prior to the release of any inmate committed to a
18 facility of the Department or the Department of Juvenile
19 Justice, the Department must provide the inmate with
20 appropriate information verbally, in writing, by video, or
21 other electronic means, concerning HIV and AIDS. The Department
22 shall develop the informational materials in consultation with
23 the Department of Public Health. At the same time, the
24 Department must also offer the committed person the option of
25 testing for infection with human immunodeficiency virus (HIV),
26 with no copayment for the test. Pre-test information shall be

1 provided to the committed person and informed consent obtained
2 as required in subsection (d) of Section 3 and Section 5 of the
3 AIDS Confidentiality Act. The Department may conduct opt-out
4 HIV testing as defined in Section 4 of the AIDS Confidentiality
5 Act. If the Department conducts opt-out HIV testing, the
6 Department shall place signs in English, Spanish and other
7 languages as needed in multiple, highly visible locations in
8 the area where HIV testing is conducted informing inmates that
9 they will be tested for HIV unless they refuse, and refusal or
10 acceptance of testing shall be documented in the inmate's
11 medical record. The Department shall follow procedures
12 established by the Department of Public Health to conduct HIV
13 testing and testing to confirm positive HIV test results. All
14 testing must be conducted by medical personnel, but pre-test
15 and other information may be provided by committed persons who
16 have received appropriate training. The Department, in
17 conjunction with the Department of Public Health, shall develop
18 a plan that complies with the AIDS Confidentiality Act to
19 deliver confidentially all positive or negative HIV test
20 results to inmates or former inmates. Nothing in this Section
21 shall require the Department to offer HIV testing to an inmate
22 who is known to be infected with HIV, or who has been tested
23 for HIV within the previous 180 days and whose documented HIV
24 test result is available to the Department electronically. The
25 testing provided under this subsection (1) shall consist of a
26 test approved by the Illinois Department of Public Health to

1 determine the presence of HIV infection, based upon
2 recommendations of the United States Centers for Disease
3 Control and Prevention. If the test result is positive, a
4 reliable supplemental test based upon recommendations of the
5 United States Centers for Disease Control and Prevention shall
6 be administered.

7 Prior to the release of an inmate who the Department knows
8 has tested positive for infection with HIV, the Department in a
9 timely manner shall offer the inmate transitional case
10 management, including referrals to other support services.

11 (m) The chief administrative officer of each institution or
12 facility of the Department shall make a room in the institution
13 or facility available for substance use disorder services to be
14 provided to committed persons on a voluntary basis. The
15 services shall be provided for one hour once a week at a time
16 specified by the chief administrative officer of the
17 institution or facility if the following conditions are met:

18 (1) the substance use disorder service contacts the
19 chief administrative officer to arrange the meeting;

20 (2) the committed person may attend the meeting for
21 substance use disorder services only if the committed
22 person uses pre-existing free time already available to the
23 committed person;

24 (3) all disciplinary and other rules of the institution
25 or facility remain in effect;

26 (4) the committed person is not given any additional

1 privileges to attend substance use disorder services;

2 (5) if the substance use disorder service does not
3 arrange for scheduling a meeting for that week, no
4 substance use disorder services shall be provided to the
5 committed person in the institution or facility for that
6 week;

7 (6) the number of committed persons who may attend a
8 substance use disorder meeting shall not exceed 40 during
9 any session held at the correctional institution or
10 facility;

11 (7) a volunteer seeking to provide substance use
12 disorder services under this subsection (m) must submit an
13 application to the Department of Corrections under
14 existing Department rules and the Department must review
15 the application within 60 days after submission of the
16 application to the Department; and

17 (8) each institution and facility of the Department
18 shall manage the substance use disorder services program
19 according to its own processes and procedures.

20 For the purposes of this subsection (m), "substance use
21 disorder services" means recovery services for persons with
22 substance use disorders provided by volunteers of recovery
23 support services recognized by the Department of Human
24 Services.

25 (Source: P.A. 100-759, eff. 1-1-19; 100-1051, eff. 1-1-19;
26 revised 10-3-18.)

1 (730 ILCS 5/3-10-2) (from Ch. 38, par. 1003-10-2)

2 Sec. 3-10-2. Examination of persons committed to the
3 Department of Juvenile Justice.

4 (a) A person committed to the Department of Juvenile
5 Justice shall be examined in regard to his medical,
6 psychological, social, educational and vocational condition
7 and history, including the use of alcohol and other drugs, the
8 circumstances of his offense and any other information as the
9 Department of Juvenile Justice may determine.

10 (a-5) Upon admission of a person committed to the
11 Department of Juvenile Justice, the Department of Juvenile
12 Justice must provide the person with appropriate information
13 concerning HIV and AIDS in writing, verbally, or by video or
14 other electronic means. The Department of Juvenile Justice
15 shall develop the informational materials in consultation with
16 the Department of Public Health. At the same time, the
17 Department of Juvenile Justice also must offer the person the
18 option of being tested, at no charge to the person, for
19 infection with human immunodeficiency virus (HIV). Pre-test
20 information shall be provided to the committed person and
21 informed consent obtained as required in subsection (q) of
22 Section 3 and Section 5 of the AIDS Confidentiality Act. The
23 Department of Juvenile Justice may conduct opt-out HIV testing
24 as defined in Section 4 of the AIDS Confidentiality Act. If the
25 Department conducts opt-out HIV testing, the Department shall

1 place signs in English, Spanish and other languages as needed
2 in multiple, highly visible locations in the area where HIV
3 testing is conducted informing inmates that they will be tested
4 for HIV unless they refuse, and refusal or acceptance of
5 testing shall be documented in the inmate's medical record. The
6 Department shall follow procedures established by the
7 Department of Public Health to conduct HIV testing and testing
8 to confirm positive HIV test results. All testing must be
9 conducted by medical personnel, but pre-test and other
10 information may be provided by committed persons who have
11 received appropriate training. The Department, in conjunction
12 with the Department of Public Health, shall develop a plan that
13 complies with the AIDS Confidentiality Act to deliver
14 confidentially all positive or negative HIV test results to
15 inmates or former inmates. Nothing in this Section shall
16 require the Department to offer HIV testing to an inmate who is
17 known to be infected with HIV, or who has been tested for HIV
18 within the previous 180 days and whose documented HIV test
19 result is available to the Department electronically. The
20 testing provided under this subsection (a-5) shall consist of a
21 test approved by the Illinois Department of Public Health to
22 determine the presence of HIV infection, based upon
23 recommendations of the United States Centers for Disease
24 Control and Prevention. If the test result is positive, a
25 reliable supplemental test based upon recommendations of the
26 United States Centers for Disease Control and Prevention shall

1 be administered.

2 Also, upon the admission of a person committed to the
3 Department of Juvenile Justice, the Department of Juvenile
4 Justice must inform the person of the Department's obligation
5 to provide the person with medical care.

6 (b) Based on its examination, the Department of Juvenile
7 Justice may exercise the following powers in developing a
8 treatment program of any person committed to the Department of
9 Juvenile Justice:

10 (1) Require participation by him in vocational,
11 physical, educational and corrective training and
12 activities to return him to the community.

13 (2) Place him in any institution or facility of the
14 Department of Juvenile Justice.

15 (3) Order replacement or referral to the Parole and
16 Pardon Board as often as it deems desirable. The Department
17 of Juvenile Justice shall refer the person to the Parole
18 and Pardon Board as required under Section 3-3-4.

19 (4) Enter into agreements with the Secretary of Human
20 Services and the Director of Children and Family Services,
21 with courts having probation officers, and with private
22 agencies or institutions for separate care or special
23 treatment of persons subject to the control of the
24 Department of Juvenile Justice.

25 (c) The Department of Juvenile Justice shall make periodic
26 reexamination of all persons under the control of the

1 Department of Juvenile Justice to determine whether existing
2 orders in individual cases should be modified or continued.
3 This examination shall be made with respect to every person at
4 least once annually.

5 (d) A record of the treatment decision, including any
6 modification thereof and the reason therefor, shall be part of
7 the committed person's master record file.

8 (e) The Department of Juvenile Justice shall by regular
9 mail and telephone or electronic message notify the parent,
10 guardian, or nearest relative of any person committed to the
11 Department of Juvenile Justice of his or her physical location
12 and any change of his or her physical location.

13 (Source: P.A. 99-78, eff. 7-20-15; 100-19, eff. 1-1-18;
14 100-700, eff. 8-3-18; revised 10-9-18.)

15 (730 ILCS 5/5-2-4) (from Ch. 38, par. 1005-2-4)

16 Sec. 5-2-4. Proceedings after acquittal by reason of
17 insanity.

18 (a) After a finding or verdict of not guilty by reason of
19 insanity under Sections 104-25, 115-3, or 115-4 of the Code of
20 Criminal Procedure of 1963, the defendant shall be ordered to
21 the Department of Human Services for an evaluation as to
22 whether he is in need of mental health services. The order
23 shall specify whether the evaluation shall be conducted on an
24 inpatient or outpatient basis. If the evaluation is to be
25 conducted on an inpatient basis, the defendant shall be placed

1 in a secure setting. With the court order for evaluation shall
2 be sent a copy of the arrest report, criminal charges, arrest
3 record, jail record, any report prepared under Section 115-6 of
4 the Code of Criminal Procedure of 1963, and any statement
5 prepared under Section 6 of the Rights of Crime Victims and
6 Witnesses Act. The clerk of the circuit court shall transmit
7 this information to the Department within 5 days. If the court
8 orders that the evaluation be done on an inpatient basis, the
9 Department shall evaluate the defendant to determine to which
10 secure facility the defendant shall be transported and, within
11 20 days of the transmittal by the clerk of the circuit court of
12 the placement court order, notify the sheriff of the designated
13 facility. Upon receipt of that notice, the sheriff shall
14 promptly transport the defendant to the designated facility.
15 During the period of time required to determine the appropriate
16 placement, the defendant shall remain in jail. If, within 20
17 days of the transmittal by the clerk of the circuit court of
18 the placement court order, the Department fails to notify the
19 sheriff of the identity of the facility to which the defendant
20 shall be transported, the sheriff shall contact a designated
21 person within the Department to inquire about when a placement
22 will become available at the designated facility and bed
23 availability at other facilities. If, within 20 days of the
24 transmittal by the clerk of the circuit court of the placement
25 court order, the Department fails to notify the sheriff of the
26 identity of the facility to which the defendant shall be

1 transported, the sheriff shall notify the Department of its
2 intent to transfer the defendant to the nearest secure mental
3 health facility operated by the Department and inquire as to
4 the status of the placement evaluation and availability for
5 admission to the facility operated by the Department by
6 contacting a designated person within the Department. The
7 Department shall respond to the sheriff within 2 business days
8 of the notice and inquiry by the sheriff seeking the transfer
9 and the Department shall provide the sheriff with the status of
10 the placement evaluation, information on bed and placement
11 availability, and an estimated date of admission for the
12 defendant and any changes to that estimated date of admission.
13 If the Department notifies the sheriff during the 2 business
14 day period of a facility operated by the Department with
15 placement availability, the sheriff shall promptly transport
16 the defendant to that facility. Individualized placement
17 evaluations by the Department of Human Services determine the
18 most appropriate setting for forensic treatment based upon a
19 number of factors including mental health diagnosis, proximity
20 to surviving victims, security need, age, gender, and proximity
21 to family.

22 The Department shall provide the Court with a report of its
23 evaluation within 30 days of the date of this order. The Court
24 shall hold a hearing as provided under the Mental Health and
25 Developmental Disabilities Code to determine if the individual
26 is: (a) in need of mental health services on an inpatient

1 basis; (b) in need of mental health services on an outpatient
2 basis; (c) a person not in need of mental health services. The
3 court shall afford the victim the opportunity to make a written
4 or oral statement as guaranteed by Article I, Section 8.1 of
5 the Illinois Constitution and Section 6 of the Rights of Crime
6 Victims and Witnesses Act. The court shall allow a victim to
7 make an oral statement if the victim is present in the
8 courtroom and requests to make an oral statement. An oral
9 statement includes the victim or a representative of the victim
10 reading the written statement. The court may allow persons
11 impacted by the crime who are not victims under subsection (a)
12 of Section 3 of the ~~this~~ Rights of Crime Victims and Witnesses
13 Act to present an oral or written statement. A victim and any
14 person making an oral statement shall not be put under oath or
15 subject to cross-examination. The court shall consider any
16 statement presented along with all other appropriate factors in
17 determining the sentence of the defendant or disposition of the
18 juvenile. All statements shall become part of the record of the
19 court.

20 If the defendant is found to be in need of mental health
21 services on an inpatient care basis, the Court shall order the
22 defendant to the Department of Human Services. The defendant
23 shall be placed in a secure setting. Such defendants placed in
24 a secure setting shall not be permitted outside the facility's
25 housing unit unless escorted or accompanied by personnel of the
26 Department of Human Services or with the prior approval of the

1 Court for unsupervised on-grounds privileges as provided
2 herein. Any defendant placed in a secure setting pursuant to
3 this Section, transported to court hearings or other necessary
4 appointments off facility grounds by personnel of the
5 Department of Human Services, shall be placed in security
6 devices or otherwise secured during the period of
7 transportation to assure secure transport of the defendant and
8 the safety of Department of Human Services personnel and
9 others. These security measures shall not constitute restraint
10 as defined in the Mental Health and Developmental Disabilities
11 Code. If the defendant is found to be in need of mental health
12 services, but not on an inpatient care basis, the Court shall
13 conditionally release the defendant, under such conditions as
14 set forth in this Section as will reasonably assure the
15 defendant's satisfactory progress and participation in
16 treatment or rehabilitation and the safety of the defendant,
17 the victim, the victim's family members, and others. If the
18 Court finds the person not in need of mental health services,
19 then the Court shall order the defendant discharged from
20 custody.

21 (a-1) Definitions. For the purposes of this Section:

22 (A) (Blank).

23 (B) "In need of mental health services on an inpatient
24 basis" means: a defendant who has been found not guilty by
25 reason of insanity but who, due to mental illness, is
26 reasonably expected to inflict serious physical harm upon

1 himself or another and who would benefit from inpatient
2 care or is in need of inpatient care.

3 (C) "In need of mental health services on an outpatient
4 basis" means: a defendant who has been found not guilty by
5 reason of insanity who is not in need of mental health
6 services on an inpatient basis, but is in need of
7 outpatient care, drug and/or alcohol rehabilitation
8 programs, community adjustment programs, individual,
9 group, or family therapy, or chemotherapy.

10 (D) "Conditional Release" means: the release from
11 either the custody of the Department of Human Services or
12 the custody of the Court of a person who has been found not
13 guilty by reason of insanity under such conditions as the
14 Court may impose which reasonably assure the defendant's
15 satisfactory progress in treatment or habilitation and the
16 safety of the defendant, the victim, the victim's family,
17 and others. The Court shall consider such terms and
18 conditions which may include, but need not be limited to,
19 outpatient care, alcoholic and drug rehabilitation
20 programs, community adjustment programs, individual,
21 group, family, and chemotherapy, random testing to ensure
22 the defendant's timely and continuous taking of any
23 medicines prescribed to control or manage his or her
24 conduct or mental state, and periodic checks with the legal
25 authorities and/or the Department of Human Services. The
26 Court may order as a condition of conditional release that

1 the defendant not contact the victim of the offense that
2 resulted in the finding or verdict of not guilty by reason
3 of insanity or any other person. The Court may order the
4 Department of Human Services to provide care to any person
5 conditionally released under this Section. The Department
6 may contract with any public or private agency in order to
7 discharge any responsibilities imposed under this Section.
8 The Department shall monitor the provision of services to
9 persons conditionally released under this Section and
10 provide periodic reports to the Court concerning the
11 services and the condition of the defendant. Whenever a
12 person is conditionally released pursuant to this Section,
13 the State's Attorney for the county in which the hearing is
14 held shall designate in writing the name, telephone number,
15 and address of a person employed by him or her who shall be
16 notified in the event that either the reporting agency or
17 the Department decides that the conditional release of the
18 defendant should be revoked or modified pursuant to
19 subsection (i) of this Section. Such conditional release
20 shall be for a period of five years. However, the
21 defendant, the person or facility rendering the treatment,
22 therapy, program or outpatient care, the Department, or the
23 State's Attorney may petition the Court for an extension of
24 the conditional release period for an additional 5 years.
25 Upon receipt of such a petition, the Court shall hold a
26 hearing consistent with the provisions of paragraph (a),

1 this paragraph (a-1), and paragraph (f) of this Section,
2 shall determine whether the defendant should continue to be
3 subject to the terms of conditional release, and shall
4 enter an order either extending the defendant's period of
5 conditional release for an additional 5-year period or
6 discharging the defendant. Additional 5-year periods of
7 conditional release may be ordered following a hearing as
8 provided in this Section. However, in no event shall the
9 defendant's period of conditional release continue beyond
10 the maximum period of commitment ordered by the Court
11 pursuant to paragraph (b) of this Section. These provisions
12 for extension of conditional release shall only apply to
13 defendants conditionally released on or after August 8,
14 2003. However, the extension provisions of Public Act
15 83-1449 apply only to defendants charged with a forcible
16 felony.

17 (E) "Facility director" means the chief officer of a
18 mental health or developmental disabilities facility or
19 his or her designee or the supervisor of a program of
20 treatment or habilitation or his or her designee.
21 "Designee" may include a physician, clinical psychologist,
22 social worker, nurse, or clinical professional counselor.

23 (b) If the Court finds the defendant in need of mental
24 health services on an inpatient basis, the admission,
25 detention, care, treatment or habilitation, treatment plans,
26 review proceedings, including review of treatment and

1 treatment plans, and discharge of the defendant after such
2 order shall be under the Mental Health and Developmental
3 Disabilities Code, except that the initial order for admission
4 of a defendant acquitted of a felony by reason of insanity
5 shall be for an indefinite period of time. Such period of
6 commitment shall not exceed the maximum length of time that the
7 defendant would have been required to serve, less credit for
8 good behavior as provided in Section 5-4-1 of the Unified Code
9 of Corrections, before becoming eligible for release had he
10 been convicted of and received the maximum sentence for the
11 most serious crime for which he has been acquitted by reason of
12 insanity. The Court shall determine the maximum period of
13 commitment by an appropriate order. During this period of time,
14 the defendant shall not be permitted to be in the community in
15 any manner, including, but not limited to, off-grounds
16 privileges, with or without escort by personnel of the
17 Department of Human Services, unsupervised on-grounds
18 privileges, discharge or conditional or temporary release,
19 except by a plan as provided in this Section. In no event shall
20 a defendant's continued unauthorized absence be a basis for
21 discharge. Not more than 30 days after admission and every 90
22 days thereafter so long as the initial order remains in effect,
23 the facility director shall file a treatment plan report in
24 writing with the court and forward a copy of the treatment plan
25 report to the clerk of the court, the State's Attorney, and the
26 defendant's attorney, if the defendant is represented by

1 counsel, or to a person authorized by the defendant under the
2 Mental Health and Developmental Disabilities Confidentiality
3 Act to be sent a copy of the report. The report shall include
4 an opinion as to whether the defendant is currently in need of
5 mental health services on an inpatient basis or in need of
6 mental health services on an outpatient basis. The report shall
7 also summarize the basis for those findings and provide a
8 current summary of the following items from the treatment plan:
9 (1) an assessment of the defendant's treatment needs, (2) a
10 description of the services recommended for treatment, (3) the
11 goals of each type of element of service, (4) an anticipated
12 timetable for the accomplishment of the goals, and (5) a
13 designation of the qualified professional responsible for the
14 implementation of the plan. The report may also include
15 unsupervised on-grounds privileges, off-grounds privileges
16 (with or without escort by personnel of the Department of Human
17 Services), home visits and participation in work programs, but
18 only where such privileges have been approved by specific court
19 order, which order may include such conditions on the defendant
20 as the Court may deem appropriate and necessary to reasonably
21 assure the defendant's satisfactory progress in treatment and
22 the safety of the defendant and others.

23 (c) Every defendant acquitted of a felony by reason of
24 insanity and subsequently found to be in need of mental health
25 services shall be represented by counsel in all proceedings
26 under this Section and under the Mental Health and

1 Developmental Disabilities Code.

2 (1) The Court shall appoint as counsel the public
3 defender or an attorney licensed by this State.

4 (2) Upon filing with the Court of a verified statement
5 of legal services rendered by the private attorney
6 appointed pursuant to paragraph (1) of this subsection, the
7 Court shall determine a reasonable fee for such services.
8 If the defendant is unable to pay the fee, the Court shall
9 enter an order upon the State to pay the entire fee or such
10 amount as the defendant is unable to pay from funds
11 appropriated by the General Assembly for that purpose.

12 (d) When the facility director determines that:

13 (1) the defendant is no longer in need of mental health
14 services on an inpatient basis; and

15 (2) the defendant may be conditionally released
16 because he or she is still in need of mental health
17 services or that the defendant may be discharged as not in
18 need of any mental health services; or

19 (3) (blank);

20 the facility director shall give written notice to the Court,
21 State's Attorney and defense attorney. Such notice shall set
22 forth in detail the basis for the recommendation of the
23 facility director, and specify clearly the recommendations, if
24 any, of the facility director, concerning conditional release.
25 Any recommendation for conditional release shall include an
26 evaluation of the defendant's need for psychotropic

1 medication, what provisions should be made, if any, to ensure
2 that the defendant will continue to receive psychotropic
3 medication following discharge, and what provisions should be
4 made to assure the safety of the defendant and others in the
5 event the defendant is no longer receiving psychotropic
6 medication. Within 30 days of the notification by the facility
7 director, the Court shall set a hearing and make a finding as
8 to whether the defendant is:

9 (i) (blank); or

10 (ii) in need of mental health services in the form of
11 inpatient care; or

12 (iii) in need of mental health services but not subject
13 to inpatient care; or

14 (iv) no longer in need of mental health services; or

15 (v) (blank).

16 A crime victim shall be allowed to present an oral and
17 written statement. The court shall allow a victim to make an
18 oral statement if the victim is present in the courtroom and
19 requests to make an oral statement. An oral statement includes
20 the victim or a representative of the victim reading the
21 written statement. A victim and any person making an oral
22 statement shall not be put under oath or subject to
23 cross-examination. All statements shall become part of the
24 record of the court.

25 Upon finding by the Court, the Court shall enter its
26 findings and such appropriate order as provided in subsections

1 (a) and (a-1) of this Section.

2 (e) A defendant admitted pursuant to this Section, or any
3 person on his behalf, may file a petition for treatment plan
4 review or discharge or conditional release under the standards
5 of this Section in the Court which rendered the verdict. Upon
6 receipt of a petition for treatment plan review or discharge or
7 conditional release, the Court shall set a hearing to be held
8 within 120 days. Thereafter, no new petition may be filed for
9 180 days without leave of the Court.

10 (f) The Court shall direct that notice of the time and
11 place of the hearing be served upon the defendant, the facility
12 director, the State's Attorney, and the defendant's attorney.
13 If requested by either the State or the defense or if the Court
14 feels it is appropriate, an impartial examination of the
15 defendant by a psychiatrist or clinical psychologist as defined
16 in Section 1-103 of the Mental Health and Developmental
17 Disabilities Code who is not in the employ of the Department of
18 Human Services shall be ordered, and the report considered at
19 the time of the hearing.

20 (g) The findings of the Court shall be established by clear
21 and convincing evidence. The burden of proof and the burden of
22 going forth with the evidence rest with the defendant or any
23 person on the defendant's behalf when a hearing is held to
24 review a petition filed by or on behalf of the defendant. The
25 evidence shall be presented in open Court with the right of
26 confrontation and cross-examination. Such evidence may

1 include, but is not limited to:

2 (1) whether the defendant appreciates the harm caused
3 by the defendant to others and the community by his or her
4 prior conduct that resulted in the finding of not guilty by
5 reason of insanity;

6 (2) Whether the person appreciates the criminality of
7 conduct similar to the conduct for which he or she was
8 originally charged in this matter;

9 (3) the current state of the defendant's illness;

10 (4) what, if any, medications the defendant is taking
11 to control his or her mental illness;

12 (5) what, if any, adverse physical side effects the
13 medication has on the defendant;

14 (6) the length of time it would take for the
15 defendant's mental health to deteriorate if the defendant
16 stopped taking prescribed medication;

17 (7) the defendant's history or potential for alcohol
18 and drug abuse;

19 (8) the defendant's past criminal history;

20 (9) any specialized physical or medical needs of the
21 defendant;

22 (10) any family participation or involvement expected
23 upon release and what is the willingness and ability of the
24 family to participate or be involved;

25 (11) the defendant's potential to be a danger to
26 himself, herself, or others;

1 (11.5) a written or oral statement made by the victim;

2 and

3 (12) any other factor or factors the Court deems
4 appropriate.

5 (h) Before the court orders that the defendant be
6 discharged or conditionally released, it shall order the
7 facility director to establish a discharge plan that includes a
8 plan for the defendant's shelter, support, and medication. If
9 appropriate, the court shall order that the facility director
10 establish a program to train the defendant in self-medication
11 under standards established by the Department of Human
12 Services. If the Court finds, consistent with the provisions of
13 this Section, that the defendant is no longer in need of mental
14 health services it shall order the facility director to
15 discharge the defendant. If the Court finds, consistent with
16 the provisions of this Section, that the defendant is in need
17 of mental health services, and no longer in need of inpatient
18 care, it shall order the facility director to release the
19 defendant under such conditions as the Court deems appropriate
20 and as provided by this Section. Such conditional release shall
21 be imposed for a period of 5 years as provided in paragraph (D)
22 of subsection (a-1) and shall be subject to later modification
23 by the Court as provided by this Section. If the Court finds
24 consistent with the provisions in this Section that the
25 defendant is in need of mental health services on an inpatient
26 basis, it shall order the facility director not to discharge or

1 release the defendant in accordance with paragraph (b) of this
2 Section.

3 (i) If within the period of the defendant's conditional
4 release the State's Attorney determines that the defendant has
5 not fulfilled the conditions of his or her release, the State's
6 Attorney may petition the Court to revoke or modify the
7 conditional release of the defendant. Upon the filing of such
8 petition the defendant may be remanded to the custody of the
9 Department, or to any other mental health facility designated
10 by the Department, pending the resolution of the petition.
11 Nothing in this Section shall prevent the emergency admission
12 of a defendant pursuant to Article VI of Chapter III of the
13 Mental Health and Developmental Disabilities Code or the
14 voluntary admission of the defendant pursuant to Article IV of
15 Chapter III of the Mental Health and Developmental Disabilities
16 Code. If the Court determines, after hearing evidence, that the
17 defendant has not fulfilled the conditions of release, the
18 Court shall order a hearing to be held consistent with the
19 provisions of paragraph (f) and (g) of this Section. At such
20 hearing, if the Court finds that the defendant is in need of
21 mental health services on an inpatient basis, it shall enter an
22 order remanding him or her to the Department of Human Services
23 or other facility. If the defendant is remanded to the
24 Department of Human Services, he or she shall be placed in a
25 secure setting unless the Court determines that there are
26 compelling reasons that such placement is not necessary. If the

1 Court finds that the defendant continues to be in need of
2 mental health services but not on an inpatient basis, it may
3 modify the conditions of the original release in order to
4 reasonably assure the defendant's satisfactory progress in
5 treatment and his or her safety and the safety of others in
6 accordance with the standards established in paragraph (D) of
7 subsection (a-1). Nothing in this Section shall limit a Court's
8 contempt powers or any other powers of a Court.

9 (j) An order of admission under this Section does not
10 affect the remedy of habeas corpus.

11 (k) In the event of a conflict between this Section and the
12 Mental Health and Developmental Disabilities Code or the Mental
13 Health and Developmental Disabilities Confidentiality Act, the
14 provisions of this Section shall govern.

15 (l) Public Act 90-593 shall apply to all persons who have
16 been found not guilty by reason of insanity and who are
17 presently committed to the Department of Mental Health and
18 Developmental Disabilities (now the Department of Human
19 Services).

20 (m) The Clerk of the Court shall transmit a certified copy
21 of the order of discharge or conditional release to the
22 Department of Human Services, to the sheriff of the county from
23 which the defendant was admitted, to the Illinois Department of
24 State Police, to the proper law enforcement agency for the
25 municipality where the offense took place, and to the sheriff
26 of the county into which the defendant is conditionally

1 discharged. The Illinois Department of State Police shall
2 maintain a centralized record of discharged or conditionally
3 released defendants while they are under court supervision for
4 access and use of appropriate law enforcement agencies.

5 (n) The provisions in this Section which allows a crime
6 victim to make a written and oral statement do not apply if the
7 defendant was under 18 years of age at the time the offense was
8 committed.

9 (o) If any provision of this Section or its application to
10 any person or circumstance is held invalid, the invalidity of
11 that provision does not affect any other provision or
12 application of this Section that can be given effect without
13 the invalid provision or application.

14 (Source: P.A. 100-27, eff. 1-1-18; 100-424, eff. 1-1-18;
15 100-863, eff. 8-14-18; 100-961, eff. 1-1-19; revised 10-3-18.)

16 (730 ILCS 5/5-2-6) (from Ch. 38, par. 1005-2-6)

17 Sec. 5-2-6. Sentencing and treatment of defendant found
18 guilty but mentally ill.

19 (a) After a plea or verdict of guilty but mentally ill
20 under Section ~~Sections~~ 115-2, 115-3, or 115-4 of the Code of
21 Criminal Procedure of 1963, the court shall order a presentence
22 investigation and report pursuant to Sections 5-3-1 and 5-3-2
23 of this Act, and shall set a date for a sentencing hearing. The
24 court may impose any sentence upon the defendant which could be
25 imposed pursuant to law upon a defendant who had been convicted

1 of the same offense without a finding of mental illness.

2 (b) If the court imposes a sentence of imprisonment upon a
3 defendant who has been found guilty but mentally ill, the
4 defendant shall be committed to the Department of Corrections,
5 which shall cause periodic inquiry and examination to be made
6 concerning the nature, extent, continuance, and treatment of
7 the defendant's mental illness. The Department of Corrections
8 shall provide such psychiatric, psychological, or other
9 counseling and treatment for the defendant as it determines
10 necessary.

11 (c) The Department of Corrections may transfer the
12 defendant's custody to the Department of Human Services in
13 accordance with the provisions of Section 3-8-5 of this Act.

14 (d) (1) The Department of Human Services shall return to
15 the Department of Corrections any person committed to it
16 pursuant to this Section whose sentence has not expired and
17 whom the Department of Human Services deems no longer requires
18 hospitalization for mental treatment, an intellectual
19 disability, or a substance use disorder as defined in Section
20 1-10 of the Substance Use Disorder Act.↵

21 (2) The Department of Corrections shall notify the
22 Secretary of Human Services of the expiration of the sentence
23 of any person transferred to the Department of Human Services
24 under this Section. If the Department of Human Services
25 determines that any such person requires further
26 hospitalization, it shall file an appropriate petition for

1 involuntary commitment pursuant to the Mental Health and
2 Developmental Disabilities Code.

3 (e) (1) All persons found guilty but mentally ill, whether
4 by plea or by verdict, who are placed on probation or sentenced
5 to a term of periodic imprisonment or a period of conditional
6 discharge shall be required to submit to a course of mental
7 treatment prescribed by the sentencing court.

8 (2) The course of treatment prescribed by the court shall
9 reasonably assure the defendant's satisfactory progress in
10 treatment or habilitation and for the safety of the defendant
11 and others. The court shall consider terms, conditions and
12 supervision which may include, but need not be limited to,
13 notification and discharge of the person to the custody of his
14 family, community adjustment programs, periodic checks with
15 legal authorities and outpatient care and utilization of local
16 mental health or developmental disabilities facilities.

17 (3) Failure to continue treatment, except by agreement with
18 the treating person or agency and the court, shall be a basis
19 for the institution of probation revocation proceedings.

20 (4) The period of probation shall be in accordance with
21 Article 4.5 of Chapter V of this Code and shall not be
22 shortened without receipt and consideration of such
23 psychiatric or psychological report or reports as the court may
24 require.

25 (Source: P.A. 100-759, eff. 1-1-19; revised 10-3-18.)

1 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

2 Sec. 5-4-1. Sentencing hearing.

3 (a) Except when the death penalty is sought under hearing
4 procedures otherwise specified, after a determination of
5 guilt, a hearing shall be held to impose the sentence. However,
6 prior to the imposition of sentence on an individual being
7 sentenced for an offense based upon a charge for a violation of
8 Section 11-501 of the Illinois Vehicle Code or a similar
9 provision of a local ordinance, the individual must undergo a
10 professional evaluation to determine if an alcohol or other
11 drug abuse problem exists and the extent of such a problem.
12 Programs conducting these evaluations shall be licensed by the
13 Department of Human Services. However, if the individual is not
14 a resident of Illinois, the court may, in its discretion,
15 accept an evaluation from a program in the state of such
16 individual's residence. The court may in its sentencing order
17 approve an eligible defendant for placement in a Department of
18 Corrections impact incarceration program as provided in
19 Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing
20 order recommend a defendant for placement in a Department of
21 Corrections substance abuse treatment program as provided in
22 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
23 upon the defendant being accepted in a program by the
24 Department of Corrections. At the hearing the court shall:

25 (1) consider the evidence, if any, received upon the
26 trial;

- 1 (2) consider any presentence reports;
- 2 (3) consider the financial impact of incarceration
3 based on the financial impact statement filed with the
4 clerk of the court by the Department of Corrections;
- 5 (4) consider evidence and information offered by the
6 parties in aggravation and mitigation;
- 7 (4.5) consider substance abuse treatment, eligibility
8 screening, and an assessment, if any, of the defendant by
9 an agent designated by the State of Illinois to provide
10 assessment services for the Illinois courts;
- 11 (5) hear arguments as to sentencing alternatives;
- 12 (6) afford the defendant the opportunity to make a
13 statement in his own behalf;
- 14 (7) afford the victim of a violent crime or a violation
15 of Section 11-501 of the Illinois Vehicle Code, or a
16 similar provision of a local ordinance, the opportunity to
17 present an oral or written statement, as guaranteed by
18 Article I, Section 8.1 of the Illinois Constitution and
19 provided in Section 6 of the Rights of Crime Victims and
20 Witnesses Act. The court shall allow a victim to make an
21 oral statement if the victim is present in the courtroom
22 and requests to make an oral or written statement. An oral
23 or written statement includes the victim or a
24 representative of the victim reading the written
25 statement. The court may allow persons impacted by the
26 crime who are not victims under subsection (a) of Section 3

1 of the Rights of Crime Victims and Witnesses Act to present
2 an oral or written statement. A victim and any person
3 making an oral statement shall not be put under oath or
4 subject to cross-examination. All statements offered under
5 this paragraph (7) shall become part of the record of the
6 court. In this paragraph (7), "victim of a violent crime"
7 means a person who is a victim of a violent crime for which
8 the defendant has been convicted after a bench or jury
9 trial or a person who is the victim of a violent crime with
10 which the defendant was charged and the defendant has been
11 convicted under a plea agreement of a crime that is not a
12 violent crime as defined in subsection (c) of 3 of the
13 Rights of Crime Victims and Witnesses Act;

14 (7.5) afford a qualified person affected by: (i) a
15 violation of Section 405, 405.1, 405.2, or 407 of the
16 Illinois Controlled Substances Act or a violation of
17 Section 55 or Section 65 of the Methamphetamine Control and
18 Community Protection Act; or (ii) a Class 4 felony
19 violation of Section 11-14, 11-14.3 except as described in
20 subdivisions (a) (2) (A) and (a) (2) (B), 11-15, 11-17, 11-18,
21 11-18.1, or 11-19 of the Criminal Code of 1961 or the
22 Criminal Code of 2012, committed by the defendant the
23 opportunity to make a statement concerning the impact on
24 the qualified person and to offer evidence in aggravation
25 or mitigation; provided that the statement and evidence
26 offered in aggravation or mitigation shall first be

1 prepared in writing in conjunction with the State's
2 Attorney before it may be presented orally at the hearing.
3 Sworn testimony offered by the qualified person is subject
4 to the defendant's right to cross-examine. All statements
5 and evidence offered under this paragraph (7.5) shall
6 become part of the record of the court. In this paragraph
7 (7.5), "qualified person" means any person who: (i) lived
8 or worked within the territorial jurisdiction where the
9 offense took place when the offense took place; or (ii) is
10 familiar with various public places within the territorial
11 jurisdiction where the offense took place when the offense
12 took place. "Qualified person" includes any peace officer
13 or any member of any duly organized State, county, or
14 municipal peace officer unit assigned to the territorial
15 jurisdiction where the offense took place when the offense
16 took place;

17 (8) in cases of reckless homicide afford the victim's
18 spouse, guardians, parents or other immediate family
19 members an opportunity to make oral statements;

20 (9) in cases involving a felony sex offense as defined
21 under the Sex Offender Management Board Act, consider the
22 results of the sex offender evaluation conducted pursuant
23 to Section 5-3-2 of this Act; and

24 (10) make a finding of whether a motor vehicle was used
25 in the commission of the offense for which the defendant is
26 being sentenced.

1 (b) All sentences shall be imposed by the judge based upon
2 his independent assessment of the elements specified above and
3 any agreement as to sentence reached by the parties. The judge
4 who presided at the trial or the judge who accepted the plea of
5 guilty shall impose the sentence unless he is no longer sitting
6 as a judge in that court. Where the judge does not impose
7 sentence at the same time on all defendants who are convicted
8 as a result of being involved in the same offense, the
9 defendant or the State's Attorney may advise the sentencing
10 court of the disposition of any other defendants who have been
11 sentenced.

12 (b-1) In imposing a sentence of imprisonment or periodic
13 imprisonment for a Class 3 or Class 4 felony for which a
14 sentence of probation or conditional discharge is an available
15 sentence, if the defendant has no prior sentence of probation
16 or conditional discharge and no prior conviction for a violent
17 crime, the defendant shall not be sentenced to imprisonment
18 before review and consideration of a presentence report and
19 determination and explanation of why the particular evidence,
20 information, factor in aggravation, factual finding, or other
21 reasons support a sentencing determination that one or more of
22 the factors under subsection (a) of Section 5-6-1 of this Code
23 apply and that probation or conditional discharge is not an
24 appropriate sentence.

25 (c) In imposing a sentence for a violent crime or for an
26 offense of operating or being in physical control of a vehicle

1 while under the influence of alcohol, any other drug or any
2 combination thereof, or a similar provision of a local
3 ordinance, when such offense resulted in the personal injury to
4 someone other than the defendant, the trial judge shall specify
5 on the record the particular evidence, information, factors in
6 mitigation and aggravation or other reasons that led to his
7 sentencing determination. The full verbatim record of the
8 sentencing hearing shall be filed with the clerk of the court
9 and shall be a public record.

10 (c-1) In imposing a sentence for the offense of aggravated
11 kidnapping for ransom, home invasion, armed robbery,
12 aggravated vehicular hijacking, aggravated discharge of a
13 firearm, or armed violence with a category I weapon or category
14 II weapon, the trial judge shall make a finding as to whether
15 the conduct leading to conviction for the offense resulted in
16 great bodily harm to a victim, and shall enter that finding and
17 the basis for that finding in the record.

18 (c-2) If the defendant is sentenced to prison, other than
19 when a sentence of natural life imprisonment or a sentence of
20 death is imposed, at the time the sentence is imposed the judge
21 shall state on the record in open court the approximate period
22 of time the defendant will serve in custody according to the
23 then current statutory rules and regulations for sentence
24 credit found in Section 3-6-3 and other related provisions of
25 this Code. This statement is intended solely to inform the
26 public, has no legal effect on the defendant's actual release,

1 and may not be relied on by the defendant on appeal.

2 The judge's statement, to be given after pronouncing the
3 sentence, other than when the sentence is imposed for one of
4 the offenses enumerated in paragraph (a)(4) of Section 3-6-3,
5 shall include the following:

6 "The purpose of this statement is to inform the public of
7 the actual period of time this defendant is likely to spend in
8 prison as a result of this sentence. The actual period of
9 prison time served is determined by the statutes of Illinois as
10 applied to this sentence by the Illinois Department of
11 Corrections and the Illinois Prisoner Review Board. In this
12 case, assuming the defendant receives all of his or her
13 sentence credit, the period of estimated actual custody is ...
14 years and ... months, less up to 180 days additional earned
15 sentence credit. If the defendant, because of his or her own
16 misconduct or failure to comply with the institutional
17 regulations, does not receive those credits, the actual time
18 served in prison will be longer. The defendant may also receive
19 an additional one-half day sentence credit for each day of
20 participation in vocational, industry, substance abuse, and
21 educational programs as provided for by Illinois statute."

22 When the sentence is imposed for one of the offenses
23 enumerated in paragraph (a)(2) of Section 3-6-3, other than
24 first degree murder, and the offense was committed on or after
25 June 19, 1998, and when the sentence is imposed for reckless
26 homicide as defined in subsection (e) of Section 9-3 of the

1 Criminal Code of 1961 or the Criminal Code of 2012 if the
2 offense was committed on or after January 1, 1999, and when the
3 sentence is imposed for aggravated driving under the influence
4 of alcohol, other drug or drugs, or intoxicating compound or
5 compounds, or any combination thereof as defined in
6 subparagraph (F) of paragraph (1) of subsection (d) of Section
7 11-501 of the Illinois Vehicle Code, and when the sentence is
8 imposed for aggravated arson if the offense was committed on or
9 after July 27, 2001 (the effective date of Public Act 92-176),
10 and when the sentence is imposed for aggravated driving under
11 the influence of alcohol, other drug or drugs, or intoxicating
12 compound or compounds, or any combination thereof as defined in
13 subparagraph (C) of paragraph (1) of subsection (d) of Section
14 11-501 of the Illinois Vehicle Code committed on or after
15 January 1, 2011 (the effective date of Public Act 96-1230), the
16 judge's statement, to be given after pronouncing the sentence,
17 shall include the following:

18 "The purpose of this statement is to inform the public of
19 the actual period of time this defendant is likely to spend in
20 prison as a result of this sentence. The actual period of
21 prison time served is determined by the statutes of Illinois as
22 applied to this sentence by the Illinois Department of
23 Corrections and the Illinois Prisoner Review Board. In this
24 case, the defendant is entitled to no more than 4 1/2 days of
25 sentence credit for each month of his or her sentence of
26 imprisonment. Therefore, this defendant will serve at least 85%

1 of his or her sentence. Assuming the defendant receives 4 1/2
2 days credit for each month of his or her sentence, the period
3 of estimated actual custody is ... years and ... months. If the
4 defendant, because of his or her own misconduct or failure to
5 comply with the institutional regulations receives lesser
6 credit, the actual time served in prison will be longer."

7 When a sentence of imprisonment is imposed for first degree
8 murder and the offense was committed on or after June 19, 1998,
9 the judge's statement, to be given after pronouncing the
10 sentence, shall include the following:

11 "The purpose of this statement is to inform the public of
12 the actual period of time this defendant is likely to spend in
13 prison as a result of this sentence. The actual period of
14 prison time served is determined by the statutes of Illinois as
15 applied to this sentence by the Illinois Department of
16 Corrections and the Illinois Prisoner Review Board. In this
17 case, the defendant is not entitled to sentence credit.
18 Therefore, this defendant will serve 100% of his or her
19 sentence."

20 When the sentencing order recommends placement in a
21 substance abuse program for any offense that results in
22 incarceration in a Department of Corrections facility and the
23 crime was committed on or after September 1, 2003 (the
24 effective date of Public Act 93-354), the judge's statement, in
25 addition to any other judge's statement required under this
26 Section, to be given after pronouncing the sentence, shall

1 include the following:

2 "The purpose of this statement is to inform the public of
3 the actual period of time this defendant is likely to spend in
4 prison as a result of this sentence. The actual period of
5 prison time served is determined by the statutes of Illinois as
6 applied to this sentence by the Illinois Department of
7 Corrections and the Illinois Prisoner Review Board. In this
8 case, the defendant shall receive no earned sentence credit
9 under clause (3) of subsection (a) of Section 3-6-3 until he or
10 she participates in and completes a substance abuse treatment
11 program or receives a waiver from the Director of Corrections
12 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

13 (c-4) Before the sentencing hearing and as part of the
14 presentence investigation under Section 5-3-1, the court shall
15 inquire of the defendant whether the defendant is currently
16 serving in or is a veteran of the Armed Forces of the United
17 States. If the defendant is currently serving in the Armed
18 Forces of the United States or is a veteran of the Armed Forces
19 of the United States and has been diagnosed as having a mental
20 illness by a qualified psychiatrist or clinical psychologist or
21 physician, the court may:

22 (1) order that the officer preparing the presentence
23 report consult with the United States Department of
24 Veterans Affairs, Illinois Department of Veterans'
25 Affairs, or another agency or person with suitable
26 knowledge or experience for the purpose of providing the

1 court with information regarding treatment options
2 available to the defendant, including federal, State, and
3 local programming; and

4 (2) consider the treatment recommendations of any
5 diagnosing or treating mental health professionals
6 together with the treatment options available to the
7 defendant in imposing sentence.

8 For the purposes of this subsection (c-4), "qualified
9 psychiatrist" means a reputable physician licensed in Illinois
10 to practice medicine in all its branches, who has specialized
11 in the diagnosis and treatment of mental and nervous disorders
12 for a period of not less than 5 years.

13 (c-6) In imposing a sentence, the trial judge shall
14 specify, on the record, the particular evidence and other
15 reasons which led to his or her determination that a motor
16 vehicle was used in the commission of the offense.

17 (d) When the defendant is committed to the Department of
18 Corrections, the State's Attorney shall and counsel for the
19 defendant may file a statement with the clerk of the court to
20 be transmitted to the department, agency or institution to
21 which the defendant is committed to furnish such department,
22 agency or institution with the facts and circumstances of the
23 offense for which the person was committed together with all
24 other factual information accessible to them in regard to the
25 person prior to his commitment relative to his habits,
26 associates, disposition and reputation and any other facts and

1 circumstances which may aid such department, agency or
2 institution during its custody of such person. The clerk shall
3 within 10 days after receiving any such statements transmit a
4 copy to such department, agency or institution and a copy to
5 the other party, provided, however, that this shall not be
6 cause for delay in conveying the person to the department,
7 agency or institution to which he has been committed.

8 (e) The clerk of the court shall transmit to the
9 department, agency or institution, if any, to which the
10 defendant is committed, the following:

11 (1) the sentence imposed;

12 (2) any statement by the court of the basis for
13 imposing the sentence;

14 (3) any presentence reports;

15 (3.5) any sex offender evaluations;

16 (3.6) any substance abuse treatment eligibility
17 screening and assessment of the defendant by an agent
18 designated by the State of Illinois to provide assessment
19 services for the Illinois courts;

20 (4) the number of days, if any, which the defendant has
21 been in custody and for which he is entitled to credit
22 against the sentence, which information shall be provided
23 to the clerk by the sheriff;

24 (4.1) any finding of great bodily harm made by the
25 court with respect to an offense enumerated in subsection
26 (c-1);

1 (5) all statements filed under subsection (d) of this
2 Section;

3 (6) any medical or mental health records or summaries
4 of the defendant;

5 (7) the municipality where the arrest of the offender
6 or the commission of the offense has occurred, where such
7 municipality has a population of more than 25,000 persons;

8 (8) all statements made and evidence offered under
9 paragraph (7) of subsection (a) of this Section; and

10 (9) all additional matters which the court directs the
11 clerk to transmit.

12 (f) In cases in which the court finds that a motor vehicle
13 was used in the commission of the offense for which the
14 defendant is being sentenced, the clerk of the court shall,
15 within 5 days thereafter, forward a report of such conviction
16 to the Secretary of State.

17 (Source: P.A. 99-861, eff. 1-1-17; 99-938, eff. 1-1-18;
18 100-961, eff. 1-1-19; revised 10-3-18.)

19 (730 ILCS 5/5-5-3)

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

21 Sec. 5-5-3. Disposition.

22 (a) (Blank).

23 (b) (Blank).

24 (c) (1) (Blank).

25 (2) A period of probation, a term of periodic imprisonment

1 or conditional discharge shall not be imposed for the following
2 offenses. The court shall sentence the offender to not less
3 than the minimum term of imprisonment set forth in this Code
4 for the following offenses, and may order a fine or restitution
5 or both in conjunction with such term of imprisonment:

6 (A) First degree murder where the death penalty is not
7 imposed.

8 (B) Attempted first degree murder.

9 (C) A Class X felony.

10 (D) A violation of Section 401.1 or 407 of the Illinois
11 Controlled Substances Act, or a violation of subdivision
12 (c)(1.5) of Section 401 of that Act which relates to more
13 than 5 grams of a substance containing fentanyl or an
14 analog thereof.

15 (D-5) A violation of subdivision (c)(1) of Section 401
16 of the Illinois Controlled Substances Act which relates to
17 3 or more grams of a substance containing heroin or an
18 analog thereof.

19 (E) (Blank).

20 (F) A Class 1 or greater felony if the offender had
21 been convicted of a Class 1 or greater felony, including
22 any state or federal conviction for an offense that
23 contained, at the time it was committed, the same elements
24 as an offense now (the date of the offense committed after
25 the prior Class 1 or greater felony) classified as a Class
26 1 or greater felony, within 10 years of the date on which

1 the offender committed the offense for which he or she is
2 being sentenced, except as otherwise provided in Section
3 40-10 of the Substance Use Disorder Act.

4 (F-3) A Class 2 or greater felony sex offense or felony
5 firearm offense if the offender had been convicted of a
6 Class 2 or greater felony, including any state or federal
7 conviction for an offense that contained, at the time it
8 was committed, the same elements as an offense now (the
9 date of the offense committed after the prior Class 2 or
10 greater felony) classified as a Class 2 or greater felony,
11 within 10 years of the date on which the offender committed
12 the offense for which he or she is being sentenced, except
13 as otherwise provided in Section 40-10 of the Substance Use
14 Disorder Act.

15 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of
16 the Criminal Code of 1961 or the Criminal Code of 2012 for
17 which imprisonment is prescribed in those Sections.

18 (G) Residential burglary, except as otherwise provided
19 in Section 40-10 of the Substance Use Disorder Act.

20 (H) Criminal sexual assault.

21 (I) Aggravated battery of a senior citizen as described
22 in Section 12-4.6 or subdivision (a) (4) of Section 12-3.05
23 of the Criminal Code of 1961 or the Criminal Code of 2012.

24 (J) A forcible felony if the offense was related to the
25 activities of an organized gang.

26 Before July 1, 1994, for the purposes of this

1 paragraph, "organized gang" means an association of 5 or
2 more persons, with an established hierarchy, that
3 encourages members of the association to perpetrate crimes
4 or provides support to the members of the association who
5 do commit crimes.

6 Beginning July 1, 1994, for the purposes of this
7 paragraph, "organized gang" has the meaning ascribed to it
8 in Section 10 of the Illinois Streetgang Terrorism Omnibus
9 Prevention Act.

10 (K) Vehicular hijacking.

11 (L) A second or subsequent conviction for the offense
12 of hate crime when the underlying offense upon which the
13 hate crime is based is felony aggravated assault or felony
14 mob action.

15 (M) A second or subsequent conviction for the offense
16 of institutional vandalism if the damage to the property
17 exceeds \$300.

18 (N) A Class 3 felony violation of paragraph (1) of
19 subsection (a) of Section 2 of the Firearm Owners
20 Identification Card Act.

21 (O) A violation of Section 12-6.1 or 12-6.5 of the
22 Criminal Code of 1961 or the Criminal Code of 2012.

23 (P) A violation of paragraph (1), (2), (3), (4), (5),
24 or (7) of subsection (a) of Section 11-20.1 of the Criminal
25 Code of 1961 or the Criminal Code of 2012.

26 (Q) A violation of subsection (b) or (b-5) of Section

1 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
2 Code of 1961 or the Criminal Code of 2012.

3 (R) A violation of Section 24-3A of the Criminal Code
4 of 1961 or the Criminal Code of 2012.

5 (S) (Blank).

6 (T) (Blank).

7 (U) A second or subsequent violation of Section 6-303
8 of the Illinois Vehicle Code committed while his or her
9 driver's license, permit, or privilege was revoked because
10 of a violation of Section 9-3 of the Criminal Code of 1961
11 or the Criminal Code of 2012, relating to the offense of
12 reckless homicide, or a similar provision of a law of
13 another state.

14 (V) A violation of paragraph (4) of subsection (c) of
15 Section 11-20.1B or paragraph (4) of subsection (c) of
16 Section 11-20.3 of the Criminal Code of 1961, or paragraph
17 (6) of subsection (a) of Section 11-20.1 of the Criminal
18 Code of 2012 when the victim is under 13 years of age and
19 the defendant has previously been convicted under the laws
20 of this State or any other state of the offense of child
21 pornography, aggravated child pornography, aggravated
22 criminal sexual abuse, aggravated criminal sexual assault,
23 predatory criminal sexual assault of a child, or any of the
24 offenses formerly known as rape, deviate sexual assault,
25 indecent liberties with a child, or aggravated indecent
26 liberties with a child where the victim was under the age

1 of 18 years or an offense that is substantially equivalent
2 to those offenses.

3 (W) A violation of Section 24-3.5 of the Criminal Code
4 of 1961 or the Criminal Code of 2012.

5 (X) A violation of subsection (a) of Section 31-1a of
6 the Criminal Code of 1961 or the Criminal Code of 2012.

7 (Y) A conviction for unlawful possession of a firearm
8 by a street gang member when the firearm was loaded or
9 contained firearm ammunition.

10 (Z) A Class 1 felony committed while he or she was
11 serving a term of probation or conditional discharge for a
12 felony.

13 (AA) Theft of property exceeding \$500,000 and not
14 exceeding \$1,000,000 in value.

15 (BB) Laundering of criminally derived property of a
16 value exceeding \$500,000.

17 (CC) Knowingly selling, offering for sale, holding for
18 sale, or using 2,000 or more counterfeit items or
19 counterfeit items having a retail value in the aggregate of
20 \$500,000 or more.

21 (DD) A conviction for aggravated assault under
22 paragraph (6) of subsection (c) of Section 12-2 of the
23 Criminal Code of 1961 or the Criminal Code of 2012 if the
24 firearm is aimed toward the person against whom the firearm
25 is being used.

26 (EE) A conviction for a violation of paragraph (2) of

1 subsection (a) of Section 24-3B of the Criminal Code of
2 2012.

3 (3) (Blank).

4 (4) A minimum term of imprisonment of not less than 10
5 consecutive days or 30 days of community service shall be
6 imposed for a violation of paragraph (c) of Section 6-303 of
7 the Illinois Vehicle Code.

8 (4.1) (Blank).

9 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
10 this subsection (c), a minimum of 100 hours of community
11 service shall be imposed for a second violation of Section
12 6-303 of the Illinois Vehicle Code.

13 (4.3) A minimum term of imprisonment of 30 days or 300
14 hours of community service, as determined by the court, shall
15 be imposed for a second violation of subsection (c) of Section
16 6-303 of the Illinois Vehicle Code.

17 (4.4) Except as provided in paragraphs (4.5), (4.6), and
18 (4.9) of this subsection (c), a minimum term of imprisonment of
19 30 days or 300 hours of community service, as determined by the
20 court, shall be imposed for a third or subsequent violation of
21 Section 6-303 of the Illinois Vehicle Code. The court may give
22 credit toward the fulfillment of community service hours for
23 participation in activities and treatment as determined by
24 court services.

25 (4.5) A minimum term of imprisonment of 30 days shall be
26 imposed for a third violation of subsection (c) of Section

1 6-303 of the Illinois Vehicle Code.

2 (4.6) Except as provided in paragraph (4.10) of this
3 subsection (c), a minimum term of imprisonment of 180 days
4 shall be imposed for a fourth or subsequent violation of
5 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

6 (4.7) A minimum term of imprisonment of not less than 30
7 consecutive days, or 300 hours of community service, shall be
8 imposed for a violation of subsection (a-5) of Section 6-303 of
9 the Illinois Vehicle Code, as provided in subsection (b-5) of
10 that Section.

11 (4.8) A mandatory prison sentence shall be imposed for a
12 second violation of subsection (a-5) of Section 6-303 of the
13 Illinois Vehicle Code, as provided in subsection (c-5) of that
14 Section. The person's driving privileges shall be revoked for a
15 period of not less than 5 years from the date of his or her
16 release from prison.

17 (4.9) A mandatory prison sentence of not less than 4 and
18 not more than 15 years shall be imposed for a third violation
19 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
20 Code, as provided in subsection (d-2.5) of that Section. The
21 person's driving privileges shall be revoked for the remainder
22 of his or her life.

23 (4.10) A mandatory prison sentence for a Class 1 felony
24 shall be imposed, and the person shall be eligible for an
25 extended term sentence, for a fourth or subsequent violation of
26 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,

1 as provided in subsection (d-3.5) of that Section. The person's
2 driving privileges shall be revoked for the remainder of his or
3 her life.

4 (5) The court may sentence a corporation or unincorporated
5 association convicted of any offense to:

6 (A) a period of conditional discharge;

7 (B) a fine;

8 (C) make restitution to the victim under Section 5-5-6
9 of this Code.

10 (5.1) In addition to any other penalties imposed, and
11 except as provided in paragraph (5.2) or (5.3), a person
12 convicted of violating subsection (c) of Section 11-907 of the
13 Illinois Vehicle Code shall have his or her driver's license,
14 permit, or privileges suspended for at least 90 days but not
15 more than one year, if the violation resulted in damage to the
16 property of another person.

17 (5.2) In addition to any other penalties imposed, and
18 except as provided in paragraph (5.3), a person convicted of
19 violating subsection (c) of Section 11-907 of the Illinois
20 Vehicle Code shall have his or her driver's license, permit, or
21 privileges suspended for at least 180 days but not more than 2
22 years, if the violation resulted in injury to another person.

23 (5.3) In addition to any other penalties imposed, a person
24 convicted of violating subsection (c) of Section 11-907 of the
25 Illinois Vehicle Code shall have his or her driver's license,
26 permit, or privileges suspended for 2 years, if the violation

1 resulted in the death of another person.

2 (5.4) In addition to any other penalties imposed, a person
3 convicted of violating Section 3-707 of the Illinois Vehicle
4 Code shall have his or her driver's license, permit, or
5 privileges suspended for 3 months and until he or she has paid
6 a reinstatement fee of \$100.

7 (5.5) In addition to any other penalties imposed, a person
8 convicted of violating Section 3-707 of the Illinois Vehicle
9 Code during a period in which his or her driver's license,
10 permit, or privileges were suspended for a previous violation
11 of that Section shall have his or her driver's license, permit,
12 or privileges suspended for an additional 6 months after the
13 expiration of the original 3-month suspension and until he or
14 she has paid a reinstatement fee of \$100.

15 (6) (Blank).

16 (7) (Blank).

17 (8) (Blank).

18 (9) A defendant convicted of a second or subsequent offense
19 of ritualized abuse of a child may be sentenced to a term of
20 natural life imprisonment.

21 (10) (Blank).

22 (11) The court shall impose a minimum fine of \$1,000 for a
23 first offense and \$2,000 for a second or subsequent offense
24 upon a person convicted of or placed on supervision for battery
25 when the individual harmed was a sports official or coach at
26 any level of competition and the act causing harm to the sports

1 official or coach occurred within an athletic facility or
2 within the immediate vicinity of the athletic facility at which
3 the sports official or coach was an active participant of the
4 athletic contest held at the athletic facility. For the
5 purposes of this paragraph (11), "sports official" means a
6 person at an athletic contest who enforces the rules of the
7 contest, such as an umpire or referee; "athletic facility"
8 means an indoor or outdoor playing field or recreational area
9 where sports activities are conducted; and "coach" means a
10 person recognized as a coach by the sanctioning authority that
11 conducted the sporting event.

12 (12) A person may not receive a disposition of court
13 supervision for a violation of Section 5-16 of the Boat
14 Registration and Safety Act if that person has previously
15 received a disposition of court supervision for a violation of
16 that Section.

17 (13) A person convicted of or placed on court supervision
18 for an assault or aggravated assault when the victim and the
19 offender are family or household members as defined in Section
20 103 of the Illinois Domestic Violence Act of 1986 or convicted
21 of domestic battery or aggravated domestic battery may be
22 required to attend a Partner Abuse Intervention Program under
23 protocols set forth by the Illinois Department of Human
24 Services under such terms and conditions imposed by the court.
25 The costs of such classes shall be paid by the offender.

26 (d) In any case in which a sentence originally imposed is

1 vacated, the case shall be remanded to the trial court. The
2 trial court shall hold a hearing under Section 5-4-1 of this
3 ~~the Unified Code of Corrections~~ which may include evidence of
4 the defendant's life, moral character and occupation during the
5 time since the original sentence was passed. The trial court
6 shall then impose sentence upon the defendant. The trial court
7 may impose any sentence which could have been imposed at the
8 original trial subject to Section 5-5-4 of this ~~the Unified~~
9 ~~Code of Corrections~~. If a sentence is vacated on appeal or on
10 collateral attack due to the failure of the trier of fact at
11 trial to determine beyond a reasonable doubt the existence of a
12 fact (other than a prior conviction) necessary to increase the
13 punishment for the offense beyond the statutory maximum
14 otherwise applicable, either the defendant may be re-sentenced
15 to a term within the range otherwise provided or, if the State
16 files notice of its intention to again seek the extended
17 sentence, the defendant shall be afforded a new trial.

18 (e) In cases where prosecution for aggravated criminal
19 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
20 Code of 1961 or the Criminal Code of 2012 results in conviction
21 of a defendant who was a family member of the victim at the
22 time of the commission of the offense, the court shall consider
23 the safety and welfare of the victim and may impose a sentence
24 of probation only where:

25 (1) the court finds (A) or (B) or both are appropriate:

26 (A) the defendant is willing to undergo a court

1 approved counseling program for a minimum duration of 2
2 years; or

3 (B) the defendant is willing to participate in a
4 court approved plan including but not limited to the
5 defendant's:

6 (i) removal from the household;

7 (ii) restricted contact with the victim;

8 (iii) continued financial support of the
9 family;

10 (iv) restitution for harm done to the victim;

11 and

12 (v) compliance with any other measures that
13 the court may deem appropriate; and

14 (2) the court orders the defendant to pay for the
15 victim's counseling services, to the extent that the court
16 finds, after considering the defendant's income and
17 assets, that the defendant is financially capable of paying
18 for such services, if the victim was under 18 years of age
19 at the time the offense was committed and requires
20 counseling as a result of the offense.

21 Probation may be revoked or modified pursuant to Section
22 5-6-4; except where the court determines at the hearing that
23 the defendant violated a condition of his or her probation
24 restricting contact with the victim or other family members or
25 commits another offense with the victim or other family
26 members, the court shall revoke the defendant's probation and

1 impose a term of imprisonment.

2 For the purposes of this Section, "family member" and
3 "victim" shall have the meanings ascribed to them in Section
4 11-0.1 of the Criminal Code of 2012.

5 (f) (Blank).

6 (g) Whenever a defendant is convicted of an offense under
7 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
8 11-14.3, 11-14.4 except for an offense that involves keeping a
9 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
10 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
11 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
12 Criminal Code of 2012, the defendant shall undergo medical
13 testing to determine whether the defendant has any sexually
14 transmissible disease, including a test for infection with
15 human immunodeficiency virus (HIV) or any other identified
16 causative agent of acquired immunodeficiency syndrome (AIDS).
17 Any such medical test shall be performed only by appropriately
18 licensed medical practitioners and may include an analysis of
19 any bodily fluids as well as an examination of the defendant's
20 person. Except as otherwise provided by law, the results of
21 such test shall be kept strictly confidential by all medical
22 personnel involved in the testing and must be personally
23 delivered in a sealed envelope to the judge of the court in
24 which the conviction was entered for the judge's inspection in
25 camera. Acting in accordance with the best interests of the
26 victim and the public, the judge shall have the discretion to

1 determine to whom, if anyone, the results of the testing may be
2 revealed. The court shall notify the defendant of the test
3 results. The court shall also notify the victim if requested by
4 the victim, and if the victim is under the age of 15 and if
5 requested by the victim's parents or legal guardian, the court
6 shall notify the victim's parents or legal guardian of the test
7 results. The court shall provide information on the
8 availability of HIV testing and counseling at Department of
9 Public Health facilities to all parties to whom the results of
10 the testing are revealed and shall direct the State's Attorney
11 to provide the information to the victim when possible. A
12 State's Attorney may petition the court to obtain the results
13 of any HIV test administered under this Section, and the court
14 shall grant the disclosure if the State's Attorney shows it is
15 relevant in order to prosecute a charge of criminal
16 transmission of HIV under Section 12-5.01 or 12-16.2 of the
17 Criminal Code of 1961 or the Criminal Code of 2012 against the
18 defendant. The court shall order that the cost of any such test
19 shall be paid by the county and may be taxed as costs against
20 the convicted defendant.

21 (g-5) When an inmate is tested for an airborne communicable
22 disease, as determined by the Illinois Department of Public
23 Health including but not limited to tuberculosis, the results
24 of the test shall be personally delivered by the warden or his
25 or her designee in a sealed envelope to the judge of the court
26 in which the inmate must appear for the judge's inspection in

1 camera if requested by the judge. Acting in accordance with the
2 best interests of those in the courtroom, the judge shall have
3 the discretion to determine what if any precautions need to be
4 taken to prevent transmission of the disease in the courtroom.

5 (h) Whenever a defendant is convicted of an offense under
6 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
7 defendant shall undergo medical testing to determine whether
8 the defendant has been exposed to human immunodeficiency virus
9 (HIV) or any other identified causative agent of acquired
10 immunodeficiency syndrome (AIDS). Except as otherwise provided
11 by law, the results of such test shall be kept strictly
12 confidential by all medical personnel involved in the testing
13 and must be personally delivered in a sealed envelope to the
14 judge of the court in which the conviction was entered for the
15 judge's inspection in camera. Acting in accordance with the
16 best interests of the public, the judge shall have the
17 discretion to determine to whom, if anyone, the results of the
18 testing may be revealed. The court shall notify the defendant
19 of a positive test showing an infection with the human
20 immunodeficiency virus (HIV). The court shall provide
21 information on the availability of HIV testing and counseling
22 at Department of Public Health facilities to all parties to
23 whom the results of the testing are revealed and shall direct
24 the State's Attorney to provide the information to the victim
25 when possible. A State's Attorney may petition the court to
26 obtain the results of any HIV test administered under this

1 Section, and the court shall grant the disclosure if the
2 State's Attorney shows it is relevant in order to prosecute a
3 charge of criminal transmission of HIV under Section 12-5.01 or
4 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
5 2012 against the defendant. The court shall order that the cost
6 of any such test shall be paid by the county and may be taxed as
7 costs against the convicted defendant.

8 (i) All fines and penalties imposed under this Section for
9 any violation of Chapters 3, 4, 6, and 11 of the Illinois
10 Vehicle Code, or a similar provision of a local ordinance, and
11 any violation of the Child Passenger Protection Act, or a
12 similar provision of a local ordinance, shall be collected and
13 disbursed by the circuit clerk as provided under Section 27.5
14 of the Clerks of Courts Act.

15 (j) In cases when prosecution for any violation of Section
16 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
17 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
18 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
19 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
20 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
21 Code of 2012, any violation of the Illinois Controlled
22 Substances Act, any violation of the Cannabis Control Act, or
23 any violation of the Methamphetamine Control and Community
24 Protection Act results in conviction, a disposition of court
25 supervision, or an order of probation granted under Section 10
26 of the Cannabis Control Act, Section 410 of the Illinois

1 Controlled Substances Act, or Section 70 of the Methamphetamine
2 Control and Community Protection Act of a defendant, the court
3 shall determine whether the defendant is employed by a facility
4 or center as defined under the Child Care Act of 1969, a public
5 or private elementary or secondary school, or otherwise works
6 with children under 18 years of age on a daily basis. When a
7 defendant is so employed, the court shall order the Clerk of
8 the Court to send a copy of the judgment of conviction or order
9 of supervision or probation to the defendant's employer by
10 certified mail. If the employer of the defendant is a school,
11 the Clerk of the Court shall direct the mailing of a copy of
12 the judgment of conviction or order of supervision or probation
13 to the appropriate regional superintendent of schools. The
14 regional superintendent of schools shall notify the State Board
15 of Education of any notification under this subsection.

16 (j-5) A defendant at least 17 years of age who is convicted
17 of a felony and who has not been previously convicted of a
18 misdemeanor or felony and who is sentenced to a term of
19 imprisonment in the Illinois Department of Corrections shall as
20 a condition of his or her sentence be required by the court to
21 attend educational courses designed to prepare the defendant
22 for a high school diploma and to work toward a high school
23 diploma or to work toward passing high school equivalency
24 testing or to work toward completing a vocational training
25 program offered by the Department of Corrections. If a
26 defendant fails to complete the educational training required

1 by his or her sentence during the term of incarceration, the
2 Prisoner Review Board shall, as a condition of mandatory
3 supervised release, require the defendant, at his or her own
4 expense, to pursue a course of study toward a high school
5 diploma or passage of high school equivalency testing. The
6 Prisoner Review Board shall revoke the mandatory supervised
7 release of a defendant who wilfully fails to comply with this
8 subsection (j-5) upon his or her release from confinement in a
9 penal institution while serving a mandatory supervised release
10 term; however, the inability of the defendant after making a
11 good faith effort to obtain financial aid or pay for the
12 educational training shall not be deemed a wilful failure to
13 comply. The Prisoner Review Board shall recommit the defendant
14 whose mandatory supervised release term has been revoked under
15 this subsection (j-5) as provided in Section 3-3-9. This
16 subsection (j-5) does not apply to a defendant who has a high
17 school diploma or has successfully passed high school
18 equivalency testing. This subsection (j-5) does not apply to a
19 defendant who is determined by the court to be a person with a
20 developmental disability or otherwise mentally incapable of
21 completing the educational or vocational program.

22 (k) (Blank).

23 (l) (A) Except as provided in paragraph (C) of subsection
24 (l), whenever a defendant, who is an alien as defined by the
25 Immigration and Nationality Act, is convicted of any felony or
26 misdemeanor offense, the court after sentencing the defendant

1 may, upon motion of the State's Attorney, hold sentence in
2 abeyance and remand the defendant to the custody of the
3 Attorney General of the United States or his or her designated
4 agent to be deported when:

5 (1) a final order of deportation has been issued
6 against the defendant pursuant to proceedings under the
7 Immigration and Nationality Act, and

8 (2) the deportation of the defendant would not
9 deprecate the seriousness of the defendant's conduct and
10 would not be inconsistent with the ends of justice.

11 Otherwise, the defendant shall be sentenced as provided in
12 this Chapter V.

13 (B) If the defendant has already been sentenced for a
14 felony or misdemeanor offense, or has been placed on probation
15 under Section 10 of the Cannabis Control Act, Section 410 of
16 the Illinois Controlled Substances Act, or Section 70 of the
17 Methamphetamine Control and Community Protection Act, the
18 court may, upon motion of the State's Attorney to suspend the
19 sentence imposed, commit the defendant to the custody of the
20 Attorney General of the United States or his or her designated
21 agent when:

22 (1) a final order of deportation has been issued
23 against the defendant pursuant to proceedings under the
24 Immigration and Nationality Act, and

25 (2) the deportation of the defendant would not
26 deprecate the seriousness of the defendant's conduct and

1 would not be inconsistent with the ends of justice.

2 (C) This subsection (1) does not apply to offenders who are
3 subject to the provisions of paragraph (2) of subsection (a) of
4 Section 3-6-3.

5 (D) Upon motion of the State's Attorney, if a defendant
6 sentenced under this Section returns to the jurisdiction of the
7 United States, the defendant shall be recommitted to the
8 custody of the county from which he or she was sentenced.
9 Thereafter, the defendant shall be brought before the
10 sentencing court, which may impose any sentence that was
11 available under Section 5-5-3 at the time of initial
12 sentencing. In addition, the defendant shall not be eligible
13 for additional earned sentence credit as provided under Section
14 3-6-3.

15 (m) A person convicted of criminal defacement of property
16 under Section 21-1.3 of the Criminal Code of 1961 or the
17 Criminal Code of 2012, in which the property damage exceeds
18 \$300 and the property damaged is a school building, shall be
19 ordered to perform community service that may include cleanup,
20 removal, or painting over the defacement.

21 (n) The court may sentence a person convicted of a
22 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
23 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
24 of 1961 or the Criminal Code of 2012 (i) to an impact
25 incarceration program if the person is otherwise eligible for
26 that program under Section 5-8-1.1, (ii) to community service,

1 or (iii) if the person has a substance use disorder, as defined
2 in the Substance Use Disorder Act, to a treatment program
3 licensed under that Act.

4 (o) Whenever a person is convicted of a sex offense as
5 defined in Section 2 of the Sex Offender Registration Act, the
6 defendant's driver's license or permit shall be subject to
7 renewal on an annual basis in accordance with the provisions of
8 license renewal established by the Secretary of State.

9 (Source: P.A. 99-143, eff. 7-27-15; 99-885, eff. 8-23-16;
10 99-938, eff. 1-1-18; 100-575, eff. 1-8-18; 100-759, eff.
11 1-1-19; revised 10-12-18.)

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

13 Sec. 5-5-3. Disposition.

14 (a) (Blank).

15 (b) (Blank).

16 (c) (1) (Blank).

17 (2) A period of probation, a term of periodic imprisonment
18 or conditional discharge shall not be imposed for the following
19 offenses. The court shall sentence the offender to not less
20 than the minimum term of imprisonment set forth in this Code
21 for the following offenses, and may order a fine or restitution
22 or both in conjunction with such term of imprisonment:

23 (A) First degree murder where the death penalty is not
24 imposed.

25 (B) Attempted first degree murder.

1 (C) A Class X felony.

2 (D) A violation of Section 401.1 or 407 of the Illinois
3 Controlled Substances Act, or a violation of subdivision
4 (c)(1.5) of Section 401 of that Act which relates to more
5 than 5 grams of a substance containing fentanyl or an
6 analog thereof.

7 (D-5) A violation of subdivision (c)(1) of Section 401
8 of the Illinois Controlled Substances Act which relates to
9 3 or more grams of a substance containing heroin or an
10 analog thereof.

11 (E) (Blank).

12 (F) A Class 1 or greater felony if the offender had
13 been convicted of a Class 1 or greater felony, including
14 any state or federal conviction for an offense that
15 contained, at the time it was committed, the same elements
16 as an offense now (the date of the offense committed after
17 the prior Class 1 or greater felony) classified as a Class
18 1 or greater felony, within 10 years of the date on which
19 the offender committed the offense for which he or she is
20 being sentenced, except as otherwise provided in Section
21 40-10 of the Substance Use Disorder Act.

22 (F-3) A Class 2 or greater felony sex offense or felony
23 firearm offense if the offender had been convicted of a
24 Class 2 or greater felony, including any state or federal
25 conviction for an offense that contained, at the time it
26 was committed, the same elements as an offense now (the

1 date of the offense committed after the prior Class 2 or
2 greater felony) classified as a Class 2 or greater felony,
3 within 10 years of the date on which the offender committed
4 the offense for which he or she is being sentenced, except
5 as otherwise provided in Section 40-10 of the Substance Use
6 Disorder Act.

7 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of
8 the Criminal Code of 1961 or the Criminal Code of 2012 for
9 which imprisonment is prescribed in those Sections.

10 (G) Residential burglary, except as otherwise provided
11 in Section 40-10 of the Substance Use Disorder Act.

12 (H) Criminal sexual assault.

13 (I) Aggravated battery of a senior citizen as described
14 in Section 12-4.6 or subdivision (a) (4) of Section 12-3.05
15 of the Criminal Code of 1961 or the Criminal Code of 2012.

16 (J) A forcible felony if the offense was related to the
17 activities of an organized gang.

18 Before July 1, 1994, for the purposes of this
19 paragraph, "organized gang" means an association of 5 or
20 more persons, with an established hierarchy, that
21 encourages members of the association to perpetrate crimes
22 or provides support to the members of the association who
23 do commit crimes.

24 Beginning July 1, 1994, for the purposes of this
25 paragraph, "organized gang" has the meaning ascribed to it
26 in Section 10 of the Illinois Streetgang Terrorism Omnibus

1 Prevention Act.

2 (K) Vehicular hijacking.

3 (L) A second or subsequent conviction for the offense
4 of hate crime when the underlying offense upon which the
5 hate crime is based is felony aggravated assault or felony
6 mob action.

7 (M) A second or subsequent conviction for the offense
8 of institutional vandalism if the damage to the property
9 exceeds \$300.

10 (N) A Class 3 felony violation of paragraph (1) of
11 subsection (a) of Section 2 of the Firearm Owners
12 Identification Card Act.

13 (O) A violation of Section 12-6.1 or 12-6.5 of the
14 Criminal Code of 1961 or the Criminal Code of 2012.

15 (P) A violation of paragraph (1), (2), (3), (4), (5),
16 or (7) of subsection (a) of Section 11-20.1 of the Criminal
17 Code of 1961 or the Criminal Code of 2012.

18 (Q) A violation of subsection (b) or (b-5) of Section
19 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
20 Code of 1961 or the Criminal Code of 2012.

21 (R) A violation of Section 24-3A of the Criminal Code
22 of 1961 or the Criminal Code of 2012.

23 (S) (Blank).

24 (T) (Blank).

25 (U) A second or subsequent violation of Section 6-303
26 of the Illinois Vehicle Code committed while his or her

1 driver's license, permit, or privilege was revoked because
2 of a violation of Section 9-3 of the Criminal Code of 1961
3 or the Criminal Code of 2012, relating to the offense of
4 reckless homicide, or a similar provision of a law of
5 another state.

6 (V) A violation of paragraph (4) of subsection (c) of
7 Section 11-20.1B or paragraph (4) of subsection (c) of
8 Section 11-20.3 of the Criminal Code of 1961, or paragraph
9 (6) of subsection (a) of Section 11-20.1 of the Criminal
10 Code of 2012 when the victim is under 13 years of age and
11 the defendant has previously been convicted under the laws
12 of this State or any other state of the offense of child
13 pornography, aggravated child pornography, aggravated
14 criminal sexual abuse, aggravated criminal sexual assault,
15 predatory criminal sexual assault of a child, or any of the
16 offenses formerly known as rape, deviate sexual assault,
17 indecent liberties with a child, or aggravated indecent
18 liberties with a child where the victim was under the age
19 of 18 years or an offense that is substantially equivalent
20 to those offenses.

21 (W) A violation of Section 24-3.5 of the Criminal Code
22 of 1961 or the Criminal Code of 2012.

23 (X) A violation of subsection (a) of Section 31-1a of
24 the Criminal Code of 1961 or the Criminal Code of 2012.

25 (Y) A conviction for unlawful possession of a firearm
26 by a street gang member when the firearm was loaded or

1 contained firearm ammunition.

2 (Z) A Class 1 felony committed while he or she was
3 serving a term of probation or conditional discharge for a
4 felony.

5 (AA) Theft of property exceeding \$500,000 and not
6 exceeding \$1,000,000 in value.

7 (BB) Laundering of criminally derived property of a
8 value exceeding \$500,000.

9 (CC) Knowingly selling, offering for sale, holding for
10 sale, or using 2,000 or more counterfeit items or
11 counterfeit items having a retail value in the aggregate of
12 \$500,000 or more.

13 (DD) A conviction for aggravated assault under
14 paragraph (6) of subsection (c) of Section 12-2 of the
15 Criminal Code of 1961 or the Criminal Code of 2012 if the
16 firearm is aimed toward the person against whom the firearm
17 is being used.

18 (EE) A conviction for a violation of paragraph (2) of
19 subsection (a) of Section 24-3B of the Criminal Code of
20 2012.

21 (3) (Blank).

22 (4) A minimum term of imprisonment of not less than 10
23 consecutive days or 30 days of community service shall be
24 imposed for a violation of paragraph (c) of Section 6-303 of
25 the Illinois Vehicle Code.

26 (4.1) (Blank).

1 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
2 this subsection (c), a minimum of 100 hours of community
3 service shall be imposed for a second violation of Section
4 6-303 of the Illinois Vehicle Code.

5 (4.3) A minimum term of imprisonment of 30 days or 300
6 hours of community service, as determined by the court, shall
7 be imposed for a second violation of subsection (c) of Section
8 6-303 of the Illinois Vehicle Code.

9 (4.4) Except as provided in paragraphs (4.5), (4.6), and
10 (4.9) of this subsection (c), a minimum term of imprisonment of
11 30 days or 300 hours of community service, as determined by the
12 court, shall be imposed for a third or subsequent violation of
13 Section 6-303 of the Illinois Vehicle Code. The court may give
14 credit toward the fulfillment of community service hours for
15 participation in activities and treatment as determined by
16 court services.

17 (4.5) A minimum term of imprisonment of 30 days shall be
18 imposed for a third violation of subsection (c) of Section
19 6-303 of the Illinois Vehicle Code.

20 (4.6) Except as provided in paragraph (4.10) of this
21 subsection (c), a minimum term of imprisonment of 180 days
22 shall be imposed for a fourth or subsequent violation of
23 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

24 (4.7) A minimum term of imprisonment of not less than 30
25 consecutive days, or 300 hours of community service, shall be
26 imposed for a violation of subsection (a-5) of Section 6-303 of

1 the Illinois Vehicle Code, as provided in subsection (b-5) of
2 that Section.

3 (4.8) A mandatory prison sentence shall be imposed for a
4 second violation of subsection (a-5) of Section 6-303 of the
5 Illinois Vehicle Code, as provided in subsection (c-5) of that
6 Section. The person's driving privileges shall be revoked for a
7 period of not less than 5 years from the date of his or her
8 release from prison.

9 (4.9) A mandatory prison sentence of not less than 4 and
10 not more than 15 years shall be imposed for a third violation
11 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
12 Code, as provided in subsection (d-2.5) of that Section. The
13 person's driving privileges shall be revoked for the remainder
14 of his or her life.

15 (4.10) A mandatory prison sentence for a Class 1 felony
16 shall be imposed, and the person shall be eligible for an
17 extended term sentence, for a fourth or subsequent violation of
18 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,
19 as provided in subsection (d-3.5) of that Section. The person's
20 driving privileges shall be revoked for the remainder of his or
21 her life.

22 (5) The court may sentence a corporation or unincorporated
23 association convicted of any offense to:

24 (A) a period of conditional discharge;

25 (B) a fine;

26 (C) make restitution to the victim under Section 5-5-6

1 of this Code.

2 (5.1) In addition to any other penalties imposed, and
3 except as provided in paragraph (5.2) or (5.3), a person
4 convicted of violating subsection (c) of Section 11-907 of the
5 Illinois Vehicle Code shall have his or her driver's license,
6 permit, or privileges suspended for at least 90 days but not
7 more than one year, if the violation resulted in damage to the
8 property of another person.

9 (5.2) In addition to any other penalties imposed, and
10 except as provided in paragraph (5.3), a person convicted of
11 violating subsection (c) of Section 11-907 of the Illinois
12 Vehicle Code shall have his or her driver's license, permit, or
13 privileges suspended for at least 180 days but not more than 2
14 years, if the violation resulted in injury to another person.

15 (5.3) In addition to any other penalties imposed, a person
16 convicted of violating subsection (c) of Section 11-907 of the
17 Illinois Vehicle Code shall have his or her driver's license,
18 permit, or privileges suspended for 2 years, if the violation
19 resulted in the death of another person.

20 (5.4) In addition to any other penalties imposed, a person
21 convicted of violating Section 3-707 of the Illinois Vehicle
22 Code shall have his or her driver's license, permit, or
23 privileges suspended for 3 months and until he or she has paid
24 a reinstatement fee of \$100.

25 (5.5) In addition to any other penalties imposed, a person
26 convicted of violating Section 3-707 of the Illinois Vehicle

1 Code during a period in which his or her driver's license,
2 permit, or privileges were suspended for a previous violation
3 of that Section shall have his or her driver's license, permit,
4 or privileges suspended for an additional 6 months after the
5 expiration of the original 3-month suspension and until he or
6 she has paid a reinstatement fee of \$100.

7 (6) (Blank).

8 (7) (Blank).

9 (8) (Blank).

10 (9) A defendant convicted of a second or subsequent offense
11 of ritualized abuse of a child may be sentenced to a term of
12 natural life imprisonment.

13 (10) (Blank).

14 (11) The court shall impose a minimum fine of \$1,000 for a
15 first offense and \$2,000 for a second or subsequent offense
16 upon a person convicted of or placed on supervision for battery
17 when the individual harmed was a sports official or coach at
18 any level of competition and the act causing harm to the sports
19 official or coach occurred within an athletic facility or
20 within the immediate vicinity of the athletic facility at which
21 the sports official or coach was an active participant of the
22 athletic contest held at the athletic facility. For the
23 purposes of this paragraph (11), "sports official" means a
24 person at an athletic contest who enforces the rules of the
25 contest, such as an umpire or referee; "athletic facility"
26 means an indoor or outdoor playing field or recreational area

1 where sports activities are conducted; and "coach" means a
2 person recognized as a coach by the sanctioning authority that
3 conducted the sporting event.

4 (12) A person may not receive a disposition of court
5 supervision for a violation of Section 5-16 of the Boat
6 Registration and Safety Act if that person has previously
7 received a disposition of court supervision for a violation of
8 that Section.

9 (13) A person convicted of or placed on court supervision
10 for an assault or aggravated assault when the victim and the
11 offender are family or household members as defined in Section
12 103 of the Illinois Domestic Violence Act of 1986 or convicted
13 of domestic battery or aggravated domestic battery may be
14 required to attend a Partner Abuse Intervention Program under
15 protocols set forth by the Illinois Department of Human
16 Services under such terms and conditions imposed by the court.
17 The costs of such classes shall be paid by the offender.

18 (d) In any case in which a sentence originally imposed is
19 vacated, the case shall be remanded to the trial court. The
20 trial court shall hold a hearing under Section 5-4-1 of this
21 ~~the Unified Code of Corrections~~ which may include evidence of
22 the defendant's life, moral character and occupation during the
23 time since the original sentence was passed. The trial court
24 shall then impose sentence upon the defendant. The trial court
25 may impose any sentence which could have been imposed at the
26 original trial subject to Section 5-5-4 of this ~~the Unified~~

1 Code ~~of Corrections~~. If a sentence is vacated on appeal or on
2 collateral attack due to the failure of the trier of fact at
3 trial to determine beyond a reasonable doubt the existence of a
4 fact (other than a prior conviction) necessary to increase the
5 punishment for the offense beyond the statutory maximum
6 otherwise applicable, either the defendant may be re-sentenced
7 to a term within the range otherwise provided or, if the State
8 files notice of its intention to again seek the extended
9 sentence, the defendant shall be afforded a new trial.

10 (e) In cases where prosecution for aggravated criminal
11 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
12 Code of 1961 or the Criminal Code of 2012 results in conviction
13 of a defendant who was a family member of the victim at the
14 time of the commission of the offense, the court shall consider
15 the safety and welfare of the victim and may impose a sentence
16 of probation only where:

17 (1) the court finds (A) or (B) or both are appropriate:

18 (A) the defendant is willing to undergo a court
19 approved counseling program for a minimum duration of 2
20 years; or

21 (B) the defendant is willing to participate in a
22 court approved plan including but not limited to the
23 defendant's:

24 (i) removal from the household;

25 (ii) restricted contact with the victim;

26 (iii) continued financial support of the

1 family;

2 (iv) restitution for harm done to the victim;

3 and

4 (v) compliance with any other measures that
5 the court may deem appropriate; and

6 (2) the court orders the defendant to pay for the
7 victim's counseling services, to the extent that the court
8 finds, after considering the defendant's income and
9 assets, that the defendant is financially capable of paying
10 for such services, if the victim was under 18 years of age
11 at the time the offense was committed and requires
12 counseling as a result of the offense.

13 Probation may be revoked or modified pursuant to Section
14 5-6-4; except where the court determines at the hearing that
15 the defendant violated a condition of his or her probation
16 restricting contact with the victim or other family members or
17 commits another offense with the victim or other family
18 members, the court shall revoke the defendant's probation and
19 impose a term of imprisonment.

20 For the purposes of this Section, "family member" and
21 "victim" shall have the meanings ascribed to them in Section
22 11-0.1 of the Criminal Code of 2012.

23 (f) (Blank).

24 (g) Whenever a defendant is convicted of an offense under
25 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
26 11-14.3, 11-14.4 except for an offense that involves keeping a

1 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
2 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
3 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
4 Criminal Code of 2012, the defendant shall undergo medical
5 testing to determine whether the defendant has any sexually
6 transmissible disease, including a test for infection with
7 human immunodeficiency virus (HIV) or any other identified
8 causative agent of acquired immunodeficiency syndrome (AIDS).
9 Any such medical test shall be performed only by appropriately
10 licensed medical practitioners and may include an analysis of
11 any bodily fluids as well as an examination of the defendant's
12 person. Except as otherwise provided by law, the results of
13 such test shall be kept strictly confidential by all medical
14 personnel involved in the testing and must be personally
15 delivered in a sealed envelope to the judge of the court in
16 which the conviction was entered for the judge's inspection in
17 camera. Acting in accordance with the best interests of the
18 victim and the public, the judge shall have the discretion to
19 determine to whom, if anyone, the results of the testing may be
20 revealed. The court shall notify the defendant of the test
21 results. The court shall also notify the victim if requested by
22 the victim, and if the victim is under the age of 15 and if
23 requested by the victim's parents or legal guardian, the court
24 shall notify the victim's parents or legal guardian of the test
25 results. The court shall provide information on the
26 availability of HIV testing and counseling at Department of

1 Public Health facilities to all parties to whom the results of
2 the testing are revealed and shall direct the State's Attorney
3 to provide the information to the victim when possible. A
4 State's Attorney may petition the court to obtain the results
5 of any HIV test administered under this Section, and the court
6 shall grant the disclosure if the State's Attorney shows it is
7 relevant in order to prosecute a charge of criminal
8 transmission of HIV under Section 12-5.01 or 12-16.2 of the
9 Criminal Code of 1961 or the Criminal Code of 2012 against the
10 defendant. The court shall order that the cost of any such test
11 shall be paid by the county and may be taxed as costs against
12 the convicted defendant.

13 (g-5) When an inmate is tested for an airborne communicable
14 disease, as determined by the Illinois Department of Public
15 Health including but not limited to tuberculosis, the results
16 of the test shall be personally delivered by the warden or his
17 or her designee in a sealed envelope to the judge of the court
18 in which the inmate must appear for the judge's inspection in
19 camera if requested by the judge. Acting in accordance with the
20 best interests of those in the courtroom, the judge shall have
21 the discretion to determine what if any precautions need to be
22 taken to prevent transmission of the disease in the courtroom.

23 (h) Whenever a defendant is convicted of an offense under
24 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
25 defendant shall undergo medical testing to determine whether
26 the defendant has been exposed to human immunodeficiency virus

1 (HIV) or any other identified causative agent of acquired
2 immunodeficiency syndrome (AIDS). Except as otherwise provided
3 by law, the results of such test shall be kept strictly
4 confidential by all medical personnel involved in the testing
5 and must be personally delivered in a sealed envelope to the
6 judge of the court in which the conviction was entered for the
7 judge's inspection in camera. Acting in accordance with the
8 best interests of the public, the judge shall have the
9 discretion to determine to whom, if anyone, the results of the
10 testing may be revealed. The court shall notify the defendant
11 of a positive test showing an infection with the human
12 immunodeficiency virus (HIV). The court shall provide
13 information on the availability of HIV testing and counseling
14 at Department of Public Health facilities to all parties to
15 whom the results of the testing are revealed and shall direct
16 the State's Attorney to provide the information to the victim
17 when possible. A State's Attorney may petition the court to
18 obtain the results of any HIV test administered under this
19 Section, and the court shall grant the disclosure if the
20 State's Attorney shows it is relevant in order to prosecute a
21 charge of criminal transmission of HIV under Section 12-5.01 or
22 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
23 2012 against the defendant. The court shall order that the cost
24 of any such test shall be paid by the county and may be taxed as
25 costs against the convicted defendant.

26 (i) All fines and penalties imposed under this Section for

1 any violation of Chapters 3, 4, 6, and 11 of the Illinois
2 Vehicle Code, or a similar provision of a local ordinance, and
3 any violation of the Child Passenger Protection Act, or a
4 similar provision of a local ordinance, shall be collected and
5 disbursed by the circuit clerk as provided under the Criminal
6 and Traffic Assessment Act.

7 (j) In cases when prosecution for any violation of Section
8 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
9 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
10 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
11 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
12 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
13 Code of 2012, any violation of the Illinois Controlled
14 Substances Act, any violation of the Cannabis Control Act, or
15 any violation of the Methamphetamine Control and Community
16 Protection Act results in conviction, a disposition of court
17 supervision, or an order of probation granted under Section 10
18 of the Cannabis Control Act, Section 410 of the Illinois
19 Controlled Substances Act, or Section 70 of the Methamphetamine
20 Control and Community Protection Act of a defendant, the court
21 shall determine whether the defendant is employed by a facility
22 or center as defined under the Child Care Act of 1969, a public
23 or private elementary or secondary school, or otherwise works
24 with children under 18 years of age on a daily basis. When a
25 defendant is so employed, the court shall order the Clerk of
26 the Court to send a copy of the judgment of conviction or order

1 of supervision or probation to the defendant's employer by
2 certified mail. If the employer of the defendant is a school,
3 the Clerk of the Court shall direct the mailing of a copy of
4 the judgment of conviction or order of supervision or probation
5 to the appropriate regional superintendent of schools. The
6 regional superintendent of schools shall notify the State Board
7 of Education of any notification under this subsection.

8 (j-5) A defendant at least 17 years of age who is convicted
9 of a felony and who has not been previously convicted of a
10 misdemeanor or felony and who is sentenced to a term of
11 imprisonment in the Illinois Department of Corrections shall as
12 a condition of his or her sentence be required by the court to
13 attend educational courses designed to prepare the defendant
14 for a high school diploma and to work toward a high school
15 diploma or to work toward passing high school equivalency
16 testing or to work toward completing a vocational training
17 program offered by the Department of Corrections. If a
18 defendant fails to complete the educational training required
19 by his or her sentence during the term of incarceration, the
20 Prisoner Review Board shall, as a condition of mandatory
21 supervised release, require the defendant, at his or her own
22 expense, to pursue a course of study toward a high school
23 diploma or passage of high school equivalency testing. The
24 Prisoner Review Board shall revoke the mandatory supervised
25 release of a defendant who wilfully fails to comply with this
26 subsection (j-5) upon his or her release from confinement in a

1 penal institution while serving a mandatory supervised release
2 term; however, the inability of the defendant after making a
3 good faith effort to obtain financial aid or pay for the
4 educational training shall not be deemed a wilful failure to
5 comply. The Prisoner Review Board shall recommit the defendant
6 whose mandatory supervised release term has been revoked under
7 this subsection (j-5) as provided in Section 3-3-9. This
8 subsection (j-5) does not apply to a defendant who has a high
9 school diploma or has successfully passed high school
10 equivalency testing. This subsection (j-5) does not apply to a
11 defendant who is determined by the court to be a person with a
12 developmental disability or otherwise mentally incapable of
13 completing the educational or vocational program.

14 (k) (Blank).

15 (l) (A) Except as provided in paragraph (C) of subsection
16 (l), whenever a defendant, who is an alien as defined by the
17 Immigration and Nationality Act, is convicted of any felony or
18 misdemeanor offense, the court after sentencing the defendant
19 may, upon motion of the State's Attorney, hold sentence in
20 abeyance and remand the defendant to the custody of the
21 Attorney General of the United States or his or her designated
22 agent to be deported when:

23 (1) a final order of deportation has been issued
24 against the defendant pursuant to proceedings under the
25 Immigration and Nationality Act, and

26 (2) the deportation of the defendant would not

1 deprecate the seriousness of the defendant's conduct and
2 would not be inconsistent with the ends of justice.

3 Otherwise, the defendant shall be sentenced as provided in
4 this Chapter V.

5 (B) If the defendant has already been sentenced for a
6 felony or misdemeanor offense, or has been placed on probation
7 under Section 10 of the Cannabis Control Act, Section 410 of
8 the Illinois Controlled Substances Act, or Section 70 of the
9 Methamphetamine Control and Community Protection Act, the
10 court may, upon motion of the State's Attorney to suspend the
11 sentence imposed, commit the defendant to the custody of the
12 Attorney General of the United States or his or her designated
13 agent when:

14 (1) a final order of deportation has been issued
15 against the defendant pursuant to proceedings under the
16 Immigration and Nationality Act, and

17 (2) the deportation of the defendant would not
18 deprecate the seriousness of the defendant's conduct and
19 would not be inconsistent with the ends of justice.

20 (C) This subsection (1) does not apply to offenders who are
21 subject to the provisions of paragraph (2) of subsection (a) of
22 Section 3-6-3.

23 (D) Upon motion of the State's Attorney, if a defendant
24 sentenced under this Section returns to the jurisdiction of the
25 United States, the defendant shall be recommitted to the
26 custody of the county from which he or she was sentenced.

1 Thereafter, the defendant shall be brought before the
2 sentencing court, which may impose any sentence that was
3 available under Section 5-5-3 at the time of initial
4 sentencing. In addition, the defendant shall not be eligible
5 for additional earned sentence credit as provided under Section
6 3-6-3.

7 (m) A person convicted of criminal defacement of property
8 under Section 21-1.3 of the Criminal Code of 1961 or the
9 Criminal Code of 2012, in which the property damage exceeds
10 \$300 and the property damaged is a school building, shall be
11 ordered to perform community service that may include cleanup,
12 removal, or painting over the defacement.

13 (n) The court may sentence a person convicted of a
14 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
15 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
16 of 1961 or the Criminal Code of 2012 (i) to an impact
17 incarceration program if the person is otherwise eligible for
18 that program under Section 5-8-1.1, (ii) to community service,
19 or (iii) if the person has a substance use disorder, as defined
20 in the Substance Use Disorder Act, to a treatment program
21 licensed under that Act.

22 (o) Whenever a person is convicted of a sex offense as
23 defined in Section 2 of the Sex Offender Registration Act, the
24 defendant's driver's license or permit shall be subject to
25 renewal on an annual basis in accordance with the provisions of
26 license renewal established by the Secretary of State.

1 (Source: P.A. 99-143, eff. 7-27-15; 99-885, eff. 8-23-16;
2 99-938, eff. 1-1-18; 100-575, eff. 1-8-18; 100-759, eff.
3 1-1-19; 100-987, eff. 7-1-19; revised 10-12-18.)

4 (730 ILCS 5/5-5-6) (from Ch. 38, par. 1005-5-6)

5 Sec. 5-5-6. In all convictions for offenses in violation of
6 the Criminal Code of 1961 or the Criminal Code of 2012 or of
7 Section 11-501 of the Illinois Vehicle Code in which the person
8 received any injury to his or her person or damage to his or
9 her real or personal property as a result of the criminal act
10 of the defendant, the court shall order restitution as provided
11 in this Section. In all other cases, except cases in which
12 restitution is required under this Section, the court must at
13 the sentence hearing determine whether restitution is an
14 appropriate sentence to be imposed on each defendant convicted
15 of an offense. If the court determines that an order directing
16 the offender to make restitution is appropriate, the offender
17 may be sentenced to make restitution. The court may consider
18 restitution an appropriate sentence to be imposed on each
19 defendant convicted of an offense in addition to a sentence of
20 imprisonment. The sentence of the defendant to a term of
21 imprisonment is not a mitigating factor that prevents the court
22 from ordering the defendant to pay restitution. If the offender
23 is sentenced to make restitution the Court shall determine the
24 restitution as hereinafter set forth:

25 (a) At the sentence hearing, the court shall determine

1 whether the property may be restored in kind to the
2 possession of the owner or the person entitled to
3 possession thereof; or whether the defendant is possessed
4 of sufficient skill to repair and restore property damaged;
5 or whether the defendant should be required to make
6 restitution in cash, for out-of-pocket expenses, damages,
7 losses, or injuries found to have been proximately caused
8 by the conduct of the defendant or another for whom the
9 defendant is legally accountable under the provisions of
10 Article 5 of the Criminal Code of 1961 or the Criminal Code
11 of 2012.

12 (b) In fixing the amount of restitution to be paid in
13 cash, the court shall allow credit for property returned in
14 kind, for property damages ordered to be repaired by the
15 defendant, and for property ordered to be restored by the
16 defendant; and after granting the credit, the court shall
17 assess the actual out-of-pocket expenses, losses, damages,
18 and injuries suffered by the victim named in the charge and
19 any other victims who may also have suffered out-of-pocket
20 expenses, losses, damages, and injuries proximately caused
21 by the same criminal conduct of the defendant, and
22 insurance carriers who have indemnified the named victim or
23 other victims for the out-of-pocket expenses, losses,
24 damages, or injuries, provided that in no event shall
25 restitution be ordered to be paid on account of pain and
26 suffering. When a victim's out-of-pocket expenses have

1 been paid pursuant to the Crime Victims Compensation Act,
2 the court shall order restitution be paid to the
3 compensation program. If a defendant is placed on
4 supervision for, or convicted of, domestic battery, the
5 defendant shall be required to pay restitution to any
6 domestic violence shelter in which the victim and any other
7 family or household members lived because of the domestic
8 battery. The amount of the restitution shall equal the
9 actual expenses of the domestic violence shelter in
10 providing housing and any other services for the victim and
11 any other family or household members living at the
12 shelter. If a defendant fails to pay restitution in the
13 manner or within the time period specified by the court,
14 the court may enter an order directing the sheriff to seize
15 any real or personal property of a defendant to the extent
16 necessary to satisfy the order of restitution and dispose
17 of the property by public sale. All proceeds from such sale
18 in excess of the amount of restitution plus court costs and
19 the costs of the sheriff in conducting the sale shall be
20 paid to the defendant. The defendant convicted of domestic
21 battery, if a person under 18 years of age was present and
22 witnessed the domestic battery of the victim, is liable to
23 pay restitution for the cost of any counseling required for
24 the child at the discretion of the court.

25 (c) In cases where more than one defendant is
26 accountable for the same criminal conduct that results in

1 out-of-pocket expenses, losses, damages, or injuries, each
2 defendant shall be ordered to pay restitution in the amount
3 of the total actual out-of-pocket expenses, losses,
4 damages, or injuries to the victim proximately caused by
5 the conduct of all of the defendants who are legally
6 accountable for the offense.

7 (1) In no event shall the victim be entitled to
8 recover restitution in excess of the actual
9 out-of-pocket expenses, losses, damages, or injuries,
10 proximately caused by the conduct of all of the
11 defendants.

12 (2) As between the defendants, the court may
13 apportion the restitution that is payable in
14 proportion to each co-defendant's culpability in the
15 commission of the offense.

16 (3) In the absence of a specific order apportioning
17 the restitution, each defendant shall bear his pro rata
18 share of the restitution.

19 (4) As between the defendants, each defendant
20 shall be entitled to a pro rata reduction in the total
21 restitution required to be paid to the victim for
22 amounts of restitution actually paid by co-defendants,
23 and defendants who shall have paid more than their pro
24 rata share shall be entitled to refunds to be computed
25 by the court as additional amounts are paid by
26 co-defendants.

1 (d) In instances where a defendant has more than one
2 criminal charge pending against him in a single case, or
3 more than one case, and the defendant stands convicted of
4 one or more charges, a plea agreement negotiated by the
5 State's Attorney and the defendants may require the
6 defendant to make restitution to victims of charges that
7 have been dismissed or which it is contemplated will be
8 dismissed under the terms of the plea agreement, and under
9 the agreement, the court may impose a sentence of
10 restitution on the charge or charges of which the defendant
11 has been convicted that would require the defendant to make
12 restitution to victims of other offenses as provided in the
13 plea agreement.

14 (e) The court may require the defendant to apply the
15 balance of the cash bond, after payment of court costs, and
16 any fine that may be imposed to the payment of restitution.

17 (f) Taking into consideration the ability of the
18 defendant to pay, including any real or personal property
19 or any other assets of the defendant, the court shall
20 determine whether restitution shall be paid in a single
21 payment or in installments, and shall fix a period of time
22 not in excess of 5 years, except for violations of Sections
23 16-1.3 and 17-56 of the Criminal Code of 1961 or the
24 Criminal Code of 2012, or the period of time specified in
25 subsection (f-1), not including periods of incarceration,
26 within which payment of restitution is to be paid in full.

1 Complete restitution shall be paid in as short a time
2 period as possible. However, if the court deems it
3 necessary and in the best interest of the victim, the court
4 may extend beyond 5 years the period of time within which
5 the payment of restitution is to be paid. If the defendant
6 is ordered to pay restitution and the court orders that
7 restitution is to be paid over a period greater than 6
8 months, the court shall order that the defendant make
9 monthly payments; the court may waive this requirement of
10 monthly payments only if there is a specific finding of
11 good cause for waiver.

12 (f-1) (1) In addition to any other penalty prescribed by
13 law and any restitution ordered under this Section that did
14 not include long-term physical health care costs, the court
15 may, upon conviction of any misdemeanor or felony, order a
16 defendant to pay restitution to a victim in accordance with
17 the provisions of this subsection (f-1) if the victim has
18 suffered physical injury as a result of the offense that is
19 reasonably probable to require or has required long-term
20 physical health care for more than 3 months. As used in
21 this subsection (f-1), "long-term physical health care"
22 includes mental health care.

23 (2) The victim's estimate of long-term physical health
24 care costs may be made as part of a victim impact statement
25 under Section 6 of the Rights of Crime Victims and
26 Witnesses Act or made separately. The court shall enter the

1 long-term physical health care restitution order at the
2 time of sentencing. An order of restitution made under this
3 subsection (f-1) shall fix a monthly amount to be paid by
4 the defendant for as long as long-term physical health care
5 of the victim is required as a result of the offense. The
6 order may exceed the length of any sentence imposed upon
7 the defendant for the criminal activity. The court shall
8 include as a special finding in the judgment of conviction
9 its determination of the monthly cost of long-term physical
10 health care.

11 (3) After a sentencing order has been entered, the
12 court may from time to time, on the petition of either the
13 defendant or the victim, or upon its own motion, enter an
14 order for restitution for long-term physical care or modify
15 the existing order for restitution for long-term physical
16 care as to the amount of monthly payments. Any modification
17 of the order shall be based only upon a substantial change
18 of circumstances relating to the cost of long-term physical
19 health care or the financial condition of either the
20 defendant or the victim. The petition shall be filed as
21 part of the original criminal docket.

22 (g) In addition to the sentences provided for in
23 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
24 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14,
25 12-14.1, 12-15, and 12-16, and subdivision (a)(4) of
26 Section 11-14.4, of the Criminal Code of 1961 or the

1 Criminal Code of 2012, the court may order any person who
2 is convicted of violating any of those Sections or who was
3 charged with any of those offenses and which charge was
4 reduced to another charge as a result of a plea agreement
5 under subsection (d) of this Section to meet all or any
6 portion of the financial obligations of treatment,
7 including but not limited to medical, psychiatric, or
8 rehabilitative treatment or psychological counseling,
9 prescribed for the victim or victims of the offense.

10 The payments shall be made by the defendant to the
11 clerk of the circuit court and transmitted by the clerk to
12 the appropriate person or agency as directed by the court.
13 Except as otherwise provided in subsection (f-1), the order
14 may require such payments to be made for a period not to
15 exceed 5 years after sentencing, not including periods of
16 incarceration.

17 (h) The judge may enter an order of withholding to
18 collect the amount of restitution owed in accordance with
19 Part 8 of Article XII of the Code of Civil Procedure.

20 (i) A sentence of restitution may be modified or
21 revoked by the court if the offender commits another
22 offense, or the offender fails to make restitution as
23 ordered by the court, but no sentence to make restitution
24 shall be revoked unless the court shall find that the
25 offender has had the financial ability to make restitution,
26 and he has wilfully refused to do so. When the offender's

1 ability to pay restitution was established at the time an
2 order of restitution was entered or modified, or when the
3 offender's ability to pay was based on the offender's
4 willingness to make restitution as part of a plea agreement
5 made at the time the order of restitution was entered or
6 modified, there is a rebuttable presumption that the facts
7 and circumstances considered by the court at the hearing at
8 which the order of restitution was entered or modified
9 regarding the offender's ability or willingness to pay
10 restitution have not materially changed. If the court shall
11 find that the defendant has failed to make restitution and
12 that the failure is not wilful, the court may impose an
13 additional period of time within which to make restitution.
14 The length of the additional period shall not be more than
15 2 years. The court shall retain all of the incidents of the
16 original sentence, including the authority to modify or
17 enlarge the conditions, and to revoke or further modify the
18 sentence if the conditions of payment are violated during
19 the additional period.

20 (j) The procedure upon the filing of a Petition to
21 Revoke a sentence to make restitution shall be the same as
22 the procedures set forth in Section 5-6-4 of this Code
23 governing violation, modification, or revocation of
24 Probation, of Conditional Discharge, or of Supervision.

25 (k) Nothing contained in this Section shall preclude
26 the right of any party to proceed in a civil action to

1 recover for any damages incurred due to the criminal
2 misconduct of the defendant.

3 (1) Restitution ordered under this Section shall not be
4 subject to disbursement by the circuit clerk under the
5 Criminal and Traffic Assessment Act.

6 (m) A restitution order under this Section is a
7 judgment lien in favor of the victim that:

8 (1) Attaches to the property of the person subject
9 to the order;

10 (2) May be perfected in the same manner as provided
11 in Part 3 of Article 9 of the Uniform Commercial Code;

12 (3) May be enforced to satisfy any payment that is
13 delinquent under the restitution order by the person in
14 whose favor the order is issued or the person's
15 assignee; and

16 (4) Expires in the same manner as a judgment lien
17 created in a civil proceeding.

18 When a restitution order is issued under this Section,
19 the issuing court shall send a certified copy of the order
20 to the clerk of the circuit court in the county where the
21 charge was filed. Upon receiving the order, the clerk shall
22 enter and index the order in the circuit court judgment
23 docket.

24 (n) An order of restitution under this Section does not
25 bar a civil action for:

26 (1) Damages that the court did not require the

1 person to pay to the victim under the restitution order
2 but arise from an injury or property damages that is
3 the basis of restitution ordered by the court; and

4 (2) Other damages suffered by the victim.

5 The restitution order is not discharged by the completion
6 of the sentence imposed for the offense.

7 A restitution order under this Section is not discharged by
8 the liquidation of a person's estate by a receiver. A
9 restitution order under this Section may be enforced in the
10 same manner as judgment liens are enforced under Article XII of
11 the Code of Civil Procedure.

12 The provisions of Section 2-1303 of the Code of Civil
13 Procedure, providing for interest on judgments, apply to
14 judgments for restitution entered under this Section.

15 (Source: P.A. 100-987, eff. 7-1-19; revised 10-3-18.)

16 (730 ILCS 5/5-7-1) (from Ch. 38, par. 1005-7-1)

17 Sec. 5-7-1. Sentence of periodic imprisonment.

18 (a) A sentence of periodic imprisonment is a sentence of
19 imprisonment during which the committed person may be released
20 for periods of time during the day or night or for periods of
21 days, or both, or if convicted of a felony, other than first
22 degree murder, a Class X or Class 1 felony, committed to any
23 county, municipal, or regional correctional or detention
24 institution or facility in this State for such periods of time
25 as the court may direct. Unless the court orders otherwise, the

1 particular times and conditions of release shall be determined
2 by the Department of Corrections, the sheriff, or the
3 Superintendent of the house of corrections, who is
4 administering the program.

5 (b) A sentence of periodic imprisonment may be imposed to
6 permit the defendant to:

7 (1) seek employment;

8 (2) work;

9 (3) conduct a business or other self-employed
10 occupation including housekeeping;

11 (4) attend to family needs;

12 (5) attend an educational institution, including
13 vocational education;

14 (6) obtain medical or psychological treatment;

15 (7) perform work duties at a county, municipal, or
16 regional correctional or detention institution or
17 facility;

18 (8) continue to reside at home with or without
19 supervision involving the use of an approved electronic
20 monitoring device, subject to Article 8A of Chapter V; or

21 (9) for any other purpose determined by the court.

22 (c) Except where prohibited by other provisions of this
23 Code, the court may impose a sentence of periodic imprisonment
24 for a felony or misdemeanor on a person who is 17 years of age
25 or older. The court shall not impose a sentence of periodic
26 imprisonment if it imposes a sentence of imprisonment upon the

1 defendant in excess of 90 days.

2 (d) A sentence of periodic imprisonment shall be for a
3 definite term of from 3 to 4 years for a Class 1 felony, 18 to
4 30 months for a Class 2 felony, and up to 18 months, or the
5 longest sentence of imprisonment that could be imposed for the
6 offense, whichever is less, for all other offenses; however, no
7 person shall be sentenced to a term of periodic imprisonment
8 longer than one year if he is committed to a county
9 correctional institution or facility, and in conjunction with
10 that sentence participate in a county work release program
11 comparable to the work and day release program provided for in
12 Article 13 of Chapter III of this Code ~~the Unified Code of~~
13 ~~Corrections~~ in State facilities. The term of the sentence shall
14 be calculated upon the basis of the duration of its term rather
15 than upon the basis of the actual days spent in confinement. No
16 sentence of periodic imprisonment shall be subject to the good
17 time credit provisions of Section 3-6-3 of this Code.

18 (e) When the court imposes a sentence of periodic
19 imprisonment, it shall state:

20 (1) the term of such sentence;

21 (2) the days or parts of days which the defendant is to
22 be confined;

23 (3) the conditions.

24 (f) The court may issue an order of protection pursuant to
25 the Illinois Domestic Violence Act of 1986 as a condition of a
26 sentence of periodic imprisonment. The Illinois Domestic

1 Violence Act of 1986 shall govern the issuance, enforcement and
2 recording of orders of protection issued under this Section. A
3 copy of the order of protection shall be transmitted to the
4 person or agency having responsibility for the case.

5 (f-5) An offender sentenced to a term of periodic
6 imprisonment for a felony sex offense as defined in the Sex
7 Offender Management Board Act shall be required to undergo and
8 successfully complete sex offender treatment by a treatment
9 provider approved by the Board and conducted in conformance
10 with the standards developed under the Sex Offender Management
11 Board Act.

12 (g) An offender sentenced to periodic imprisonment who
13 undergoes mandatory drug or alcohol testing, or both, or is
14 assigned to be placed on an approved electronic monitoring
15 device, shall be ordered to pay the costs incidental to such
16 mandatory drug or alcohol testing, or both, and costs
17 incidental to such approved electronic monitoring in
18 accordance with the defendant's ability to pay those costs. The
19 county board with the concurrence of the Chief Judge of the
20 judicial circuit in which the county is located shall establish
21 reasonable fees for the cost of maintenance, testing, and
22 incidental expenses related to the mandatory drug or alcohol
23 testing, or both, and all costs incidental to approved
24 electronic monitoring, of all offenders with a sentence of
25 periodic imprisonment. The concurrence of the Chief Judge shall
26 be in the form of an administrative order. The fees shall be

1 collected by the clerk of the circuit court, except as provided
2 in an administrative order of the Chief Judge of the circuit
3 court. The clerk of the circuit court shall pay all moneys
4 collected from these fees to the county treasurer who shall use
5 the moneys collected to defray the costs of drug testing,
6 alcohol testing, and electronic monitoring. The county
7 treasurer shall deposit the fees collected in the county
8 working cash fund under Section 6-27001 or Section 6-29002 of
9 the Counties Code, as the case may be.

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

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

25 The Chief Judge of the circuit court may suspend any
26 additional charges or fees for late payment, interest, or

1 damage to any device.

2 (i) A defendant at least 17 years of age who is convicted
3 of a misdemeanor or felony in a county of 3,000,000 or more
4 inhabitants and who has not been previously convicted of a
5 misdemeanor or a felony and who is sentenced to a term of
6 periodic imprisonment may as a condition of his or her sentence
7 be required by the court to attend educational courses designed
8 to prepare the defendant for a high school diploma and to work
9 toward receiving a high school diploma or to work toward
10 passing high school equivalency testing or to work toward
11 completing a vocational training program approved by the court.
12 The defendant sentenced to periodic imprisonment must attend a
13 public institution of education to obtain the educational or
14 vocational training required by this subsection (i). The
15 defendant sentenced to a term of periodic imprisonment shall be
16 required to pay for the cost of the educational courses or high
17 school equivalency testing if a fee is charged for those
18 courses or testing. The court shall revoke the sentence of
19 periodic imprisonment of the defendant who wilfully fails to
20 comply with this subsection (i). The court shall resentence the
21 defendant whose sentence of periodic imprisonment has been
22 revoked as provided in Section 5-7-2. This subsection (i) does
23 not apply to a defendant who has a high school diploma or has
24 successfully passed high school equivalency testing. This
25 subsection (i) does not apply to a defendant who is determined
26 by the court to be a person with a developmental disability or

1 otherwise mentally incapable of completing the educational or
2 vocational program.

3 (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16;
4 100-987, eff. 7-1-19; revised 10-3-18.)

5 Section 715. The Code of Civil Procedure is amended by
6 changing Section 21-103 as follows:

7 (735 ILCS 5/21-103) (from Ch. 110, par. 21-103)

8 Sec. 21-103. Notice by publication.

9 (a) Previous notice shall be given of the intended
10 application by publishing a notice thereof in some newspaper
11 published in the municipality in which the person resides if
12 the municipality is in a county with a population under
13 2,000,000, or if the person does not reside in a municipality
14 in a county with a population under 2,000,000, or if no
15 newspaper is published in the municipality or if the person
16 resides in a county with a population of 2,000,000 or more,
17 then in some newspaper published in the county where the person
18 resides, or if no newspaper is published in that county, then
19 in some convenient newspaper published in this State. The
20 notice shall be inserted for 3 consecutive weeks after filing,
21 the first insertion to be at least 6 weeks before the return
22 day upon which the petition is to be heard, and shall be signed
23 by the petitioner or, in case of a minor, the minor's parent or
24 guardian, and shall set forth the return day of court on which

1 the petition is to be heard and the name sought to be assumed.

2 (b) The publication requirement of subsection (a) shall not
3 be required in any application for a change of name involving a
4 minor if, before making judgment under this Article, reasonable
5 notice and opportunity to be heard is given to any parent whose
6 parental rights have not been previously terminated and to any
7 person who has physical custody of the child. If any of these
8 persons are outside this State, notice and opportunity to be
9 heard shall be given under Section 21-104.

10 (b-5) Upon motion, the court may issue an order directing
11 that the notice and publication requirement be waived for a
12 change of name involving a person who files with the court a
13 written declaration that the person believes that publishing
14 notice of the name change would put the person at risk of
15 physical harm or discrimination. The person must provide
16 evidence to support the claim that publishing notice of the
17 name change would put the person at risk of physical harm or
18 discrimination.

19 (c) The Director of State Police or his or her designee may
20 apply to the circuit court for an order directing that the
21 notice and publication requirements of this Section be waived
22 if the Director or his or her designee certifies that the name
23 change being sought is intended to protect a witness during and
24 following a criminal investigation or proceeding.

25 (c-1) The court may enter a written order waiving the
26 publication requirement of subsection (a) if:

1 (i) the petitioner is 18 years of age or older; and
2 (ii) concurrent with the petition, the petitioner
3 files with the court a statement, verified under oath as
4 provided under Section 1-109 of this Code, attesting that
5 the petitioner is or has been a person protected under the
6 Illinois Domestic Violence Act of 1986, the Stalking No
7 Contact Order Act, the Civil No Contact Order Act, Article
8 112A of the Code of Criminal Procedure of 1963, a condition
9 of bail under subsections (b) through (d) of Section 110-10
10 of the Code of Criminal Procedure of 1963, or a similar
11 provision of a law in another state or jurisdiction.

12 The petitioner may attach to the statement any supporting
13 documents, including relevant court orders.

14 (c-2) If the petitioner files a statement attesting that
15 disclosure of the petitioner's address would put the petitioner
16 or any member of the petitioner's family or household at risk
17 or reveal the confidential address of a shelter for domestic
18 violence victims, that address may be omitted from all
19 documents filed with the court, and the petitioner may
20 designate an alternative address for service.

21 (c-3) Court administrators may allow domestic abuse
22 advocates, rape crisis advocates, and victim advocates to
23 assist petitioners in the preparation of name changes under
24 subsection (c-1).

25 (c-4) If the publication requirements of subsection (a)
26 have been waived, the circuit court shall enter an order

1 impounding the case.

2 (d) The maximum rate charged for publication of a notice
3 under this Section may not exceed the lowest classified rate
4 paid by commercial users for comparable space in the newspaper
5 in which the notice appears and shall include all cash
6 discounts, multiple insertion discounts, and similar benefits
7 extended to the newspaper's regular customers.

8 (Source: P.A. 100-520, eff. 1-1-18 (see Section 5 of P.A.
9 100-565 for the effective date of P.A. 100-520); 100-788, eff.
10 1-1-19; 100-966, eff. 1-1-19; revised 10-4-18.)

11 Section 720. The Illinois Antitrust Act is amended by
12 changing Section 5 as follows:

13 (740 ILCS 10/5) (from Ch. 38, par. 60-5)

14 Sec. 5. No provisions of this Act shall be construed to
15 make illegal:

16 (1) the activities of any labor organization or of
17 individual members thereof which are directed solely to
18 labor objectives which are legitimate under the laws of
19 either the State of Illinois or the United States;

20 (2) the activities of any agricultural or
21 horticultural cooperative organization, whether
22 incorporated or unincorporated, or of individual members
23 thereof, which are directed solely to objectives of such
24 cooperative organizations which are legitimate under the

1 laws of either the State of Illinois or the United States;

2 (3) the activities of any public utility, as defined in
3 Section 3-105 of the Public Utilities Act to the extent
4 that such activities are subject to a clearly articulated
5 and affirmatively expressed State policy to replace
6 competition with regulation, where the conduct to be
7 exempted is actively supervised by the State itself;

8 (4) the activities of a telecommunications carrier, as
9 defined in Section 13-202 of the Public Utilities Act, to
10 the extent those activities relate to the provision of
11 noncompetitive telecommunications services under the
12 Public Utilities Act and are subject to the jurisdiction of
13 the Illinois Commerce Commission or to the activities of
14 telephone mutual concerns referred to in Section 13-202 of
15 the Public Utilities Act to the extent those activities
16 relate to the provision and maintenance of telephone
17 service to owners and customers;

18 (5) the activities (including, but not limited to, the
19 making of or participating in joint underwriting or joint
20 reinsurance arrangement) of any insurer, insurance agent,
21 insurance broker, independent insurance adjuster or rating
22 organization to the extent that such activities are subject
23 to regulation by the Director of Insurance of this State
24 under, or are permitted or are authorized by, the Illinois
25 Insurance Code or any other law of this State;

26 (6) the religious and charitable activities of any

1 not-for-profit corporation, trust or organization
2 established exclusively for religious or charitable
3 purposes, or for both purposes;

4 (7) the activities of any not-for-profit corporation
5 organized to provide telephone service on a mutual or
6 cooperative ~~co-operative~~ basis or electrification on a
7 cooperative ~~co-operative~~ basis, to the extent such
8 activities relate to the marketing and distribution of
9 telephone or electrical service to owners and customers;

10 (8) the activities engaged in by securities dealers who
11 are (i) licensed by the State of Illinois or (ii) members
12 of the National Association of Securities Dealers or (iii)
13 members of any National Securities Exchange registered
14 with the Securities and Exchange Commission under the
15 Securities Exchange Act of 1934, as amended, in the course
16 of their business of offering, selling, buying and selling,
17 or otherwise trading in or underwriting securities, as
18 agent, broker, or principal, and activities of any National
19 Securities Exchange so registered, including the
20 establishment of commission rates and schedules of
21 charges;

22 (9) the activities of any board of trade designated as
23 a "contract market" by the Secretary of Agriculture of the
24 United States pursuant to Section 5 of the Commodity
25 Exchange Act, as amended;

26 (10) the activities of any motor carrier, rail carrier,

1 or common carrier by pipeline, as defined in the Common
2 Carrier by Pipeline Law of the Public Utilities Act, to the
3 extent that such activities are permitted or authorized by
4 the Act or are subject to regulation by the Illinois
5 Commerce Commission;

6 (11) the activities of any state or national bank to
7 the extent that such activities are regulated or supervised
8 by officers of the state or federal government under the
9 banking laws of this State or the United States;

10 (12) the activities of any state or federal savings and
11 loan association to the extent that such activities are
12 regulated or supervised by officers of the state or federal
13 government under the savings and loan laws of this State or
14 the United States;

15 (13) the activities of any bona fide not-for-profit
16 association, society or board, of attorneys, practitioners
17 of medicine, architects, engineers, land surveyors or real
18 estate brokers licensed and regulated by an agency of the
19 State of Illinois, in recommending schedules of suggested
20 fees, rates or commissions for use solely as guidelines in
21 determining charges for professional and technical
22 services;

23 (14) conduct involving trade or commerce (other than
24 import trade or import commerce) with foreign nations
25 unless:

26 (a) such conduct has a direct, substantial, and

1 reasonably foreseeable effect:

2 (i) on trade or commerce which is not trade or
3 commerce with foreign nations, or on import trade
4 or import commerce with foreign nations; or

5 (ii) on export trade or export commerce with
6 foreign nations of a person engaged in such trade
7 or commerce in the United States; and

8 (b) such effect gives rise to a claim under the
9 provisions of this Act, other than this subsection
10 (14).

11 If this Act applies to conduct referred to in this
12 subsection (14) only because of the provisions of paragraph
13 (a)(ii), then this Act shall apply to such conduct only for
14 injury to export business in the United States which
15 affects this State; ~~or~~

16 (15) the activities of a unit of local government or
17 school district and the activities of the employees, agents
18 and officers of a unit of local government or school
19 district; or

20 (16) the activities of a manufacturer, manufacturer
21 clearinghouse, or any entity developing, implementing,
22 operating, participating in, or performing any other
23 activities related to a manufacturer e-waste program
24 approved pursuant to the Consumer Electronics Recycling
25 Act, to the extent that such activities are permitted or
26 authorized by this Act or are subject to regulation by the

1 Consumer Electronics Recycling Act and are subject to the
2 jurisdiction of and regulation by the Illinois Pollution
3 Control Board or the Illinois Environmental Protection
4 Agency; this paragraph does not limit, preempt, or exclude
5 the jurisdiction of any other commission, agency, or court
6 system to adjudicate personal injury or workers'
7 compensation claims.

8 (Source: P.A. 100-592, eff. 6-22-18; 100-863, eff. 8-14-18;
9 revised 10-4-18.)

10 Section 725. The Crime Victims Compensation Act is amended
11 by changing Section 2 as follows:

12 (740 ILCS 45/2) (from Ch. 70, par. 72)

13 Sec. 2. Definitions. As used in this Act, unless the
14 context otherwise requires:

15 (a) "Applicant" means any person who applies for
16 compensation under this Act or any person the Court of Claims
17 finds is entitled to compensation, including the guardian of a
18 minor or of a person under legal disability. It includes any
19 person who was a dependent of a deceased victim of a crime of
20 violence for his or her support at the time of the death of
21 that victim.

22 (b) "Court of Claims" means the Court of Claims created by
23 the Court of Claims Act.

24 (c) "Crime of violence" means and includes any offense

1 defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1,
2 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
3 11-11, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 11-23, 11-23.5,
4 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4, 12-4.1,
5 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13, 12-14,
6 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1, or
7 Section 12-3.05 except for subdivision (a)(4) or (g)(1), or
8 subdivision (a)(4) of Section 11-14.4, of the Criminal Code of
9 1961 or the Criminal Code of 2012, Sections 1(a) and 1(a-5) of
10 the Cemetery Protection Act, Section 125 of the Stalking No
11 Contact Order Act, Section 219 of the Civil No Contact Order
12 Act, driving under the influence as defined in Section 11-501
13 of the Illinois Vehicle Code, a violation of Section 11-401 of
14 the Illinois Vehicle Code, provided the victim was a pedestrian
15 or was operating a vehicle moved solely by human power or a
16 mobility device at the time of contact, and a violation of
17 Section 11-204.1 of the Illinois Vehicle Code; so long as the
18 offense did not occur during a civil riot, insurrection or
19 rebellion. "Crime of violence" does not include any other
20 offense or accident involving a motor vehicle except those
21 vehicle offenses specifically provided for in this paragraph.
22 "Crime of violence" does include all of the offenses
23 specifically provided for in this paragraph that occur within
24 this State but are subject to federal jurisdiction and crimes
25 involving terrorism as defined in 18 U.S.C. 2331.

26 (d) "Victim" means (1) a person killed or injured in this

1 State as a result of a crime of violence perpetrated or
2 attempted against him or her, (2) the spouse or parent of a
3 person killed or injured in this State as a result of a crime
4 of violence perpetrated or attempted against the person, (3) a
5 person killed or injured in this State while attempting to
6 assist a person against whom a crime of violence is being
7 perpetrated or attempted, if that attempt of assistance would
8 be expected of a reasonable person under the circumstances, (4)
9 a person killed or injured in this State while assisting a law
10 enforcement official apprehend a person who has perpetrated a
11 crime of violence or prevent the perpetration of any such crime
12 if that assistance was in response to the express request of
13 the law enforcement official, (5) a person who personally
14 witnessed a violent crime, (5.05) a person who will be called
15 as a witness by the prosecution to establish a necessary nexus
16 between the offender and the violent crime, (5.1) solely for
17 the purpose of compensating for pecuniary loss incurred for
18 psychological treatment of a mental or emotional condition
19 caused or aggravated by the crime, any other person under the
20 age of 18 who is the brother, sister, half brother, half
21 sister, child, or stepchild of a person killed or injured in
22 this State as a result of a crime of violence, (6) an Illinois
23 resident who is a victim of a "crime of violence" as defined in
24 this Act except, if the crime occurred outside this State, the
25 resident has the same rights under this Act as if the crime had
26 occurred in this State upon a showing that the state,

1 territory, country, or political subdivision of a country in
2 which the crime occurred does not have a compensation of
3 victims of crimes law for which that Illinois resident is
4 eligible, (7) a deceased person whose body is dismembered or
5 whose remains are desecrated as the result of a crime of
6 violence, or (8) solely for the purpose of compensating for
7 pecuniary loss incurred for psychological treatment of a mental
8 or emotional condition caused or aggravated by the crime, any
9 parent, spouse, or child under the age of 18 of a deceased
10 person whose body is dismembered or whose remains are
11 desecrated as the result of a crime of violence.

12 (e) "Dependent" means a relative of a deceased victim who
13 was wholly or partially dependent upon the victim's income at
14 the time of his or her death and shall include the child of a
15 victim born after his or her death.

16 (f) "Relative" means a spouse, parent, grandparent,
17 stepfather, stepmother, child, grandchild, brother,
18 brother-in-law, sister, sister-in-law, half brother, half
19 sister, spouse's parent, nephew, niece, uncle or aunt.

20 (g) "Child" means an unmarried son or daughter who is under
21 18 years of age and includes a stepchild, an adopted child or a
22 child born out of wedlock.

23 (h) "Pecuniary loss" means, in the case of injury,
24 appropriate medical expenses and hospital expenses including
25 expenses of medical examinations, rehabilitation, medically
26 required nursing care expenses, appropriate psychiatric care

1 or psychiatric counseling expenses, appropriate expenses for
2 care or counseling by a licensed clinical psychologist,
3 licensed clinical social worker, licensed professional
4 counselor, or licensed clinical professional counselor and
5 expenses for treatment by Christian Science practitioners and
6 nursing care appropriate thereto; transportation expenses to
7 and from medical and counseling treatment facilities;
8 prosthetic appliances, eyeglasses, and hearing aids necessary
9 or damaged as a result of the crime; costs associated with
10 trafficking tattoo removal by a person authorized or licensed
11 to perform the specific removal procedure; replacement costs
12 for clothing and bedding used as evidence; costs associated
13 with temporary lodging or relocation necessary as a result of
14 the crime, including, but not limited to, the first month's
15 rent and security deposit of the dwelling that the claimant
16 relocated to and other reasonable relocation expenses incurred
17 as a result of the violent crime; locks or windows necessary or
18 damaged as a result of the crime; the purchase, lease, or
19 rental of equipment necessary to create usability of and
20 accessibility to the victim's real and personal property, or
21 the real and personal property which is used by the victim,
22 necessary as a result of the crime; the costs of appropriate
23 crime scene clean-up; replacement services loss, to a maximum
24 of \$1,250 per month; dependents replacement services loss, to a
25 maximum of \$1,250 per month; loss of tuition paid to attend
26 grammar school or high school when the victim had been enrolled

1 as a student prior to the injury, or college or graduate school
2 when the victim had been enrolled as a day or night student
3 prior to the injury when the victim becomes unable to continue
4 attendance at school as a result of the crime of violence
5 perpetrated against him or her; loss of earnings, loss of
6 future earnings because of disability resulting from the
7 injury, and, in addition, in the case of death, expenses for
8 funeral, burial, and travel and transport for survivors of
9 homicide victims to secure bodies of deceased victims and to
10 transport bodies for burial all of which may not exceed a
11 maximum of \$7,500 and loss of support of the dependents of the
12 victim; in the case of dismemberment or desecration of a body,
13 expenses for funeral and burial, all of which may not exceed a
14 maximum of \$7,500. Loss of future earnings shall be reduced by
15 any income from substitute work actually performed by the
16 victim or by income he or she would have earned in available
17 appropriate substitute work he or she was capable of performing
18 but unreasonably failed to undertake. Loss of earnings, loss of
19 future earnings and loss of support shall be determined on the
20 basis of the victim's average net monthly earnings for the 6
21 months immediately preceding the date of the injury or on
22 \$1,250 per month, whichever is less or, in cases where the
23 absences commenced more than 3 years from the date of the
24 crime, on the basis of the net monthly earnings for the 6
25 months immediately preceding the date of the first absence, not
26 to exceed \$1,250 per month. If a divorced or legally separated

1 applicant is claiming loss of support for a minor child of the
2 deceased, the amount of support for each child shall be based
3 either on the amount of support pursuant to the judgment prior
4 to the date of the deceased victim's injury or death, or, if
5 the subject of pending litigation filed by or on behalf of the
6 divorced or legally separated applicant prior to the injury or
7 death, on the result of that litigation. Real and personal
8 property includes, but is not limited to, vehicles, houses,
9 apartments, town houses, or condominiums. Pecuniary loss does
10 not include pain and suffering or property loss or damage.

11 (i) "Replacement services loss" means expenses reasonably
12 incurred in obtaining ordinary and necessary services in lieu
13 of those the injured person would have performed, not for
14 income, but for the benefit of himself or herself or his or her
15 family, if he or she had not been injured.

16 (j) "Dependents replacement services loss" means loss
17 reasonably incurred by dependents or private legal guardians of
18 minor dependents after a victim's death in obtaining ordinary
19 and necessary services in lieu of those the victim would have
20 performed, not for income, but for their benefit, if he or she
21 had not been fatally injured.

22 (k) "Survivor" means immediate family including a parent,
23 stepfather ~~step-father~~, stepmother ~~step-mother~~, child,
24 brother, sister, or spouse.

25 (l) "Parent" means a natural parent, adopted parent,
26 stepparent ~~step-parent~~, or permanent legal guardian of another

1 person.

2 (m) "Trafficking tattoo" is a tattoo which is applied to a
3 victim in connection with the commission of a violation of
4 Section 10-9 of the Criminal Code of 2012.

5 (Source: P.A. 99-671, eff. 1-1-17; 100-690, eff. 1-1-19;
6 revised 10-4-18.)

7 Section 730. The Parental Rights for the Blind Act is
8 amended by changing Section 20 as follows:

9 (750 ILCS 85/20)

10 Sec. 20. Prohibitions; burden of proof.

11 (a) A person's blindness shall not serve as a basis for
12 denial or restriction of parenting time or the allocation of
13 parental responsibilities if the parenting time or the
14 allocation of parental responsibilities is determined to be
15 otherwise in the best interests of the child.

16 (b) A person's blindness shall not serve as a basis for
17 denial of participation in public or private adoption when the
18 adoption is determined to be otherwise in the best interests of
19 the child.

20 (c) A person's blindness shall not serve as a basis for
21 denial of foster care or guardianship when the appointment is
22 determined to be otherwise in the best interests of the child.

23 (d) The Department of Children and Family Services shall
24 develop and implement procedures that ensure and provide equal

1 access to child welfare services, programs, and activities in a
2 nondiscriminatory manner. Services, programs, and activities
3 include, but are not limited to, investigations, assessments,
4 provision of in-home services, out-of-home placements, case
5 planning and service planning, visitation, guardianship,
6 adoption, foster care, and reunification services. Such
7 services, programs, and activities may also extend to
8 proceedings under the Juvenile Court Act of 1987 and
9 proceedings to terminate parental rights. The Department of
10 Children and Family Services shall provide training to child
11 welfare investigators and caseworkers on these procedures.

12 (e) If the court determines that the right of a person with
13 blindness to the allocation of parental responsibilities,
14 parenting time, foster care, guardianship, or adoption should
15 be denied or limited in any manner, the court shall make
16 specific written findings stating the basis for such a
17 determination and why supportive parenting services cannot
18 prevent the denial or limitation.

19 (Source: P.A. 100-75, eff. 1-1-18; revised 10-4-18.)

20 Section 735. The Frail Elderly Individual Family
21 Visitation Protection Act is amended by changing Section 15 as
22 follows:

23 (750 ILCS 95/15)

24 Sec. 15. Notice of hospitalization, change in ~~or~~ residence,

1 or death of frail elderly individual. If the court grants the
2 petition of a family member for visitation in accordance with
3 Section 10, the court may also order the family caregiver to
4 use reasonable efforts to notify the petitioner of the frail
5 elderly individual's hospitalization, admission to a
6 healthcare facility, change in permanent residence, or death.
7 (Source: P.A. 100-850, eff. 1-1-19; revised 10-4-18.)

8 Section 740. The Illinois Power of Attorney Act is amended
9 by changing Section 4-10 as follows:

10 (755 ILCS 45/4-10) (from Ch. 110 1/2, par. 804-10)

11 Sec. 4-10. Statutory short form power of attorney for
12 health care.

13 (a) The form prescribed in this Section (sometimes also
14 referred to in this Act as the "statutory health care power")
15 may be used to grant an agent powers with respect to the
16 principal's own health care; but the statutory health care
17 power is not intended to be exclusive nor to cover delegation
18 of a parent's power to control the health care of a minor
19 child, and no provision of this Article shall be construed to
20 invalidate or bar use by the principal of any other or
21 different form of power of attorney for health care.
22 Nonstatutory health care powers must be executed by the
23 principal, designate the agent and the agent's powers, and
24 comply with the limitations in Section 4-5 of this Article, but

1 they need not be witnessed or conform in any other respect to
2 the statutory health care power.

3 No specific format is required for the statutory health
4 care power of attorney other than the notice must precede the
5 form. The statutory health care power may be included in or
6 combined with any other form of power of attorney governing
7 property or other matters.

8 (b) The Illinois Statutory Short Form Power of Attorney for
9 Health Care shall be substantially as follows:

10 NOTICE TO THE INDIVIDUAL SIGNING

11 THE POWER OF ATTORNEY FOR HEALTH CARE

12 No one can predict when a serious illness or accident might
13 occur. When it does, you may need someone else to speak or make
14 health care decisions for you. If you plan now, you can
15 increase the chances that the medical treatment you get will be
16 the treatment you want.

17 In Illinois, you can choose someone to be your "health care
18 agent". Your agent is the person you trust to make health care
19 decisions for you if you are unable or do not want to make them
20 yourself. These decisions should be based on your personal
21 values and wishes.

22 It is important to put your choice of agent in writing. The
23 written form is often called an "advance directive". You may
24 use this form or another form, as long as it meets the legal
25 requirements of Illinois. There are many written and on-line

1 resources to guide you and your loved ones in having a
2 conversation about these issues. You may find it helpful to
3 look at these resources while thinking about and discussing
4 your advance directive.

5 WHAT ARE THE THINGS I WANT MY
6 HEALTH CARE AGENT TO KNOW?

7 The selection of your agent should be considered carefully,
8 as your agent will have the ultimate decision-making ~~decision~~
9 ~~making~~ authority once this document goes into effect, in most
10 instances after you are no longer able to make your own
11 decisions. While the goal is for your agent to make decisions
12 in keeping with your preferences and in the majority of
13 circumstances that is what happens, please know that the law
14 does allow your agent to make decisions to direct or refuse
15 health care interventions or withdraw treatment. Your agent
16 will need to think about conversations you have had, your
17 personality, and how you handled important health care issues
18 in the past. Therefore, it is important to talk with your agent
19 and your family about such things as:

20 (i) What is most important to you in your life?

21 (ii) How important is it to you to avoid pain and
22 suffering?

23 (iii) If you had to choose, is it more important to you
24 to live as long as possible, or to avoid prolonged
25 suffering or disability?

1 (iv) Would you rather be at home or in a hospital for
2 the last days or weeks of your life?

3 (v) Do you have religious, spiritual, or cultural
4 beliefs that you want your agent and others to consider?

5 (vi) Do you wish to make a significant contribution to
6 medical science after your death through organ or whole
7 body donation?

8 (vii) Do you have an existing advance ~~advanced~~
9 directive, such as a living will, that contains your
10 specific wishes about health care that is only delaying
11 your death? If you have another advance directive, make
12 sure to discuss with your agent the directive and the
13 treatment decisions contained within that outline your
14 preferences. Make sure that your agent agrees to honor the
15 wishes expressed in your advance directive.

16 WHAT KIND OF DECISIONS CAN MY AGENT MAKE?

17 If there is ever a period of time when your physician
18 determines that you cannot make your own health care decisions,
19 or if you do not want to make your own decisions, some of the
20 decisions your agent could make are to:

21 (i) talk with physicians and other health care
22 providers about your condition.

23 (ii) see medical records and approve who else can see
24 them.

25 (iii) give permission for medical tests, medicines,

1 surgery, or other treatments.

2 (iv) choose where you receive care and which physicians
3 and others provide it.

4 (v) decide to accept, withdraw, or decline treatments
5 designed to keep you alive if you are near death or not
6 likely to recover. You may choose to include guidelines
7 and/or restrictions to your agent's authority.

8 (vi) agree or decline to donate your organs or your
9 whole body if you have not already made this decision
10 yourself. This could include donation for transplant,
11 research, and/or education. You should let your agent know
12 whether you are registered as a donor in the First Person
13 Consent registry maintained by the Illinois Secretary of
14 State or whether you have agreed to donate your whole body
15 for medical research and/or education.

16 (vii) decide what to do with your remains after you
17 have died, if you have not already made plans.

18 (viii) talk with your other loved ones to help come to
19 a decision (but your designated agent will have the final
20 say over your other loved ones).

21 Your agent is not automatically responsible for your health
22 care expenses.

23 WHOM SHOULD I CHOOSE TO BE MY HEALTH CARE AGENT?

24 You can pick a family member, but you do not have to. Your
25 agent will have the responsibility to make medical treatment

1 decisions, even if other people close to you might urge a
2 different decision. The selection of your agent should be done
3 carefully, as he or she will have ultimate decision-making
4 authority for your treatment decisions once you are no longer
5 able to voice your preferences. Choose a family member, friend,
6 or other person who:

7 (i) is at least 18 years old;

8 (ii) knows you well;

9 (iii) you trust to do what is best for you and is
10 willing to carry out your wishes, even if he or she may not
11 agree with your wishes;

12 (iv) would be comfortable talking with and questioning
13 your physicians and other health care providers;

14 (v) would not be too upset to carry out your wishes if
15 you became very sick; and

16 (vi) can be there for you when you need it and is
17 willing to accept this important role.

18 WHAT IF MY AGENT IS NOT AVAILABLE OR IS

19 UNWILLING TO MAKE DECISIONS FOR ME?

20 If the person who is your first choice is unable to carry
21 out this role, then the second agent you chose will make the
22 decisions; if your second agent is not available, then the
23 third agent you chose will make the decisions. The second and
24 third agents are called your successor agents and they function
25 as back-up agents to your first choice agent and may act only

1 one at a time and in the order you list them.

2 WHAT WILL HAPPEN IF I DO NOT

3 CHOOSE A HEALTH CARE AGENT?

4 If you become unable to make your own health care decisions
5 and have not named an agent in writing, your physician and
6 other health care providers will ask a family member, friend,
7 or guardian to make decisions for you. In Illinois, a law
8 directs which of these individuals will be consulted. In that
9 law, each of these individuals is called a "surrogate".

10 There are reasons why you may want to name an agent rather
11 than rely on a surrogate:

12 (i) The person or people listed by this law may not be
13 who you would want to make decisions for you.

14 (ii) Some family members or friends might not be able
15 or willing to make decisions as you would want them to.

16 (iii) Family members and friends may disagree with one
17 another about the best decisions.

18 (iv) Under some circumstances, a surrogate may not be
19 able to make the same kinds of decisions that an agent can
20 make.

21 WHAT IF THERE IS NO ONE AVAILABLE

22 WHOM I TRUST TO BE MY AGENT?

23 In this situation, it is especially important to talk to
24 your physician and other health care providers and create

1 written guidance about what you want or do not want, in case
2 you are ever critically ill and cannot express your own wishes.
3 You can complete a living will. You can also write your wishes
4 down and/or discuss them with your physician or other health
5 care provider and ask him or her to write it down in your
6 chart. You might also want to use written or on-line resources
7 to guide you through this process.

8 WHAT DO I DO WITH THIS FORM ONCE I COMPLETE IT?

9 Follow these instructions after you have completed the
10 form:

11 (i) Sign the form in front of a witness. See the form
12 for a list of who can and cannot witness it.

13 (ii) Ask the witness to sign it, too.

14 (iii) There is no need to have the form notarized.

15 (iv) Give a copy to your agent and to each of your
16 successor agents.

17 (v) Give another copy to your physician.

18 (vi) Take a copy with you when you go to the hospital.

19 (vii) Show it to your family and friends and others who
20 care for you.

21 WHAT IF I CHANGE MY MIND?

22 You may change your mind at any time. If you do, tell
23 someone who is at least 18 years old that you have changed your
24 mind, and/or destroy your document and any copies. If you wish,

1 fill out a new form and make sure everyone you gave the old
2 form to has a copy of the new one, including, but not limited
3 to, your agents and your physicians.

4 WHAT IF I DO NOT WANT TO USE THIS FORM?

5 In the event you do not want to use the Illinois statutory
6 form provided here, any document you complete must be executed
7 by you, designate an agent who is over 18 years of age and not
8 prohibited from serving as your agent, and state the agent's
9 powers, but it need not be witnessed or conform in any other
10 respect to the statutory health care power.

11 If you have questions about the use of any form, you may
12 want to consult your physician, other health care provider,
13 and/or an attorney.

14 MY POWER OF ATTORNEY FOR HEALTH CARE

15 THIS POWER OF ATTORNEY REVOKES ALL PREVIOUS POWERS OF ATTORNEY
16 FOR HEALTH CARE. (You must sign this form and a witness must
17 also sign it before it is valid)

18 My name (Print your full name):

19 My address:

20 I WANT THE FOLLOWING PERSON TO BE MY HEALTH CARE AGENT

21 (an agent is your personal representative under state and

1 federal law):

2 (Agent name)

3 (Agent address)

4 (Agent phone number)

5 (Please check box if applicable) If a guardian of my
6 person is to be appointed, I nominate the agent acting under
7 this power of attorney as guardian.

8 SUCCESSOR HEALTH CARE AGENT(S) (optional):

9 If the agent I selected is unable or does not want to make
10 health care decisions for me, then I request the person(s) I
11 name below to be my successor health care agent(s). Only one
12 person at a time can serve as my agent (add another page if you
13 want to add more successor agent names):

14

15 (Successor agent #1 name, address and phone number)

16

17 (Successor agent #2 name, address and phone number)

18 MY AGENT CAN MAKE HEALTH CARE DECISIONS FOR ME, INCLUDING:

19 (i) Deciding to accept, withdraw or decline treatment
20 for any physical or mental condition of mine, including
21 life-and-death decisions.

22 (ii) Agreeing to admit me to or discharge me from any
23 hospital, home, or other institution, including a mental

1 health facility.

2 (iii) Having complete access to my medical and mental
3 health records, and sharing them with others as needed,
4 including after I die.

5 (iv) Carrying out the plans I have already made, or, if
6 I have not done so, making decisions about my body or
7 remains, including organ, tissue or whole body donation,
8 autopsy, cremation, and burial.

9 The above grant of power is intended to be as broad as
10 possible so that my agent will have the authority to make any
11 decision I could make to obtain or terminate any type of health
12 care, including withdrawal of nutrition and hydration and other
13 life-sustaining measures.

14 I AUTHORIZE MY AGENT TO (please check any one box):

15 Make decisions for me only when I cannot make them for
16 myself. The physician(s) taking care of me will determine
17 when I lack this ability.

18 (If no box is checked, then the box above shall be
19 implemented.) OR

20 Make decisions for me only when I cannot make them for
21 myself. The physician(s) taking care of me will determine
22 when I lack this ability. Starting now, for the purpose of
23 assisting me with my health care plans and decisions, my
24 agent shall have complete access to my medical and mental
25 health records, the authority to share them with others as

1 needed, and the complete ability to communicate with my
2 personal physician(s) and other health care providers,
3 including the ability to require an opinion of my physician
4 as to whether I lack the ability to make decisions for
5 myself. OR

6 Make decisions for me starting now and continuing
7 after I am no longer able to make them for myself. While I
8 am still able to make my own decisions, I can still do so
9 if I want to.

10 The subject of life-sustaining treatment is of particular
11 importance. Life-sustaining treatments may include tube
12 feedings or fluids through a tube, breathing machines, and CPR.
13 In general, in making decisions concerning life-sustaining
14 treatment, your agent is instructed to consider the relief of
15 suffering, the quality as well as the possible extension of
16 your life, and your previously expressed wishes. Your agent
17 will weigh the burdens versus benefits of proposed treatments
18 in making decisions on your behalf.

19 Additional statements concerning the withholding or
20 removal of life-sustaining treatment are described below.
21 These can serve as a guide for your agent when making decisions
22 for you. Ask your physician or health care provider if you have
23 any questions about these statements.

24 SELECT ONLY ONE STATEMENT BELOW THAT BEST EXPRESSES YOUR WISHES

1 (optional):

2 The quality of my life is more important than the
3 length of my life. If I am unconscious and my attending
4 physician believes, in accordance with reasonable medical
5 standards, that I will not wake up or recover my ability to
6 think, communicate with my family and friends, and
7 experience my surroundings, I do not want treatments to
8 prolong my life or delay my death, but I do want treatment
9 or care to make me comfortable and to relieve me of pain.

10 Staying alive is more important to me, no matter how
11 sick I am, how much I am suffering, the cost of the
12 procedures, or how unlikely my chances for recovery are. I
13 want my life to be prolonged to the greatest extent
14 possible in accordance with reasonable medical standards.

15 SPECIFIC LIMITATIONS TO MY AGENT'S DECISION-MAKING AUTHORITY:

16 The above grant of power is intended to be as broad as
17 possible so that your agent will have the authority to make any
18 decision you could make to obtain or terminate any type of
19 health care. If you wish to limit the scope of your agent's
20 powers or prescribe special rules or limit the power to
21 authorize autopsy or dispose of remains, you may do so
22 specifically in this form.

23

24

1 My signature:.....

2 Today's date:.....

3 HAVE YOUR WITNESS AGREE TO WHAT IS WRITTEN BELOW, AND THEN
4 COMPLETE THE SIGNATURE PORTION:

5 I am at least 18 years old. (check one of the options
6 below):

7 I saw the principal sign this document, or

8 the principal told me that the signature or mark on
9 the principal signature line is his or hers.

10 I am not the agent or successor agent(s) named in this
11 document. I am not related to the principal, the agent, or the
12 successor agent(s) by blood, marriage, or adoption. I am not
13 the principal's physician, advanced practice registered nurse,
14 dentist, podiatric physician, optometrist, psychologist, or a
15 relative of one of those individuals. I am not an owner or
16 operator (or the relative of an owner or operator) of the
17 health care facility where the principal is a patient or
18 resident.

19 Witness printed name:.....

20 Witness address:

21 Witness signature:

22 Today's date:.....

23 (c) The statutory short form power of attorney for health
24 care (the "statutory health care power") authorizes the agent

1 to make any and all health care decisions on behalf of the
2 principal which the principal could make if present and under
3 no disability, subject to any limitations on the granted powers
4 that appear on the face of the form, to be exercised in such
5 manner as the agent deems consistent with the intent and
6 desires of the principal. The agent will be under no duty to
7 exercise granted powers or to assume control of or
8 responsibility for the principal's health care; but when
9 granted powers are exercised, the agent will be required to use
10 due care to act for the benefit of the principal in accordance
11 with the terms of the statutory health care power and will be
12 liable for negligent exercise. The agent may act in person or
13 through others reasonably employed by the agent for that
14 purpose but may not delegate authority to make health care
15 decisions. The agent may sign and deliver all instruments,
16 negotiate and enter into all agreements and do all other acts
17 reasonably necessary to implement the exercise of the powers
18 granted to the agent. Without limiting the generality of the
19 foregoing, the statutory health care power shall include the
20 following powers, subject to any limitations appearing on the
21 face of the form:

22 (1) The agent is authorized to give consent to and
23 authorize or refuse, or to withhold or withdraw consent to,
24 any and all types of medical care, treatment or procedures
25 relating to the physical or mental health of the principal,
26 including any medication program, surgical procedures,

1 life-sustaining treatment or provision of food and fluids
2 for the principal.

3 (2) The agent is authorized to admit the principal to
4 or discharge the principal from any and all types of
5 hospitals, institutions, homes, residential or nursing
6 facilities, treatment centers and other health care
7 institutions providing personal care or treatment for any
8 type of physical or mental condition. The agent shall have
9 the same right to visit the principal in the hospital or
10 other institution as is granted to a spouse or adult child
11 of the principal, any rule of the institution to the
12 contrary notwithstanding.

13 (3) The agent is authorized to contract for any and all
14 types of health care services and facilities in the name of
15 and on behalf of the principal and to bind the principal to
16 pay for all such services and facilities, and to have and
17 exercise those powers over the principal's property as are
18 authorized under the statutory property power, to the
19 extent the agent deems necessary to pay health care costs;
20 and the agent shall not be personally liable for any
21 services or care contracted for on behalf of the principal.

22 (4) At the principal's expense and subject to
23 reasonable rules of the health care provider to prevent
24 disruption of the principal's health care, the agent shall
25 have the same right the principal has to examine and copy
26 and consent to disclosure of all the principal's medical

1 records that the agent deems relevant to the exercise of
2 the agent's powers, whether the records relate to mental
3 health or any other medical condition and whether they are
4 in the possession of or maintained by any physician,
5 psychiatrist, psychologist, therapist, hospital, nursing
6 home or other health care provider. The authority under
7 this paragraph (4) applies to any information governed by
8 the Health Insurance Portability and Accountability Act of
9 1996 ("HIPAA") and regulations thereunder. The agent
10 serves as the principal's personal representative, as that
11 term is defined under HIPAA and regulations thereunder.

12 (5) The agent is authorized: to direct that an autopsy
13 be made pursuant to Section 2 of the Autopsy Act ~~"An Act in~~
14 ~~relation to autopsy of dead bodies", approved August 13,~~
15 ~~1965, including all amendments;~~ to make a disposition of
16 any part or all of the principal's body pursuant to the
17 Illinois Anatomical Gift Act, as now or hereafter amended;
18 and to direct the disposition of the principal's remains.

19 (6) At any time during which there is no executor or
20 administrator appointed for the principal's estate, the
21 agent is authorized to continue to pursue an application or
22 appeal for government benefits if those benefits were
23 applied for during the life of the principal.

24 (d) A physician may determine that the principal is unable
25 to make health care decisions for himself or herself only if
26 the principal lacks decisional capacity, as that term is

1 defined in Section 10 of the Health Care Surrogate Act.

2 (e) If the principal names the agent as a guardian on the
3 statutory short form, and if a court decides that the
4 appointment of a guardian will serve the principal's best
5 interests and welfare, the court shall appoint the agent to
6 serve without bond or security.

7 (Source: P.A. 99-328, eff. 1-1-16; 100-513, eff. 1-1-18;
8 revised 10-4-18.)

9 Section 745. The Trusts and Trustees Act is amended by
10 changing Section 6.5 as follows:

11 (760 ILCS 5/6.5)

12 Sec. 6.5. Transfer of property to trust. ~~(a)~~ The transfer
13 of real property to a trust requires a transfer of legal title
14 to the trustee evidenced by a written instrument of conveyance.

15 ~~(b) (Blank).~~

16 (Source: P.A. 99-743, eff. 1-1-17; 100-786, eff. 1-1-19;
17 revised 10-4-18.)

18 Section 750. The Condominium Property Act is amended by
19 changing Section 30 as follows:

20 (765 ILCS 605/30) (from Ch. 30, par. 330)

21 Sec. 30. Conversion condominiums; notice; recording.

22 (a) (1) No real estate may be submitted to the provisions of

1 the Act as a conversion condominium unless (i) a notice of
2 intent to submit the real estate to this Act (notice of intent)
3 has been given to all persons who were tenants of the building
4 located on the real estate on the date the notice is given.
5 Such notice shall be given at least 30 days, and not more than
6 one ± year prior to the recording of the declaration which
7 submits the real estate to this Act; and (ii) the developer
8 executes and acknowledges a certificate which shall be attached
9 to and made a part of the declaration and which provides that
10 the developer, prior to the execution by him or his agent of
11 any agreement for the sale of a unit, has given a copy of the
12 notice of intent to all persons who were tenants of the
13 building located on the real estate on the date the notice of
14 intent was given.

15 (2) If the owner fails to provide a tenant with notice
16 of the intent to convert as defined in this Section, the
17 tenant permanently vacates the premises as a direct result
18 of non-renewal of his or her lease by the owner, and the
19 tenant's unit is converted to a condominium by the filing
20 of a declaration submitting a property to this Act without
21 having provided the required notice, then the owner is
22 liable to the tenant for the following:

23 (A) the tenant's actual moving expenses incurred
24 when moving from the subject property, not to exceed
25 \$1,500;

26 (B) 3 months' ~~three month's~~ rent at the subject

1 property; and

2 (C) reasonable attorney's fees and court costs.

3 (b) Any developer of a conversion condominium must, upon
4 issuing the notice of intent, publish and deliver along with
5 such notice of intent, a schedule of selling prices for all
6 units subject to the condominium instruments and offer to sell
7 such unit to the current tenants, except for units to be
8 vacated for rehabilitation subsequent to such notice of intent.
9 Such offer shall not expire earlier than 30 days after receipt
10 of the offer by the current tenant, unless the tenant notifies
11 the developer in writing of his election not to purchase the
12 condominium unit.

13 (c) Any tenant who was a tenant as of the date of the
14 notice of intent and whose tenancy expires (other than for
15 cause) prior to the expiration of 120 days from the date on
16 which a copy of the notice of intent was given to the tenant
17 shall have the right to extend his tenancy on the same terms
18 and conditions and for the same rental until the expiration of
19 such 120-day ~~120-day~~ period by the giving of written notice
20 thereof to the developer within 30 days of the date upon which
21 a copy of the notice of intent was given to the tenant by the
22 developer.

23 (d) Each lessee in a conversion condominium shall be
24 informed by the developer at the time the notice of intent is
25 given whether his tenancy will be renewed or terminated upon
26 its expiration. If the tenancy is to be renewed, the tenant

1 shall be informed of all charges, rental or otherwise, in
2 connection with the new tenancy and the length of the term of
3 occupancy proposed in conjunction therewith.

4 (e) For a period of 120 days following his receipt of the
5 notice of intent, any tenant who was a tenant on the date the
6 notice of intent was given shall be given the right to purchase
7 his unit on substantially the same terms and conditions as set
8 forth in a duly executed contract to purchase the unit, which
9 contract shall conspicuously disclose the existence of, and
10 shall be subject to, the right of first refusal. The tenant may
11 exercise the right of first refusal by giving notice thereof to
12 the developer prior to the expiration of 30 days from the
13 giving of notice by the developer to the tenant of the
14 execution of the contract to purchase the unit. The tenant may
15 exercise such right of first refusal within 30 days from the
16 giving of notice by the developer of the execution of a
17 contract to purchase the unit, notwithstanding the expiration
18 of the 120-day ~~120-day~~ period following the tenant's receipt of
19 the notice of intent, if such contract was executed prior to
20 the expiration of the 120-day ~~120-day~~ period. The recording of
21 the deed conveying the unit to the purchaser which contains a
22 statement to the effect that the tenant of the unit either
23 waived or failed to exercise the right of first refusal or
24 option or had no right of first refusal or option with respect
25 to the unit shall extinguish any legal or equitable right or
26 interest to the possession or acquisition of the unit which the

1 tenant may have or claim with respect to the unit arising out
2 of the right of first refusal or option provided for in this
3 Section. The foregoing provision shall not affect any claim
4 which the tenant may have against the landlord for damages
5 arising out of the right of first refusal provided for in this
6 Section.

7 (f) During the 30-day ~~30-day~~ period after the giving of
8 notice of an executed contract in which the tenant may exercise
9 the right of first refusal, the developer shall grant to such
10 tenant access to any portion of the building to inspect any of
11 its features or systems and access to any reports, warranties,
12 or other documents in the possession of the developer which
13 reasonably pertain to the condition of the building. Such
14 access shall be subject to reasonable limitations, including as
15 to hours. The refusal of the developer to grant such access is
16 a business offense punishable by a fine of \$500. Each refusal
17 to an individual lessee who is a potential purchaser is a
18 separate violation.

19 (g) Any notice provided for in this Section shall be deemed
20 given when a written notice is delivered in person or mailed,
21 certified or registered mail, return receipt requested to the
22 party who is being given the notice.

23 (h) Prior to their initial sale, units offered for sale in
24 a conversion condominium and occupied by a tenant at the time
25 of the offer shall be shown to prospective purchasers only a
26 reasonable number of times and at appropriate hours. Units may

1 only be shown to prospective purchasers during the last 90 days
2 of any expiring tenancy.

3 (i) Any provision in any lease or other rental agreement,
4 or any termination of occupancy on account of condominium
5 conversion, not authorized herein, or contrary to or waiving
6 the foregoing provisions, shall be deemed to be void as against
7 public policy.

8 (j) A tenant is entitled to injunctive relief to enforce
9 the provisions of subsections (a) and (c) of this Section.

10 (k) A non-profit housing organization, suing on behalf of
11 an aggrieved tenant under this Section, may also recover
12 compensation for reasonable attorney's fees and court costs
13 necessary for filing such action.

14 (l) Nothing in this Section shall affect any provision in
15 any lease or rental agreement in effect before this Act becomes
16 law.

17 (m) Nothing in this amendatory Act of 1978 shall be
18 construed to imply that there was previously a requirement to
19 record the notice provided for in this Section.

20 (Source: P.A. 95-221, eff. 1-1-08; 95-876, eff. 8-21-08;
21 revised 10-4-18.)

22 Section 755. The Revised Uniform Unclaimed Property Act is
23 amended by changing Section 15-1002.1 as follows:

24 (765 ILCS 1026/15-1002.1)

1 Sec. 15-1002.1. Examination of State-regulated financial
2 organizations.

3 (a) Notwithstanding Section 15-1002 of this Act, for any
4 financial organization for which the Department of Financial
5 and Professional Regulation is the primary prudential
6 regulator, the administrator shall not examine such financial
7 institution unless the administrator has consulted with the
8 Secretary of Financial and Professional Regulation and the
9 Department of Financial and Professional Regulation has not
10 examined such financial organization for compliance with this
11 Act within the past 5 years. The Secretary of Financial and
12 Professional Regulation may waive in writing the provisions of
13 this subsection (a) in order to permit the administrator to
14 examine a financial organization or group of financial
15 organizations for compliance with this Act.

16 (b) Nothing in this Section shall be construed to prohibit
17 the administrator from examining a financial organization for
18 which the Department of Financial and Professional Regulation
19 is not the primary prudential regulator. Further, nothing in ~~is~~
20 this Act shall be construed to limit the authority of the
21 Department of Financial and Professional Regulation to examine
22 financial organizations.

23 (Source: P.A. 100-22, eff. 1-1-18; 100-566, eff. 1-1-18;
24 revised 10-4-18.)

25 Section 760. The Illinois Human Rights Act is amended by

1 changing Sections 1-103 and 8-102 as follows:

2 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

3 Sec. 1-103. General definitions. When used in this Act,
4 unless the context requires otherwise, the term:

5 (A) Age. "Age" means the chronological age of a person who
6 is at least 40 years old, except with regard to any practice
7 described in Section 2-102, insofar as that practice concerns
8 training or apprenticeship programs. In the case of training or
9 apprenticeship programs, for the purposes of Section 2-102,
10 "age" means the chronological age of a person who is 18 but not
11 yet 40 years old.

12 (B) Aggrieved party. "Aggrieved party" means a person who
13 is alleged or proved to have been injured by a civil rights
14 violation or believes he or she will be injured by a civil
15 rights violation under Article 3 that is about to occur.

16 (C) Charge. "Charge" means an allegation filed with the
17 Department by an aggrieved party or initiated by the Department
18 under its authority.

19 (D) Civil rights violation. "Civil rights violation"
20 includes and shall be limited to only those specific acts set
21 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
22 3-104, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102,
23 6-101, and 6-102 of this Act.

24 (E) Commission. "Commission" means the Human Rights
25 Commission created by this Act.

1 (F) Complaint. "Complaint" means the formal pleading filed
2 by the Department with the Commission following an
3 investigation and finding of substantial evidence of a civil
4 rights violation.

5 (G) Complainant. "Complainant" means a person including
6 the Department who files a charge of civil rights violation
7 with the Department or the Commission.

8 (H) Department. "Department" means the Department of Human
9 Rights created by this Act.

10 (I) Disability. "Disability" means a determinable physical
11 or mental characteristic of a person, including, but not
12 limited to, a determinable physical characteristic which
13 necessitates the person's use of a guide, hearing or support
14 dog, the history of such characteristic, or the perception of
15 such characteristic by the person complained against, which may
16 result from disease, injury, congenital condition of birth or
17 functional disorder and which characteristic:

18 (1) For purposes of Article 2, is unrelated to the
19 person's ability to perform the duties of a particular job
20 or position and, pursuant to Section 2-104 of this Act, a
21 person's illegal use of drugs or alcohol is not a
22 disability;

23 (2) For purposes of Article 3, is unrelated to the
24 person's ability to acquire, rent, or maintain a housing
25 accommodation;

26 (3) For purposes of Article 4, is unrelated to a

1 person's ability to repay;

2 (4) For purposes of Article 5, is unrelated to a
3 person's ability to utilize and benefit from a place of
4 public accommodation;

5 (5) For purposes of Article 5, also includes any
6 mental, psychological, or developmental disability,
7 including autism spectrum disorders.

8 (J) Marital status. "Marital status" means the legal status
9 of being married, single, separated, divorced, or widowed.

10 (J-1) Military status. "Military status" means a person's
11 status on active duty in or status as a veteran of the armed
12 forces of the United States, status as a current member or
13 veteran of any reserve component of the armed forces of the
14 United States, including the United States Army Reserve, United
15 States Marine Corps Reserve, United States Navy Reserve, United
16 States Air Force Reserve, and United States Coast Guard
17 Reserve, or status as a current member or veteran of the
18 Illinois Army National Guard or Illinois Air National Guard.

19 (K) National origin. "National origin" means the place in
20 which a person or one of his or her ancestors was born.

21 (K-5) "Order of protection status" means a person's status
22 as being a person protected under an order of protection issued
23 pursuant to the Illinois Domestic Violence Act of 1986, Article
24 112A of the Code of Criminal Procedure of 1963, the Stalking No
25 Contact Order Act, or the Civil No Contact Order Act, or an
26 order of protection issued by a court of another state.

1 (L) Person. "Person" includes one or more individuals,
2 partnerships, associations or organizations, labor
3 organizations, labor unions, joint apprenticeship committees,
4 or union labor associations, corporations, the State of
5 Illinois and its instrumentalities, political subdivisions,
6 units of local government, legal representatives, trustees in
7 bankruptcy or receivers.

8 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,
9 or medical or common conditions related to pregnancy or
10 childbirth.

11 (M) Public contract. "Public contract" includes every
12 contract to which the State, any of its political subdivisions,
13 or any municipal corporation is a party.

14 (N) Religion. "Religion" includes all aspects of religious
15 observance and practice, as well as belief, except that with
16 respect to employers, for the purposes of Article 2, "religion"
17 has the meaning ascribed to it in paragraph (F) of Section
18 2-101.

19 (O) Sex. "Sex" means the status of being male or female.

20 (O-1) Sexual orientation. "Sexual orientation" means
21 actual or perceived heterosexuality, homosexuality,
22 bisexuality, or gender-related identity, whether or not
23 traditionally associated with the person's designated sex at
24 birth. "Sexual orientation" does not include a physical or
25 sexual attraction to a minor by an adult.

26 (P) Unfavorable military discharge. "Unfavorable military

1 discharge" includes discharges from the Armed Forces of the
2 United States, their Reserve components, or any National Guard
3 or Naval Militia which are classified as RE-3 or the equivalent
4 thereof, but does not include those characterized as RE-4 or
5 "Dishonorable".

6 (Q) Unlawful discrimination. "Unlawful discrimination"
7 means discrimination against a person because of his or her
8 race, color, religion, national origin, ancestry, age, sex,
9 marital status, order of protection status, disability,
10 military status, sexual orientation, pregnancy, or unfavorable
11 discharge from military service as those terms are defined in
12 this Section.

13 (Source: P.A. 100-714, eff. 1-1-19; revised 10-4-18.)

14 (775 ILCS 5/8-102) (from Ch. 68, par. 8-102)

15 Sec. 8-102. Powers and duties. In addition to the other
16 powers and duties prescribed in this Act, the Commission shall
17 have the following powers and duties:

18 (A) Meetings. To meet and function at any place within
19 the State.

20 (B) Offices. To establish and maintain offices in
21 Springfield and Chicago.

22 (C) Employees. To select and fix the compensation of
23 such technical advisors and employees as it may deem
24 necessary pursuant to the provisions of the ~~"The~~ Personnel
25 Code".

1 (D) Hearing Officers. To select and fix the
2 compensation of hearing officers who shall be attorneys
3 duly licensed to practice law in this State and full-time
4 ~~full-time~~ employees of the Commission.

5 A formal and unbiased training program for hearing
6 officers shall be implemented. The training program shall
7 include the following:

8 (1) substantive and procedural aspects of the
9 hearing officer position;

10 (2) current issues in human rights law and
11 practice;

12 (3) lectures by specialists in substantive areas
13 related to human rights matters;

14 (4) orientation to each operational unit of the
15 Department and Commission;

16 (5) observation of experienced hearing officers
17 conducting hearings of cases, combined with the
18 opportunity to discuss evidence presented and rulings
19 made;

20 (6) the use of hypothetical cases requiring the
21 hearing officer to issue judgments as a means to
22 evaluating knowledge and writing ability;

23 (7) writing skills;

24 (8) computer skills, including, but not limited
25 to, word processing and document management.

26 A formal, unbiased and ongoing professional

1 development program including, but not limited to, the
2 above-noted areas shall be implemented to keep hearing
3 officers informed of recent developments and issues and to
4 assist them in maintaining and enhancing their
5 professional competence.

6 (E) Rules and Regulations. To adopt, promulgate,
7 amend, and rescind rules and regulations not inconsistent
8 with the provisions of this Act pursuant to the Illinois
9 Administrative Procedure Act.

10 (F) Compulsory Process. To issue and authorize
11 requests for enforcement of subpoenas and other compulsory
12 process established by this Act.

13 (G) Decisions. Through a panel of 3 ~~three~~ members
14 designated by the Chairperson on a random basis, to hear
15 and decide by majority vote complaints filed in conformity
16 with this Act and to approve proposed settlements.
17 Decisions by commissioners must be based strictly on
18 neutral interpretations of the law and the facts.

19 (H) Rehearings. To order, by a vote of 3 members,
20 rehearing of its decisions by the entire Commission in
21 conformity with this Act.

22 (I) Judicial Enforcement. To authorize requests for
23 judicial enforcement of its orders in conformity with this
24 Act.

25 (J) Opinions. To publish each decision within 180 days
26 of the decision to assure a consistent source of precedent.

1 Published decisions shall be subject to the Personal
2 Information Protection Act.

3 (K) Public Grants; Private Gifts. To accept public
4 grants and private gifts as may be authorized.

5 (L) Interpreters. To appoint at the expense of the
6 Commission a qualified sign language interpreter whenever
7 a hearing impaired person is a party or witness at a public
8 hearing.

9 (M) Automated Processing Plan. To prepare an
10 electronic data processing and telecommunications plan
11 jointly with the Department in accordance with Section
12 7-112.

13 ~~(N) The provisions of Public Act 89-370 this amendatory Act~~
14 ~~of 1995~~ amending subsection (G) of this Section apply to causes
15 of action filed on or after January 1, 1996.

16 (Source: P.A. 100-1066, eff. 8-24-18; revised 10-4-18.)

17 Section 765. The Limited Liability Company Act is amended
18 by changing Sections 50-10 and 50-50 as follows:

19 (805 ILCS 180/50-10)

20 Sec. 50-10. Fees.

21 (a) The Secretary of State shall charge and collect in
22 accordance with the provisions of this Act and rules
23 promulgated under its authority all of the following:

24 (1) Fees for filing documents.

1 (2) Miscellaneous charges.

2 (3) Fees for the sale of lists of filings and for
3 copies of any documents.

4 (b) The Secretary of State shall charge and collect for all
5 of the following:

6 (1) Filing articles of organization (domestic),
7 application for admission (foreign), and restated articles
8 of organization (domestic), \$150. Notwithstanding the
9 foregoing, the fee for filing articles of organization
10 (domestic), application for admission (foreign), and
11 restated articles of organization (domestic) in connection
12 with a limited liability company with a series or the
13 ability to establish a series pursuant to Section 37-40 of
14 this Act is \$400.

15 (2) Filing amendments (domestic or foreign), \$50.

16 (3) Filing a statement of termination or application
17 for withdrawal, \$5.

18 (4) Filing an application to reserve a name, \$25.

19 (5) Filing a notice of cancellation of a reserved name,
20 \$5.

21 (6) Filing a notice of a transfer of a reserved name,
22 \$25.

23 (7) Registration of a name, \$50.

24 (8) Renewal of registration of a name, \$50.

25 (9) Filing an application for use of an assumed name
26 under Section 1-20 of this Act, \$150 for each year or part

1 thereof ending in 0 or 5, \$120 for each year or part
2 thereof ending in 1 or 6, \$90 for each year or part thereof
3 ending in 2 or 7, \$60 for each year or part thereof ending
4 in 3 or 8, \$30 for each year or part thereof ending in 4 or
5 9, and a renewal for each assumed name, \$150.

6 (9.5) Filing an application for change of an assumed
7 name, \$25.

8 (10) Filing an application for cancellation of an
9 assumed name, \$5.

10 (11) Filing an annual report of a limited liability
11 company or foreign limited liability company, \$75, if filed
12 as required by this Act, plus a penalty if delinquent.
13 Notwithstanding the foregoing, the fee for filing an annual
14 report of a limited liability company or foreign limited
15 liability company is \$75 plus \$50 for each series for which
16 a certificate of designation has been filed pursuant to
17 Section 37-40 of this Act and is in effect on the last day
18 of the third month preceding the company's anniversary
19 month, plus a penalty if delinquent.

20 (12) Filing an application for reinstatement of a
21 limited liability company or foreign limited liability
22 company, \$200.

23 (13) Filing articles of merger, \$100 plus \$50 for each
24 party to the merger in excess of the first 2 parties.

25 (14) (Blank).

26 (15) Filing a statement of change of address of

1 registered office or change of registered agent, or both,
2 or filing a statement of correction, \$25.

3 (16) Filing a petition for refund, \$5.

4 (17) Filing a certificate of designation of a limited
5 liability company with a series pursuant to Section 37-40
6 of this Act, \$50.

7 (18) Filing articles of domestication, \$100.

8 (19) Filing, amending, or cancelling a statement of
9 authority, \$50.

10 (20) Filing, amending, or cancelling a statement of
11 denial, \$10.

12 (21) Filing any other document, \$5.

13 (c) The Secretary of State shall charge and collect all of
14 the following:

15 (1) For furnishing a copy or certified copy of any
16 document, instrument, or paper relating to a limited
17 liability company or foreign limited liability company, or
18 for a certificate, \$25.

19 (2) For the transfer of information by computer process
20 media to any purchaser, fees established by rule.

21 (Source: P.A. 99-637, eff. 7-1-17; 100-561, eff. 7-1-18;
22 100-571, eff. 12-20-17; revised 9-13-18.)

23 (805 ILCS 180/50-50)

24 Sec. 50-50. Department of Business Services Special
25 Operations Fund.

1 (a) A special fund in the State treasury is created and
2 shall be known as the Department of Business Services Special
3 Operations Fund. Moneys deposited into the Fund shall, subject
4 to appropriation, be used by the Department of Business
5 Services of the Office of the Secretary of State, hereinafter
6 "Department", to create and maintain the capability to perform
7 expedited services in response to special requests made by the
8 public for same-day or 24-hour service. Moneys deposited into
9 the Fund shall be used for, but not limited to, expenditures
10 for personal services, retirement, Social Security,
11 contractual services, equipment, electronic data processing,
12 and telecommunications.

13 (b) The balance in the Fund at the end of any fiscal year
14 shall not exceed \$600,000, and any amount in excess thereof
15 shall be transferred to the General Revenue Fund.

16 (c) All fees payable to the Secretary of State under this
17 Section shall be deposited into the Fund. No other fees or
18 charges collected under this Act shall be deposited into the
19 Fund.

20 (d) "Expedited services" means services rendered within
21 the same day, or within 24 hours from the time, the request
22 therefor is submitted by the filer, law firm, service company,
23 or messenger physically in person or, at the Secretary of
24 State's discretion, by electronic means, to the Department's
25 Springfield Office and includes requests for certified copies,
26 photocopies, and certificates of good standing made to the

1 Department's Springfield Office in person or by telephone, or
2 requests for certificates of good standing made in person or by
3 telephone to the Department's Chicago Office. A request
4 submitted by electronic means may not be considered a request
5 for expedited services solely because of its submission by
6 electronic means, unless expedited service is requested by the
7 filer.

8 (e) Fees for expedited services shall be as follows:

9 Restated articles of organization, \$200;

10 Merger, \$200;

11 Articles of organization, \$100;

12 Articles of amendment, \$100;

13 Reinstatement, \$100;

14 Application for admission to transact business, \$100;

15 Certificate of good standing or abstract of computer
16 record, \$20;

17 All other filings, copies of documents, annual
18 reports, and copies of documents of dissolved or revoked
19 limited liability companies, \$50.

20 (Source: P.A. 100-186, eff. 7-1-18; 100-561, eff. 7-1-18;
21 revised 9-13-18.)

22 Section 770. The Uniform Limited Partnership Act (2001) is
23 amended by changing Section 1308 as follows:

24 (805 ILCS 215/1308)

1 Sec. 1308. Department of Business Services Special
2 Operations Fund.

3 (a) A special fund in the State Treasury is created and
4 shall be known as the Department of Business Services Special
5 Operations Fund. Moneys deposited into the Fund shall, subject
6 to appropriation, be used by the Department of Business
7 Services of the Office of the Secretary of State, hereinafter
8 "Department", to create and maintain the capability to perform
9 expedited services in response to special requests made by the
10 public for same day or 24 hour service. Moneys deposited into
11 the Fund shall be used for, but not limited to, expenditures
12 for personal services, retirement, Social Security,
13 contractual services, equipment, electronic data processing,
14 and telecommunications.

15 (b) The balance in the Fund at the end of any fiscal year
16 shall not exceed \$600,000 and any amount in excess thereof
17 shall be transferred to the General Revenue Fund.

18 (c) All fees payable to the Secretary of State under this
19 Section shall be deposited into the Fund. No other fees or
20 charges collected under this Act shall be deposited into the
21 Fund.

22 (d) "Expedited services" means services rendered within
23 the same day, or within 24 hours from the time the request
24 therefor is submitted by the filer, law firm, service company,
25 or messenger physically in person or, at the Secretary of
26 State's discretion, by electronic means, to the Department's

1 Springfield Office or Chicago Office and includes requests for
2 certified copies, photocopies, and certificates of existence
3 or abstracts of computer record made to the Department's
4 Springfield Office in person or by telephone, or requests for
5 certificates of existence or abstracts of computer record made
6 in person or by telephone to the Department's Chicago Office. A
7 request submitted by electronic means may not be considered a
8 request for expedited services solely because of its submission
9 by electronic means, unless expedited service is requested by
10 the filer.

11 (e) Fees for expedited services shall be as follows:

12 Merger, \$200;

13 Certificate of limited partnership, \$100;

14 Certificate of amendment, \$100;

15 Reinstatement, \$100;

16 Application for admission to transact business, \$100;

17 Certificate of existence or abstract of computer
18 record, \$20;

19 All other filings, copies of documents, annual renewal
20 reports, and copies of documents of canceled limited
21 partnerships, \$50.

22 (Source: P.A. 100-186, eff. 7-1-18; 100-561, eff. 7-1-18;
23 revised 9-13-18.)

24 Section 775. The Consumer Fraud and Deceptive Business
25 Practices Act is amended by changing Section 2VVV as follows:

1 (815 ILCS 505/2VVV)

2 Sec. 2VVV. Deceptive marketing, advertising, and sale of
3 mental health disorder and substance use disorder treatment.

4 (a) As used in this Section:

5 "Facility" has the meaning ascribed to that term in Section
6 1-10 of the Substance Use Disorder ~~Alcoholism and Other Drug~~
7 ~~Abuse and Dependency~~ Act.

8 "Hospital affiliate" has the meaning ascribed to that term
9 in Section 10.8 of the Hospital Licensing Act.

10 "Mental health disorder" has the same meaning as "mental
11 illness" under Section 1-129 of the Mental Health and
12 Developmental Disabilities Code.

13 "Program" has the meaning ascribed to that term in Section
14 1-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

15 "Substance use disorder" has the same meaning as "substance
16 abuse" under Section 1-10 of the Substance Use Disorder
17 ~~Alcoholism and Other Drug Abuse and Dependency~~ Act.

18 "Treatment" has the meaning ascribed to that term in
19 Section 1-10 of the Substance Use Disorder ~~Alcoholism and Other~~
20 ~~Drug Abuse and Dependency~~ Act.

21 (b) It is an unlawful practice for any person to engage in
22 misleading or false advertising or promotion that
23 misrepresents the need to seek mental health disorder or
24 substance use disorder treatment outside of the State of
25 Illinois.

1 (c) Any marketing, advertising, promotional, or sales
2 materials directed to Illinois residents concerning mental
3 health disorder or substance use disorder treatment must:

4 (1) prominently display or announce the full physical
5 address of the treatment program or facility;

6 (2) display whether the treatment program or facility
7 is licensed in the State of Illinois;

8 (3) display whether the treatment program or facility
9 has locations in Illinois;

10 (4) display whether the services provided by the
11 treatment program or facility are covered by an insurance
12 policy issued to an Illinois resident;

13 (5) display whether the treatment program or facility
14 is an in-network or out-of-network provider;

15 (6) include a link to the Internet website for the
16 Department of Human Services' Division of Mental Health and
17 Division of Substance Use Prevention and Recovery
18 ~~Alcoholism and Substance Abuse~~, or any successor State
19 agency that provides information regarding licensed
20 providers of services; and

21 (7) disclose that mental health disorder and substance
22 use disorder treatment may be available at a reduced cost
23 or for free for Illinois residents within the State of
24 Illinois.

25 (d) It is an unlawful practice for any person to enter into
26 an arrangement under which a patient seeking mental health

1 disorder or substance use disorder treatment is referred to a
2 mental health disorder or substance use disorder treatment
3 program or facility in exchange for a fee, a percentage of the
4 treatment program's or facility's revenues that are related to
5 the patient, or any other remuneration that takes into account
6 the volume or value of the referrals to the treatment program
7 or facility. Such practice shall also be considered a violation
8 of the prohibition against fee splitting in Section 22.2 of the
9 Medical Practice Act of 1987 and a violation of the Health Care
10 Worker Self-Referral Act. This Section does not apply to health
11 insurance companies, health maintenance organizations, managed
12 care plans, or organizations, including hospitals and hospital
13 affiliates licensed in Illinois.

14 (Source: P.A. 100-1058, eff. 1-1-19; revised 10-9-18.)

15 Section 780. The Beer Industry Fair Dealing Act is amended
16 by changing Section 3 as follows:

17 (815 ILCS 720/3) (from Ch. 43, par. 303)

18 Sec. 3. Termination and notice of cancellation.

19 (1) Except as provided in subsection (3) of this Section,
20 no brewer or beer wholesaler may cancel, fail to renew, or
21 otherwise terminate an agreement unless the brewer or
22 wholesaler furnishes prior notification to the affected party
23 in accordance with subsection (2).

24 (2) The notification required under subsection (1) shall be

1 in writing and sent to the affected party by certified mail not
2 less than 90 days before the date on which the agreement will
3 be cancelled, not renewed, or otherwise terminated. The
4 notification shall contain (a) a statement of intention to
5 cancel, failure to renew, or otherwise terminate an agreement,
6 (b) a complete statement of reasons therefor ~~therefore~~,
7 including all data and documentation necessary to fully apprise
8 the wholesaler of the reasons for the action, and (c) the date
9 on which the action shall take effect.

10 (3) A brewer may cancel, fail to renew, or otherwise
11 terminate an agreement without furnishing any prior
12 notification for any of the following reasons:

13 (A) Wholesaler's failure to pay any account when due
14 and upon demand by the brewer for such payment, in
15 accordance with agreed payment terms.

16 (B) Wholesaler's assignment for the benefit of
17 creditors, or similar disposition, of substantially all of
18 the assets of such party's business.

19 (C) Insolvency of wholesaler, or the institution of
20 proceedings in bankruptcy by or against the wholesaler.

21 (D) Dissolution or liquidation of the wholesaler.

22 (E) Wholesaler's conviction of, or plea of guilty or no
23 contest, to a charge of violating a law or regulation, in
24 this State which materially and adversely affects the
25 ability of either party to continue to sell beer in this
26 State, or the revocation or suspension of a license or

1 permit to sell beer in this State.

2 (F) Any attempted transfer of business assets of the
3 wholesaler, voting stock of the wholesaler, voting stock of
4 any parent corporation of the wholesaler, or any change in
5 the beneficial ownership or control of any entity without
6 obtaining the prior consent or approval as provided for
7 under Section 6 unless the brewer neither approves,
8 consents to, nor objects to the transfer within 60 days
9 after receiving all requested information from the
10 wholesaler regarding the proposed purchase, in which event
11 the brewer shall be deemed to have consented to the
12 proposed transaction.

13 (G) Fraudulent conduct by the wholesaler in its
14 dealings with the brewer.

15 (Source: P.A. 88-410; revised 10-9-18.)

16 Section 785. The Civil Air Patrol Leave Act is amended by
17 changing Section 10 as follows:

18 (820 ILCS 148/10)

19 Sec. 10. Civil air patrol leave requirement.

20 (a) Any employer, as defined in Section 5 of this Act, that
21 employs between 15 and 50 employees shall provide up to 15 days
22 of unpaid civil air patrol leave to an employee performing a
23 civil air patrol mission, subject to the conditions set forth
24 in this Section. Civil air patrol leave granted under this Act

1 may consist of unpaid leave.

2 (b) An employer, as defined in Section 5 of this Act, that
3 employs more than 50 employees shall provide up to 30 days of
4 unpaid civil air patrol leave to an employee performing a civil
5 air patrol mission, subject to the conditions set forth in this
6 Section. Civil air patrol leave granted under this Act may
7 consist of unpaid leave.

8 (c) The employee shall give at least 14 days' notice of the
9 intended date upon which the civil air patrol leave will
10 commence if leave will consist of 5 or more consecutive work
11 days. When able, the employee shall consult with the employer
12 to schedule the leave so as to not unduly disrupt the
13 operations of the employer. Employees taking civil air patrol
14 leave for less than 5 consecutive days shall give the employer
15 advance ~~advanced~~ notice as is practical. The employer may
16 require certification from the proper civil air patrol
17 authority to verify the employee's eligibility for the civil
18 air patrol leave requested.

19 (d) An employee taking leave as provided under this Act
20 shall not be required to have exhausted all accrued vacation
21 leave, personal leave, compensatory leave, sick leave,
22 disability leave, and any other leave that may be granted to
23 the employee.

24 (Source: P.A. 95-763, eff. 1-1-09; revised 10-9-18.)

25 Section 790. The Family Military Leave Act is amended by

1 changing Section 10 as follows:

2 (820 ILCS 151/10)

3 Sec. 10. Family Military Leave Requirement.

4 (a) Any employer, as defined in Section 5 of this Act, that
5 employs between 15 and 50 employees shall provide up to 15 days
6 of unpaid family military leave to an employee during the time
7 federal or State deployment orders are in effect, subject to
8 the conditions set forth in this Section. Family military leave
9 granted under this Act may consist of unpaid leave.

10 (b) An employer, as defined in Section 5 of this Act, that
11 employs more than 50 employees shall provide up to 30 days of
12 unpaid family military leave to an employee during the time
13 federal or State deployment orders are in effect, subject to
14 the conditions set forth in this Section. Family military leave
15 granted under this Act may consist of unpaid leave. The number
16 of days of leave provided to an employee under this subsection

17 (b) because the employee's spouse or child is called to
18 military service shall be reduced by the number of days of
19 leave provided to the employee under subdivision (a)(1)(E) of
20 Section 102 of the Family and Medical Leave Act of 1993 because
21 of any qualifying exigency arising out of the fact that the
22 employee's spouse or child is on covered active duty as defined
23 in that Act (or has been notified of an impending call or order
24 to covered active duty) in the Armed Forces.

25 (c) The employee shall give at least 14 days' ~~days~~ notice

1 of the intended date upon which the family military leave will
2 commence if leave will consist of 5 or more consecutive work
3 days. Where able, the employee shall consult with the employer
4 to schedule the leave so as to not unduly disrupt the
5 operations of the employer. Employees taking military family
6 leave for less than 5 consecutive days shall give the employer
7 advance ~~advanced~~ notice as is practicable. The employer may
8 require certification from the proper military authority to
9 verify the employee's eligibility for the family military leave
10 requested.

11 (d) An employee shall not take leave as provided under this
12 Act unless he or she has exhausted all accrued vacation leave,
13 personal leave, compensatory leave, and any other leave that
14 may be granted to the employee, except sick leave and
15 disability leave.

16 (Source: P.A. 96-1417, eff. 1-1-11; revised 10-9-18.)

17 Section 995. No acceleration or delay. Where this Act makes
18 changes in a statute that is represented in this Act by text
19 that is not yet or no longer in effect (for example, a Section
20 represented by multiple versions), the use of that text does
21 not accelerate or delay the taking effect of (i) the changes
22 made by this Act or (ii) provisions derived from any other
23 Public Act.

24 Section 996. No revival or extension. This Act does not

1 revive or extend any Section or Act otherwise repealed.

2 Section 999. Effective date. This Act takes effect upon
3 becoming law.

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3	5 ILCS 80/4.29	
4	5 ILCS 80/4.39	
5	5 ILCS 100/5-30	from Ch. 127, par. 1005-30
6	5 ILCS 100/10-25	from Ch. 127, par. 1010-25
7	5 ILCS 100/10-50	from Ch. 127, par. 1010-50
8	5 ILCS 100/10-75	
9	5 ILCS 140/3	from Ch. 116, par. 203
10	5 ILCS 140/7.5	
11	5 ILCS 312/7-108	from Ch. 102, par. 207-108
12	5 ILCS 350/1	from Ch. 127, par. 1301
13	5 ILCS 410/20	
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