

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 2008 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 In certain cases in which a repealed Act or Section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16 incorporate amendments to the repealed Act or Section into the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 94-1069 through 95-702 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 4.18, 4.26, 4.27, and 4.28 as follows:

11 (5 ILCS 80/4.18)

12 Sec. 4.18. Acts repealed January 1, 2008 and December 31,
13 2008.

14 (a) The following Acts are repealed on January 1, 2008:

15 The Home Medical Equipment and Services Provider
16 License Act.

17 The Marriage and Family Therapy Licensing Act.

18 The Nursing Home Administrators Licensing and
19 Disciplinary Act.

20 The Physician Assistant Practice Act of 1987.

21 The Structural Pest Control Act.

22 (b) The following Acts are repealed on December 31, 2008:

23 The Medical Practice Act of 1987.

24 The Environmental Health Practitioner Licensing Act.

1 (Source: P.A. 94-754, eff. 5-10-06; 94-1075, eff. 12-29-06;
2 94-1085, eff. 1-19-07; 95-187, eff. 8-16-07; 95-235, eff.
3 8-17-07; 95-450, eff. 8-27-07; 95-465, eff. 8-27-07; 95-639,
4 eff. 10-5-07; 95-687, eff. 10-23-07; 95-689, eff. 10-29-07;
5 revised 12-17-07.)

6 (5 ILCS 80/4.26)

7 Sec. 4.26. Acts repealed on January 1, 2016. The following
8 Acts are repealed on January 1, 2016:

9 The Illinois Athletic Trainers Practice Act.

10 The Illinois Roofing Industry Licensing Act.

11 The Illinois Dental Practice Act.

12 The Collection Agency Act.

13 The Barber, Cosmetology, Esthetics, and Nail Technology
14 Act of 1985.

15 The Respiratory Care Practice Act.

16 The Hearing Instrument Consumer Protection Act.

17 The Illinois Physical Therapy Act.

18 The Professional Geologist Licensing Act.

19 ~~The Illinois Petroleum Education and Marketing Act.~~

20 (Source: P.A. 94-246, eff. 1-1-06; 94-254, eff. 7-19-05;
21 94-409, eff. 12-31-05; 94-414, eff. 12-31-05; 94-451, eff.
22 12-31-05; 94-523, eff. 1-1-06; 94-527, eff. 12-31-05; 94-651,
23 eff. 1-1-06; 94-708, eff. 12-5-05; 94-1085, eff. 1-19-07;
24 95-331, eff. 8-21-07; revised 12-18-07.)

1 (5 ILCS 80/4.27)

2 Sec. 4.27. Acts repealed on January 1, 2017. The following
3 ~~Acts~~ are repealed on January 1, 2017:

4 The Illinois Optometric Practice Act of 1987.

5 The Clinical Psychologist Licensing Act.

6 The Boiler and Pressure Vessel Repairer Regulation Act.

7 Articles II, III, IV, V, V 1/2, VI, VIIA, VIIB, VIIC, XVII,
8 XXXI, XXXI 1/4, and XXXI 3/4 of the Illinois Insurance Code.

9 (Source: P.A. 94-787, eff. 5-19-06; 94-870, eff. 6-16-06;
10 94-956, eff. 6-27-06; 94-1076, eff. 12-29-06; 95-331, eff.
11 8-21-07; revised 10-29-07.)

12 (5 ILCS 80/4.28)

13 Sec. 4.28. Acts ~~Act~~ repealed on January 1, 2018. The
14 following Acts are ~~Act is~~ repealed on January 1, 2018:

15 The Illinois Petroleum Education and Marketing Act.

16 The Podiatric Medical Practice Act of 1987.

17 The Acupuncture Practice Act.

18 The Illinois Speech-Language Pathology and Audiology
19 Practice Act.

20 The Interpreter for the Deaf Licensure Act of 2007.

21 The Nurse Practice Act.

22 The Clinical Social Work and Social Work Practice Act.

23 The Pharmacy Practice Act.

24 (Source: P.A. 95-187, eff. 8-16-07; 95-235, eff. 8-17-07;
25 95-450, eff. 8-27-07; 95-465, eff. 8-27-07; 95-617, eff.

1 9-12-07; 95-639, eff. 10-5-07; 95-687, eff. 10-23-07; 95-689,
2 eff. 10-29-07; revised 12-17-07.)

3 (5 ILCS 80/4.17 rep.)

4 Section 7. The Regulatory Sunset Act is amended by
5 repealing Section 4.17.

6 Section 10. The State Employees Group Insurance Act of 1971
7 is amended by changing Section 6.11 as follows:

8 (5 ILCS 375/6.11)

9 Sec. 6.11. Required health benefits; Illinois Insurance
10 Code requirements. The program of health benefits shall provide
11 the post-mastectomy care benefits required to be covered by a
12 policy of accident and health insurance under Section 356t of
13 the Illinois Insurance Code. The program of health benefits
14 shall provide the coverage required under Sections 356g.5,
15 356u, 356w, 356x, 356z.2, 356z.4, 356z.6, ~~and~~ 356z.9, and
16 356z.10 ~~356z.9~~ of the Illinois Insurance Code. The program of
17 health benefits must comply with Section 155.37 of the Illinois
18 Insurance Code.

19 (Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07;
20 95-520, eff. 8-28-07; revised 12-4-07.)

21 Section 15. The Election Code is amended by changing
22 Section 17-23 as follows:

1 (10 ILCS 5/17-23) (from Ch. 46, par. 17-23)

2 Sec. 17-23. Pollwatchers in a general election shall be
3 authorized in the following manner:

4 (1) Each established political party shall be entitled to
5 appoint two pollwatchers per precinct. Such pollwatchers must
6 be affiliated with the political party for which they are
7 pollwatching. For all elections, the pollwatchers must be
8 registered to vote in Illinois.

9 (2) Each candidate shall be entitled to appoint two
10 pollwatchers per precinct. For all elections, the pollwatchers
11 must be registered to vote in Illinois.

12 (3) Each organization of citizens within the county or
13 political subdivision, which has among its purposes or
14 interests the investigation or prosecution of election frauds,
15 and which shall have registered its name and address and the
16 name and addresses of its principal officers with the proper
17 election authority at least 40 days before the election, shall
18 be entitled to appoint one pollwatcher per precinct. For all
19 elections, the pollwatcher must be registered to vote in
20 Illinois.

21 (3.5) Each State nonpartisan civic organization within the
22 county or political subdivision shall be entitled to appoint
23 one pollwatcher per precinct, provided that no more than 2
24 pollwatchers appointed by State nonpartisan civic
25 organizations shall be present in a precinct polling place at

1 the same time. Each organization shall have registered the
2 names and addresses of its principal officers with the proper
3 election authority at least 40 days before the election. The
4 pollwatchers must be registered to vote in Illinois. For the
5 purpose of this paragraph, a "State nonpartisan civic
6 organization" means any corporation, unincorporated
7 association, or organization that:

8 (i) as part of its written articles of incorporation,
9 bylaws, or charter or by separate written declaration, has
10 among its stated purposes the provision of voter
11 information and education, the protection of individual
12 voters' rights, and the promotion of free and equal
13 elections;

14 (ii) is organized or primarily conducts its activities
15 within the State of Illinois; and

16 (iii) continuously maintains an office or business
17 location within the State of Illinois, together with a
18 current listed telephone number (a post office box number
19 without a current listed telephone number is not
20 sufficient).

21 (4) In any general election held to elect candidates for
22 the offices of a municipality of less than 3,000,000 population
23 that is situated in 2 or more counties, a pollwatcher who is a
24 resident of Illinois shall be eligible to serve as a
25 pollwatcher in any poll located within such municipality,
26 provided that such pollwatcher otherwise complies with the

1 respective requirements of subsections (1) through (3) of this
2 Section and is a registered voter in Illinois.

3 (5) Each organized group of proponents or opponents of a
4 ballot proposition, which shall have registered the name and
5 address of its organization or committee and the name and
6 address of its chairman with the proper election authority at
7 least 40 days before the election, shall be entitled to appoint
8 one pollwatcher per precinct. The pollwatcher must be
9 registered to vote in Illinois.

10 All pollwatchers shall be required to have proper
11 credentials. Such credentials shall be printed in sufficient
12 quantities, shall be issued by and under the facsimile
13 signature(s) of the election authority and shall be available
14 for distribution at least 2 weeks prior to the election. Such
15 credentials shall be authorized by the real or facsimile
16 signature of the State or local party official or the candidate
17 or the presiding officer of the civic organization or the
18 chairman of the proponent or opponent group, as the case may
19 be. The election authority may not require any such party
20 official or the candidate or the presiding officer of the civic
21 organization or the chairman of the proponent or opponent group
22 to submit the names or other information concerning
23 pollwatchers before making credentials available to such
24 persons or organizations.

25 Pollwatcher credentials shall be in substantially the
26 following form:

POLLWATCHER CREDENTIALS

TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code, the undersigned hereby appoints (name of pollwatcher) who resides at (address) in the county of, (township or municipality) of (name), State of Illinois and who is duly registered to vote from this address, to act as a pollwatcher in the precinct of the ward (if applicable) of the (township or municipality) of at the election to be held on (insert date).

..... (Signature of Appointing Authority)
..... TITLE (party official, candidate, civic organization president, proponent or opponent group chairman)

Under penalties provided by law pursuant to Section 29-10 of the Election Code, the undersigned pollwatcher certifies that he or she resides at (address) in the county of, (township or municipality) of (name), State of Illinois, and is duly registered to vote in Illinois.

..... (Precinct and/or Ward in (Signature of Pollwatcher)

1 Which Pollwatcher Resides)

2 Pollwatchers must present their credentials to the Judges
3 of Election upon entering the polling place. Pollwatcher
4 credentials properly executed and signed shall be proof of the
5 qualifications of the pollwatcher authorized thereby. Such
6 credentials are retained by the Judges and returned to the
7 Election Authority at the end of the day of election with the
8 other election materials. Once a pollwatcher has surrendered a
9 valid credential, he may leave and reenter the polling place
10 provided that such continuing action does not disrupt the
11 conduct of the election. Pollwatchers may be substituted during
12 the course of the day, but established political parties,
13 candidates and qualified civic organizations can have only as
14 many pollwatchers at any given time as are authorized in this
15 Article. A substitute must present his signed credential to the
16 judges of election upon entering the polling place. Election
17 authorities must provide a sufficient number of credentials to
18 allow for substitution of pollwatchers. After the polls have
19 closed pollwatchers shall be allowed to remain until the
20 canvass of votes is completed; but may leave and reenter only
21 in cases of necessity, provided that such action is not so
22 continuous as to disrupt the canvass of votes.

23 Candidates seeking office in a district or municipality
24 encompassing 2 or more counties shall be admitted to any and
25 all polling places throughout such district or municipality

1 without regard to the counties in which such candidates are
2 registered to vote. Actions of such candidates shall be
3 governed in each polling place by the same privileges and
4 limitations that apply to pollwatchers as provided in this
5 Section. Any such candidate who engages in an activity in a
6 polling place which could reasonably be construed by a majority
7 of the judges of election as campaign activity shall be removed
8 forthwith from such polling place.

9 Candidates seeking office in a district or municipality
10 encompassing 2 or more counties who desire to be admitted to
11 polling places on election day in such district or municipality
12 shall be required to have proper credentials. Such credentials
13 shall be printed in sufficient quantities, shall be issued by
14 and under the facsimile signature of the election authority of
15 the election jurisdiction where the polling place in which the
16 candidate seeks admittance is located, and shall be available
17 for distribution at least 2 weeks prior to the election. Such
18 credentials shall be signed by the candidate.

19 Candidate credentials shall be in substantially the
20 following form:

21 CANDIDATE CREDENTIALS

22 TO THE JUDGES OF ELECTION:

23 In accordance with the provisions of the Election Code, I
24 (name of candidate) hereby certify that I am a candidate
25 for (name of office) and seek admittance to

1 precinct of the ward (if applicable) of the
 2 (township or municipality) of at the election
 3 to be held on (insert date).

4 .....	.....
5 (Signature of Candidate)	OFFICE FOR WHICH
6	CANDIDATE SEEKS
7	NOMINATION OR
8	ELECTION

9 Pollwatchers shall be permitted to observe all proceedings
 10 and view all reasonably requested records relating to the
 11 conduct of the election, provided the secrecy of the ballot is
 12 not impinged, and to station themselves in a position in the
 13 voting room as will enable them to observe the judges making
 14 the signature comparison between the voter application and the
 15 voter registration record card; provided, however, that such
 16 pollwatchers shall not be permitted to station themselves in
 17 such close proximity to the judges of election so as to
 18 interfere with the orderly conduct of the election and shall
 19 not, in any event, be permitted to handle election materials.
 20 Pollwatchers may challenge for cause the voting qualifications
 21 of a person offering to vote and may call to the attention of
 22 the judges of election any incorrect procedure or apparent
 23 violations of this Code.

24 If a majority of the judges of election determine that the
 25 polling place has become too overcrowded with pollwatchers so

1 as to interfere with the orderly conduct of the election, the
2 judges shall, by lot, limit such pollwatchers to a reasonable
3 number, except that each established or new political party
4 shall be permitted to have at least one pollwatcher present.

5 Representatives of an election authority, with regard to an
6 election under its jurisdiction, the State Board of Elections,
7 and law enforcement agencies, including but not limited to a
8 United States Attorney, a State's attorney, the Attorney
9 General, and a State, county, or local police department, in
10 the performance of their official election duties, shall be
11 permitted at all times to enter and remain in the polling
12 place. Upon entering the polling place, such representatives
13 shall display their official credentials or other
14 identification to the judges of election.

15 Uniformed police officers assigned to polling place duty
16 shall follow all lawful instructions of the judges of election.

17 The provisions of this Section shall also apply to
18 supervised casting of absentee ballots as provided in Section
19 19-12.2 of this Act.

20 (Source: P.A. 94-645, eff. 8-22-05; 95-267, eff. 8-17-07;
21 95-699, eff. 11-9-07; revised 11-14-07.)

22 Section 20. The Attorney General Act is amended by changing
23 Section 6.5 as follows:

24 (15 ILCS 205/6.5)

1 Sec. 6.5. Consumer Utilities Unit.

2 (a) The General Assembly finds that the health, welfare,
3 and prosperity of all Illinois citizens, and the public's
4 interest in adequate, safe, reliable, cost-effective electric,
5 natural gas, water, cable, video, and telecommunications
6 services, requires effective public representation by the
7 Attorney General to protect the rights and interests of the
8 public in the provision of all elements of electric, natural
9 gas, water, cable, video, and telecommunications service both
10 during and after the transition to a competitive market, and
11 that to ensure that the benefits of competition in the
12 provision of electric, natural gas, water, cable, video, and
13 telecommunications services to all consumers are attained,
14 there shall be created within the Office of the Attorney
15 General a Consumer Utilities Unit.

16 (b) As used in this Section: "Electric services" means
17 services sold by an electric service provider. "Electric
18 service provider" shall mean anyone who sells, contracts to
19 sell, or markets electric power, generation, distribution,
20 transmission, or services (including metering and billing) in
21 connection therewith. Electric service providers shall include
22 any electric utility and any alternative retail electric
23 supplier as defined in Section 16-102 of the Public Utilities
24 Act.

25 (b-5) As used in this Section: "Telecommunications
26 services" means services sold by a telecommunications carrier,

1 as provided for in Section 13-203 of the Public Utilities Act.
2 "Telecommunications carrier" means anyone who sells, contracts
3 to sell, or markets telecommunications services, whether
4 noncompetitive or competitive, including access services,
5 interconnection services, or any services in connection
6 therewith. Telecommunications carriers include any carrier as
7 defined in Section 13-202 of the Public Utilities Act.

8 (b-10) As used in this Section, + "natural gas services"
9 means natural gas services sold by a "gas utility" or by an
10 "alternative gas supplier", as those terms are defined in
11 Section 19-105 of the Public Utilities Act.

12 (b-15) As used in this Section, + "water services" means
13 services sold by any corporation, company, limited liability
14 company, association, joint stock company or association,
15 firm, partnership, or individual, its lessees, trustees, or
16 receivers appointed by any court and that owns, controls,
17 operates, or manages within this State, directly or indirectly,
18 for public use, any plant, equipment, or property used or to be
19 used for or in connection with (i) the production, storage,
20 transmission, sale, delivery, or furnishing of water or (ii)
21 the treatment, storage, transmission, disposal, sale of
22 services, delivery, or furnishing of sewage or sewage services.

23 (b-20) As used in this Section, + "cable service and video
24 service" means services sold by anyone who sells, contracts to
25 sell, + or markets cable services or video services pursuant to a
26 State-issued authorization under the Cable and Video

1 Competition Law of 2007.

2 (c) There is created within the Office of the Attorney
3 General a Consumer Utilities Unit, consisting of Assistant
4 Attorneys General appointed by the Attorney General, who,
5 together with such other staff as is deemed necessary by the
6 Attorney General, shall have the power and duty on behalf of
7 the people of the State to intervene in, initiate, enforce, and
8 defend all legal proceedings on matters relating to the
9 provision, marketing, and sale of electric, natural gas, water,
10 and telecommunications service whenever the Attorney General
11 determines that such action is necessary to promote or protect
12 the rights and interests of all Illinois citizens, classes of
13 customers, and users of electric, natural gas, water, and
14 telecommunications services.

15 (d) In addition to the investigative and enforcement powers
16 available to the Attorney General, including without
17 limitation those under the Consumer Fraud and Deceptive
18 Business Practices Act, the Illinois Antitrust Act, and any
19 other law of this State, the Attorney General shall be a party
20 as a matter of right to all proceedings, investigations, and
21 related matters involving the provision of electric, natural
22 gas, water, and telecommunications services before the
23 Illinois Commerce Commission, the courts, and other public
24 bodies. Upon request, the Office of the Attorney General shall
25 have access to and the use of all files, records, data, and
26 documents in the possession or control of the Commission. The

1 Office of the Attorney General may use information obtained
2 under this Section, including information that is designated as
3 and that qualifies for confidential treatment, which
4 information the Attorney General's office shall maintain as
5 confidential, to be used for law enforcement purposes only,
6 which information may be shared with other law enforcement
7 officials. Nothing in this Section is intended to take away or
8 limit any of the powers the Attorney General has pursuant to
9 common law or other statutory law.

10 (Source: P.A. 94-291, eff. 7-21-05; 95-9, eff. 6-30-07; revised
11 7-9-07.)

12 Section 25. The State Treasurer Act is amended by changing
13 Section 16.5 as follows:

14 (15 ILCS 505/16.5)

15 Sec. 16.5. College Savings Pool. The State Treasurer may
16 establish and administer a College Savings Pool to supplement
17 and enhance the investment opportunities otherwise available
18 to persons seeking to finance the costs of higher education.
19 The State Treasurer, in administering the College Savings Pool,
20 may receive moneys paid into the pool by a participant and may
21 serve as the fiscal agent of that participant for the purpose
22 of holding and investing those moneys.

23 "Participant", as used in this Section, means any person
24 who has authority to withdraw funds, change the designated

1 beneficiary, or otherwise exercise control over an account.
2 "Donor", as used in this Section, means any person who makes
3 investments in the pool. "Designated beneficiary", as used in
4 this Section, means any person on whose behalf an account is
5 established in the College Savings Pool by a participant. Both
6 in-state and out-of-state persons may be participants, donors,
7 and designated beneficiaries in the College Savings Pool.

8 New accounts in the College Savings Pool may be processed
9 through participating financial institutions. "Participating
10 financial institution", as used in this Section, means any
11 financial institution insured by the Federal Deposit Insurance
12 Corporation and lawfully doing business in the State of
13 Illinois and any credit union approved by the State Treasurer
14 and lawfully doing business in the State of Illinois that
15 agrees to process new accounts in the College Savings Pool.
16 Participating financial institutions may charge a processing
17 fee to participants to open an account in the pool that shall
18 not exceed \$30 until the year 2001. Beginning in 2001 and every
19 year thereafter, the maximum fee limit shall be adjusted by the
20 Treasurer based on the Consumer Price Index for the North
21 Central Region as published by the United States Department of
22 Labor, Bureau of Labor Statistics for the immediately preceding
23 calendar year. Every contribution received by a financial
24 institution for investment in the College Savings Pool shall be
25 transferred from the financial institution to a location
26 selected by the State Treasurer within one business day

1 following the day that the funds must be made available in
2 accordance with federal law. All communications from the State
3 Treasurer to participants and donors shall reference the
4 participating financial institution at which the account was
5 processed.

6 The Treasurer may invest the moneys in the College Savings
7 Pool in the same manner and~~r~~ in the same types of investments
8 provided for the investment of moneys by the Illinois State
9 Board of Investment. To enhance the safety and liquidity of the
10 College Savings Pool, to ensure the diversification of the
11 investment portfolio of the pool, and in an effort to keep
12 investment dollars in the State of Illinois, the State
13 Treasurer may make a percentage of each account available for
14 investment in participating financial institutions doing
15 business in the State. The State Treasurer may deposit with the
16 participating financial institution at which the account was
17 processed the following percentage of each account at a
18 prevailing rate offered by the institution, provided that the
19 deposit is federally insured or fully collateralized and the
20 institution accepts the deposit: 10% of the total amount of
21 each account for which the current age of the beneficiary is
22 less than 7 years of age, 20% of the total amount of each
23 account for which the beneficiary is at least 7 years of age
24 and less than 12 years of age, and 50% of the total amount of
25 each account for which the current age of the beneficiary is at
26 least 12 years of age. The Treasurer shall develop, publish,

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

15 Participants shall be required to use moneys distributed
16 from the College Savings Pool for qualified expenses at
17 eligible educational institutions. "Qualified expenses", as
18 used in this Section, means the following: (i) tuition, fees,
19 and the costs of books, supplies, and equipment required for
20 enrollment or attendance at an eligible educational
21 institution and (ii) certain room and board expenses incurred
22 while attending an eligible educational institution at least
23 half-time. "Eligible educational institutions", as used in
24 this Section, means public and private colleges, junior
25 colleges, graduate schools, and certain vocational
26 institutions that are described in Section 481 of the Higher

1 Education Act of 1965 (20 U.S.C. 1088) and that are eligible to
2 participate in Department of Education student aid programs. A
3 student shall be considered to be enrolled at least half-time
4 if the student is enrolled for at least half the full-time
5 academic work load for the course of study the student is
6 pursuing as determined under the standards of the institution
7 at which the student is enrolled. Distributions made from the
8 pool for qualified expenses shall be made directly to the
9 eligible educational institution, directly to a vendor, or in
10 the form of a check payable to both the beneficiary and the
11 institution or vendor. Any moneys that are distributed in any
12 other manner or that are used for expenses other than qualified
13 expenses at an eligible educational institution shall be
14 subject to a penalty of 10% of the earnings unless the
15 beneficiary dies, becomes disabled, or receives a scholarship
16 that equals or exceeds the distribution. Penalties shall be
17 withheld at the time the distribution is made.

18 The Treasurer shall limit the contributions that may be
19 made on behalf of a designated beneficiary based on the
20 limitations established by the Internal Revenue Service. The
21 contributions made on behalf of a beneficiary who is also a
22 beneficiary under the Illinois Prepaid Tuition Program shall be
23 further restricted to ensure that the contributions in both
24 programs combined do not exceed the limit established for the
25 College Savings Pool. The Treasurer shall provide the Illinois
26 Student Assistance Commission each year at a time designated by

1 the Commission, an electronic report of all participant
2 accounts in the Treasurer's College Savings Pool, listing total
3 contributions and disbursements from each individual account
4 during the previous calendar year. As soon thereafter as is
5 possible following receipt of the Treasurer's report, the
6 Illinois Student Assistance Commission shall, in turn, provide
7 the Treasurer with an electronic report listing those College
8 Savings Pool participants who also participate in the State's
9 prepaid tuition program, administered by the Commission. The
10 Commission shall be responsible for filing any combined tax
11 reports regarding State qualified savings programs required by
12 the United States Internal Revenue Service. The Treasurer shall
13 work with the Illinois Student Assistance Commission to
14 coordinate the marketing of the College Savings Pool and the
15 Illinois Prepaid Tuition Program when considered beneficial by
16 the Treasurer and the Director of the Illinois Student
17 Assistance Commission. The Treasurer's office shall not
18 publicize or otherwise market the College Savings Pool or
19 accept any moneys into the College Savings Pool prior to March
20 1, 2000. The Treasurer shall provide a separate accounting for
21 each designated beneficiary to each participant, the Illinois
22 Student Assistance Commission, and the participating financial
23 institution at which the account was processed. No interest in
24 the program may be pledged as security for a loan. Moneys held
25 in an account invested in the Illinois College Savings Pool
26 shall be exempt from all claims of the creditors of the

1 participant, donor, or designated beneficiary of that account,
2 except for the non-exempt College Savings Pool transfers to or
3 from the account as defined under subsection (j) of Section
4 12-1001 of the Code of Civil Procedure (735 ILCS 5/12-1001(j)).

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

17 The Treasurer shall adopt rules he or she considers
18 necessary for the efficient administration of the College
19 Savings Pool. The rules shall provide whatever additional
20 parameters and restrictions are necessary to ensure that the
21 College Savings Pool meets all of the requirements for a
22 qualified state tuition program under Section 529 of the
23 Internal Revenue Code (26 U.S.C. 529). The rules shall provide
24 for the administration expenses of the pool to be paid from its
25 earnings and for the investment earnings in excess of the
26 expenses and all moneys collected as penalties to be credited

1 or paid monthly to the several participants in the pool in a
2 manner which equitably reflects the differing amounts of their
3 respective investments in the pool and the differing periods of
4 time for which those amounts were in the custody of the pool.
5 Also, the rules shall require the maintenance of records that
6 enable the Treasurer's office to produce a report for each
7 account in the pool at least annually that documents the
8 account balance and investment earnings. Notice of any proposed
9 amendments to the rules and regulations shall be provided to
10 all participants prior to adoption. Amendments to rules and
11 regulations shall apply only to contributions made after the
12 adoption of the amendment.

13 Upon creating the College Savings Pool, the State Treasurer
14 shall give bond with 2 or more sufficient sureties, payable to
15 and for the benefit of the participants in the College Savings
16 Pool, in the penal sum of \$1,000,000, conditioned upon the
17 faithful discharge of his or her duties in relation to the
18 College Savings Pool.

19 (Source: P.A. 95-23, eff. 8-3-07; 95-306, eff. 1-1-08; 95-521,
20 eff. 8-28-07; revised 10-30-07.)

21 Section 30. The Illinois Act on the Aging is amended by
22 changing Sections 4.01 and 4.02 and by setting forth and
23 renumbering multiple versions of Section 4.08 as follows:

24 (20 ILCS 105/4.01) (from Ch. 23, par. 6104.01)

1 Sec. 4.01. Additional powers and duties of the Department.
2 In addition to powers and duties otherwise provided by law, the
3 Department shall have the following powers and duties:

4 (1) To evaluate all programs, services, and facilities for
5 the aged and for minority senior citizens within the State and
6 determine the extent to which present public or private
7 programs, services and facilities meet the needs of the aged.

8 (2) To coordinate and evaluate all programs, services, and
9 facilities for the Aging and for minority senior citizens
10 presently furnished by State agencies and make appropriate
11 recommendations regarding such services, programs and
12 facilities to the Governor and/or the General Assembly.

13 (3) To function as the sole State agency to develop a
14 comprehensive plan to meet the needs of the State's senior
15 citizens and the State's minority senior citizens.

16 (4) To receive and disburse State and federal funds made
17 available directly to the Department including those funds made
18 available under the Older Americans Act and the Senior
19 Community Service Employment Program for providing services
20 for senior citizens and minority senior citizens or for
21 purposes related thereto, and shall develop and administer any
22 State Plan for the Aging required by federal law.

23 (5) To solicit, accept, hold, and administer in behalf of
24 the State any grants or legacies of money, securities, or
25 property to the State of Illinois for services to senior
26 citizens and minority senior citizens or purposes related

1 thereto.

2 (6) To provide consultation and assistance to communities,
3 area agencies on aging, and groups developing local services
4 for senior citizens and minority senior citizens.

5 (7) To promote community education regarding the problems
6 of senior citizens and minority senior citizens through
7 institutes, publications, radio, television and the local
8 press.

9 (8) To cooperate with agencies of the federal government in
10 studies and conferences designed to examine the needs of senior
11 citizens and minority senior citizens and to prepare programs
12 and facilities to meet those needs.

13 (9) To establish and maintain information and referral
14 sources throughout the State when not provided by other
15 agencies.

16 (10) To provide the staff support as may reasonably be
17 required by the Council and the Coordinating Committee of State
18 Agencies Serving Older Persons.

19 (11) To make and enforce rules and regulations necessary
20 and proper to the performance of its duties.

21 (12) To establish and fund programs or projects or
22 experimental facilities that are specially designed as
23 alternatives to institutional care.

24 (13) To develop a training program to train the counselors
25 presently employed by the Department's aging network to provide
26 Medicare beneficiaries with counseling and advocacy in

1 Medicare, private health insurance, and related health care
2 coverage plans. The Department shall report to the General
3 Assembly on the implementation of the training program on or
4 before December 1, 1986.

5 (14) To make a grant to an institution of higher learning
6 to study the feasibility of establishing and implementing an
7 affirmative action employment plan for the recruitment,
8 hiring, training and retraining of persons 60 or more years old
9 for jobs for which their employment would not be precluded by
10 law.

11 (15) To present one award annually in each of the
12 categories of community service, education, the performance
13 and graphic arts, and the labor force to outstanding Illinois
14 senior citizens and minority senior citizens in recognition of
15 their individual contributions to either community service,
16 education, the performance and graphic arts, or the labor
17 force. The awards shall be presented to four senior citizens
18 and minority senior citizens selected from a list of 44
19 nominees compiled annually by the Department. Nominations
20 shall be solicited from senior citizens' service providers,
21 area agencies on aging, senior citizens' centers, and senior
22 citizens' organizations. The Department shall consult with the
23 Coordinating Committee of State Agencies Serving Older Persons
24 to determine which of the nominees shall be the recipient in
25 each category of community service. The Department shall
26 establish a central location within the State to be designated

1 as the Senior Illinoisans Hall of Fame for the public display
2 of all the annual awards, or replicas thereof.

3 (16) To establish multipurpose senior centers through area
4 agencies on aging and to fund those new and existing
5 multipurpose senior centers through area agencies on aging, the
6 establishment and funding to begin in such areas of the State
7 as the Department shall designate by rule and as specifically
8 appropriated funds become available.

9 (17) To develop the content and format of the
10 acknowledgment regarding non-recourse reverse mortgage loans
11 under Section 6.1 of the Illinois Banking Act; to provide
12 independent consumer information on reverse mortgages and
13 alternatives; and to refer consumers to independent counseling
14 services with expertise in reverse mortgages.

15 (18) To develop a pamphlet in English and Spanish which may
16 be used by physicians licensed to practice medicine in all of
17 its branches pursuant to the Medical Practice Act of 1987,
18 pharmacists licensed pursuant to the Pharmacy Practice Act, and
19 Illinois residents 65 years of age or older for the purpose of
20 assisting physicians, pharmacists, and patients in monitoring
21 prescriptions provided by various physicians and to aid persons
22 65 years of age or older in complying with directions for
23 proper use of pharmaceutical prescriptions. The pamphlet may
24 provide space for recording information including but not
25 limited to the following:

26 (a) name and telephone number of the patient;

1 (b) name and telephone number of the prescribing
2 physician;

3 (c) date of prescription;

4 (d) name of drug prescribed;

5 (e) directions for patient compliance; and

6 (f) name and telephone number of dispensing pharmacy.

7 In developing the pamphlet, the Department shall consult
8 with the Illinois State Medical Society, the Center for
9 Minority Health Services, the Illinois Pharmacists Association
10 and senior citizens organizations. The Department shall
11 distribute the pamphlets to physicians, pharmacists and
12 persons 65 years of age or older or various senior citizen
13 organizations throughout the State.

14 (19) To conduct a study by April 1, 1994 of the feasibility
15 of implementing the Senior Companion Program throughout the
16 State for the fiscal year beginning July 1, 1994.

17 (20) With respect to contracts in effect on July 1, 1994,
18 the Department shall increase the grant amounts so that the
19 reimbursement rates paid through the community care program for
20 chore housekeeping services and home care aides are at the same
21 rate, which shall be the higher of the 2 rates currently paid.
22 With respect to all contracts entered into, renewed, or
23 extended on or after July 1, 1994, the reimbursement rates paid
24 through the community care program for chore housekeeping
25 services and home care aides shall be the same.

26 (21) From funds appropriated to the Department from the

1 Meals on Wheels Fund, a special fund in the State treasury that
2 is hereby created, and in accordance with State and federal
3 guidelines and the intrastate funding formula, to make grants
4 to area agencies on aging, designated by the Department, for
5 the sole purpose of delivering meals to homebound persons 60
6 years of age and older.

7 (22) To distribute, through its area agencies on aging,
8 information alerting seniors on safety issues regarding
9 emergency weather conditions, including extreme heat and cold,
10 flooding, tornadoes, electrical storms, and other severe storm
11 weather. The information shall include all necessary
12 instructions for safety and all emergency telephone numbers of
13 organizations that will provide additional information and
14 assistance.

15 (23) To develop guidelines for the organization and
16 implementation of Volunteer Services Credit Programs to be
17 administered by Area Agencies on Aging or community based
18 senior service organizations. The Department shall hold public
19 hearings on the proposed guidelines for public comment,
20 suggestion, and determination of public interest. The
21 guidelines shall be based on the findings of other states and
22 of community organizations in Illinois that are currently
23 operating volunteer services credit programs or demonstration
24 volunteer services credit programs. The Department shall offer
25 guidelines for all aspects of the programs including, but not
26 limited to, the following:

- 1 (a) types of services to be offered by volunteers;
- 2 (b) types of services to be received upon the
3 redemption of service credits;
- 4 (c) issues of liability for the volunteers and the
5 administering organizations;
- 6 (d) methods of tracking service credits earned and
7 service credits redeemed;
- 8 (e) issues of time limits for redemption of service
9 credits;
- 10 (f) methods of recruitment of volunteers;
- 11 (g) utilization of community volunteers, community
12 service groups, and other resources for delivering
13 services to be received by service credit program clients;
- 14 (h) accountability and assurance that services will be
15 available to individuals who have earned service credits;
16 and
- 17 (i) volunteer screening and qualifications.

18 The Department shall submit a written copy of the guidelines to
19 the General Assembly by July 1, 1998.

20 (Source: P.A. 95-298, eff. 8-20-07; 95-689, eff. 10-29-07;
21 revised 10-30-07.)

22 (20 ILCS 105/4.02) (from Ch. 23, par. 6104.02)

23 (Text of Section before amendment by P.A. 95-565)

24 Sec. 4.02. The Department shall establish a program of
25 services to prevent unnecessary institutionalization of

1 persons age 60 and older in need of long term care or who are
2 established as persons who suffer from Alzheimer's disease or a
3 related disorder under the Alzheimer's Disease Assistance Act,
4 thereby enabling them to remain in their own homes or in other
5 living arrangements. Such preventive services, which may be
6 coordinated with other programs for the aged and monitored by
7 area agencies on aging in cooperation with the Department, may
8 include, but are not limited to, any or all of the following:

9 (a) home health services;

10 (b) home nursing services;

11 (c) home care aide services;

12 (d) chore and housekeeping services;

13 (e) adult day services;

14 (f) home-delivered meals;

15 (g) education in self-care;

16 (h) personal care services;

17 (i) adult day health services;

18 (j) habilitation services;

19 (k) respite care;

20 (k-5) community reintegration services;

21 (l) other nonmedical social services that may enable
22 the person to become self-supporting; or

23 (m) clearinghouse for information provided by senior
24 citizen home owners who want to rent rooms to or share
25 living space with other senior citizens.

26 The Department shall establish eligibility standards for

1 such services taking into consideration the unique economic and
2 social needs of the target population for whom they are to be
3 provided. Such eligibility standards shall be based on the
4 recipient's ability to pay for services; provided, however,
5 that in determining the amount and nature of services for which
6 a person may qualify, consideration shall not be given to the
7 value of cash, property or other assets held in the name of the
8 person's spouse pursuant to a written agreement dividing
9 marital property into equal but separate shares or pursuant to
10 a transfer of the person's interest in a home to his spouse,
11 provided that the spouse's share of the marital property is not
12 made available to the person seeking such services.

13 Beginning July 1, 2002, the Department shall require as a
14 condition of eligibility that all financially eligible
15 applicants and recipients apply for medical assistance under
16 Article V of the Illinois Public Aid Code in accordance with
17 rules promulgated by the Department.

18 The Department shall, in conjunction with the Department of
19 Public Aid (now Department of Healthcare and Family Services),
20 seek appropriate amendments under Sections 1915 and 1924 of the
21 Social Security Act. The purpose of the amendments shall be to
22 extend eligibility for home and community based services under
23 Sections 1915 and 1924 of the Social Security Act to persons
24 who transfer to or for the benefit of a spouse those amounts of
25 income and resources allowed under Section 1924 of the Social
26 Security Act. Subject to the approval of such amendments, the

1 Department shall extend the provisions of Section 5-4 of the
2 Illinois Public Aid Code to persons who, but for the provision
3 of home or community-based services, would require the level of
4 care provided in an institution, as is provided for in federal
5 law. Those persons no longer found to be eligible for receiving
6 noninstitutional services due to changes in the eligibility
7 criteria shall be given 60 days notice prior to actual
8 termination. Those persons receiving notice of termination may
9 contact the Department and request the determination be
10 appealed at any time during the 60 day notice period. With the
11 exception of the lengthened notice and time frame for the
12 appeal request, the appeal process shall follow the normal
13 procedure. In addition, each person affected regardless of the
14 circumstances for discontinued eligibility shall be given
15 notice and the opportunity to purchase the necessary services
16 through the Community Care Program. If the individual does not
17 elect to purchase services, the Department shall advise the
18 individual of alternative services. The target population
19 identified for the purposes of this Section are persons age 60
20 and older with an identified service need. Priority shall be
21 given to those who are at imminent risk of
22 institutionalization. The services shall be provided to
23 eligible persons age 60 and older to the extent that the cost
24 of the services together with the other personal maintenance
25 expenses of the persons are reasonably related to the standards
26 established for care in a group facility appropriate to the

1 person's condition. These non-institutional services, pilot
2 projects or experimental facilities may be provided as part of
3 or in addition to those authorized by federal law or those
4 funded and administered by the Department of Human Services.
5 The Departments of Human Services, Healthcare and Family
6 Services, Public Health, Veterans' Affairs, and Commerce and
7 Economic Opportunity and other appropriate agencies of State,
8 federal and local governments shall cooperate with the
9 Department on Aging in the establishment and development of the
10 non-institutional services. The Department shall require an
11 annual audit from all chore/housekeeping and home care aide
12 vendors contracting with the Department under this Section. The
13 annual audit shall assure that each audited vendor's procedures
14 are in compliance with Department's financial reporting
15 guidelines requiring an administrative and employee wage and
16 benefits cost split as defined in administrative rules. The
17 audit is a public record under the Freedom of Information Act.
18 The Department shall execute, relative to the nursing home
19 prescreening project, written inter-agency agreements with the
20 Department of Human Services and the Department of Healthcare
21 and Family Services, to effect the following: (1) intake
22 procedures and common eligibility criteria for those persons
23 who are receiving non-institutional services; and (2) the
24 establishment and development of non-institutional services in
25 areas of the State where they are not currently available or
26 are undeveloped. On and after July 1, 1996, all nursing home

1 prescreenings for individuals 60 years of age or older shall be
2 conducted by the Department.

3 As part of the Department on Aging's routine training of
4 case managers and case manager supervisors, the Department may
5 include information on family futures planning for persons who
6 are age 60 or older and who are caregivers of their adult
7 children with developmental disabilities. The content of the
8 training shall be at the Department's discretion.

9 The Department is authorized to establish a system of
10 recipient copayment for services provided under this Section,
11 such copayment to be based upon the recipient's ability to pay
12 but in no case to exceed the actual cost of the services
13 provided. Additionally, any portion of a person's income which
14 is equal to or less than the federal poverty standard shall not
15 be considered by the Department in determining the copayment.
16 The level of such copayment shall be adjusted whenever
17 necessary to reflect any change in the officially designated
18 federal poverty standard.

19 The Department, or the Department's authorized
20 representative, shall recover the amount of moneys expended for
21 services provided to or in behalf of a person under this
22 Section by a claim against the person's estate or against the
23 estate of the person's surviving spouse, but no recovery may be
24 had until after the death of the surviving spouse, if any, and
25 then only at such time when there is no surviving child who is
26 under age 21, blind, or permanently and totally disabled. This

1 paragraph, however, shall not bar recovery, at the death of the
2 person, of moneys for services provided to the person or in
3 behalf of the person under this Section to which the person was
4 not entitled; provided that such recovery shall not be enforced
5 against any real estate while it is occupied as a homestead by
6 the surviving spouse or other dependent, if no claims by other
7 creditors have been filed against the estate, or, if such
8 claims have been filed, they remain dormant for failure of
9 prosecution or failure of the claimant to compel administration
10 of the estate for the purpose of payment. This paragraph shall
11 not bar recovery from the estate of a spouse, under Sections
12 1915 and 1924 of the Social Security Act and Section 5-4 of the
13 Illinois Public Aid Code, who precedes a person receiving
14 services under this Section in death. All moneys for services
15 paid to or in behalf of the person under this Section shall be
16 claimed for recovery from the deceased spouse's estate.
17 "Homestead", as used in this paragraph, means the dwelling
18 house and contiguous real estate occupied by a surviving spouse
19 or relative, as defined by the rules and regulations of the
20 Department of Healthcare and Family Services, regardless of the
21 value of the property.

22 The Department shall develop procedures to enhance
23 availability of services on evenings, weekends, and on an
24 emergency basis to meet the respite needs of caregivers.
25 Procedures shall be developed to permit the utilization of
26 services in successive blocks of 24 hours up to the monthly

1 maximum established by the Department. Workers providing these
2 services shall be appropriately trained.

3 Beginning on the effective date of this Amendatory Act of
4 1991, no person may perform chore/housekeeping and home care
5 aide services under a program authorized by this Section unless
6 that person has been issued a certificate of pre-service to do
7 so by his or her employing agency. Information gathered to
8 effect such certification shall include (i) the person's name,
9 (ii) the date the person was hired by his or her current
10 employer, and (iii) the training, including dates and levels.
11 Persons engaged in the program authorized by this Section
12 before the effective date of this amendatory Act of 1991 shall
13 be issued a certificate of all pre- and in-service training
14 from his or her employer upon submitting the necessary
15 information. The employing agency shall be required to retain
16 records of all staff pre- and in-service training, and shall
17 provide such records to the Department upon request and upon
18 termination of the employer's contract with the Department. In
19 addition, the employing agency is responsible for the issuance
20 of certifications of in-service training completed to their
21 employees.

22 The Department is required to develop a system to ensure
23 that persons working as home care aides and chore housekeepers
24 receive increases in their wages when the federal minimum wage
25 is increased by requiring vendors to certify that they are
26 meeting the federal minimum wage statute for home care aides

1 and chore housekeepers. An employer that cannot ensure that the
2 minimum wage increase is being given to home care aides and
3 chore housekeepers shall be denied any increase in
4 reimbursement costs.

5 The Community Care Program Advisory Committee is created in
6 the Department on Aging. The Director shall appoint individuals
7 to serve in the Committee, who shall serve at their own
8 expense. Members of the Committee must abide by all applicable
9 ethics laws. The Committee shall advise the Department on
10 issues related to the Department's program of services to
11 prevent unnecessary institutionalization. The Committee shall
12 meet on a bi-monthly basis and shall serve to identify and
13 advise the Department on present and potential issues affecting
14 the service delivery network, the program's clients, and the
15 Department and to recommend solution strategies. Persons
16 appointed to the Committee shall be appointed on, but not
17 limited to, their own and their agency's experience with the
18 program, geographic representation, and willingness to serve.
19 The Director shall appoint members to the Committee to
20 represent provider, advocacy, policy research, and other
21 constituencies committed to the delivery of high quality home
22 and community-based services to older adults. Representatives
23 shall be appointed to ensure representation from community care
24 providers including, but not limited to, adult day service
25 providers, homemaker providers, case coordination and case
26 management units, emergency home response providers, statewide

1 trade or labor unions that represent home care ~~homecare~~ aides
2 and direct care staff, area agencies on aging, adults over age
3 60, membership organizations representing older adults, and
4 other organizational entities, providers of care, or
5 individuals with demonstrated interest and expertise in the
6 field of home and community care as determined by the Director.

7 Nominations may be presented from any agency or State
8 association with interest in the program. The Director, or his
9 or her designee, shall serve as the permanent co-chair of the
10 advisory committee. One other co-chair shall be nominated and
11 approved by the members of the committee on an annual basis.
12 Committee members' terms of appointment shall be for 4 years
13 with one-quarter of the appointees' terms expiring each year. A
14 member shall continue to serve until his or her replacement is
15 named. The Department shall fill vacancies that have a
16 remaining term of over one year, and this replacement shall
17 occur through the annual replacement of expiring terms. The
18 Director shall designate Department staff to provide technical
19 assistance and staff support to the committee. Department
20 representation shall not constitute membership of the
21 committee. All Committee papers, issues, recommendations,
22 reports, and meeting memoranda are advisory only. The Director,
23 or his or her designee, shall make a written report, as
24 requested by the Committee, regarding issues before the
25 Committee.

26 The Department on Aging and the Department of Human

1 Services shall cooperate in the development and submission of
2 an annual report on programs and services provided under this
3 Section. Such joint report shall be filed with the Governor and
4 the General Assembly on or before September 30 each year.

5 The requirement for reporting to the General Assembly shall
6 be satisfied by filing copies of the report with the Speaker,
7 the Minority Leader and the Clerk of the House of
8 Representatives and the President, the Minority Leader and the
9 Secretary of the Senate and the Legislative Research Unit, as
10 required by Section 3.1 of the General Assembly Organization
11 Act and filing such additional copies with the State Government
12 Report Distribution Center for the General Assembly as is
13 required under paragraph (t) of Section 7 of the State Library
14 Act.

15 Those persons previously found eligible for receiving
16 non-institutional services whose services were discontinued
17 under the Emergency Budget Act of Fiscal Year 1992, and who do
18 not meet the eligibility standards in effect on or after July
19 1, 1992, shall remain ineligible on and after July 1, 1992.
20 Those persons previously not required to cost-share and who
21 were required to cost-share effective March 1, 1992, shall
22 continue to meet cost-share requirements on and after July 1,
23 1992. Beginning July 1, 1992, all clients will be required to
24 meet eligibility, cost-share, and other requirements and will
25 have services discontinued or altered when they fail to meet
26 these requirements.

1 (Source: P.A. 94-48, eff. 7-1-05; 94-269, eff. 7-19-05; 94-336,
2 eff. 7-26-05; 94-954, eff. 6-27-06; 95-298, eff. 8-20-07;
3 95-473, eff. 8-27-07; revised 10-30-07.)

4 (Text of Section after amendment by P.A. 95-565)

5 Sec. 4.02. Community Care Program. The Department shall
6 establish a program of services to prevent unnecessary
7 institutionalization of persons age 60 and older in need of
8 long term care or who are established as persons who suffer
9 from Alzheimer's disease or a related disorder under the
10 Alzheimer's Disease Assistance Act, thereby enabling them to
11 remain in their own homes or in other living arrangements. Such
12 preventive services, which may be coordinated with other
13 programs for the aged and monitored by area agencies on aging
14 in cooperation with the Department, may include, but are not
15 limited to, any or all of the following:

- 16 (a) (blank);
17 (b) (blank);
18 (c) home care aide services;
19 (d) personal assistant services;
20 (e) adult day services;
21 (f) home-delivered meals;
22 (g) education in self-care;
23 (h) personal care services;
24 (i) adult day health services;
25 (j) habilitation services;

- 1 (k) respite care;
- 2 (k-5) community reintegration services;
- 3 (k-6) flexible senior services;
- 4 (k-7) medication management;
- 5 (k-8) emergency home response;
- 6 (l) other nonmedical social services that may enable
- 7 the person to become self-supporting; or
- 8 (m) clearinghouse for information provided by senior
- 9 citizen home owners who want to rent rooms to or share
- 10 living space with other senior citizens.

11 The Department shall establish eligibility standards for

12 such services taking into consideration the unique economic and

13 social needs of the target population for whom they are to be

14 provided. Such eligibility standards shall be based on the

15 recipient's ability to pay for services; provided, however,

16 that in determining the amount and nature of services for which

17 a person may qualify, consideration shall not be given to the

18 value of cash, property or other assets held in the name of the

19 person's spouse pursuant to a written agreement dividing

20 marital property into equal but separate shares or pursuant to

21 a transfer of the person's interest in a home to his spouse,

22 provided that the spouse's share of the marital property is not

23 made available to the person seeking such services.

24 Beginning July 1, 2002, the Department shall require as a

25 condition of eligibility that all financially eligible

26 applicants apply for medical assistance under Article V of the

1 Illinois Public Aid Code in accordance with rules promulgated
2 by the Department.

3 Beginning January 1, 2008, the Department shall require as
4 a condition of eligibility that all new financially eligible
5 applicants apply for and enroll in medical assistance under
6 Article V of the Illinois Public Aid Code in accordance with
7 rules promulgated by the Department.

8 The Department shall, in conjunction with the Department of
9 Public Aid (now Department of Healthcare and Family Services),
10 seek appropriate amendments under Sections 1915 and 1924 of the
11 Social Security Act. The purpose of the amendments shall be to
12 extend eligibility for home and community based services under
13 Sections 1915 and 1924 of the Social Security Act to persons
14 who transfer to or for the benefit of a spouse those amounts of
15 income and resources allowed under Section 1924 of the Social
16 Security Act. Subject to the approval of such amendments, the
17 Department shall extend the provisions of Section 5-4 of the
18 Illinois Public Aid Code to persons who, but for the provision
19 of home or community-based services, would require the level of
20 care provided in an institution, as is provided for in federal
21 law. Those persons no longer found to be eligible for receiving
22 noninstitutional services due to changes in the eligibility
23 criteria shall be given 60 days notice prior to actual
24 termination. Those persons receiving notice of termination may
25 contact the Department and request the determination be
26 appealed at any time during the 60 day notice period. With the

1 exception of the lengthened notice and time frame for the
2 appeal request, the appeal process shall follow the normal
3 procedure. In addition, each person affected regardless of the
4 circumstances for discontinued eligibility shall be given
5 notice and the opportunity to purchase the necessary services
6 through the Community Care Program. If the individual does not
7 elect to purchase services, the Department shall advise the
8 individual of alternative services. The target population
9 identified for the purposes of this Section are persons age 60
10 and older with an identified service need. Priority shall be
11 given to those who are at imminent risk of
12 institutionalization. The services shall be provided to
13 eligible persons age 60 and older to the extent that the cost
14 of the services together with the other personal maintenance
15 expenses of the persons are reasonably related to the standards
16 established for care in a group facility appropriate to the
17 person's condition. These non-institutional services, pilot
18 projects or experimental facilities may be provided as part of
19 or in addition to those authorized by federal law or those
20 funded and administered by the Department of Human Services.
21 The Departments of Human Services, Healthcare and Family
22 Services, Public Health, Veterans' Affairs, and Commerce and
23 Economic Opportunity and other appropriate agencies of State,
24 federal and local governments shall cooperate with the
25 Department on Aging in the establishment and development of the
26 non-institutional services. The Department shall require an

1 annual audit from all personal assistant ~~chore/housekeeping~~
2 and home care aide vendors contracting with the Department
3 under this Section. The annual audit shall assure that each
4 audited vendor's procedures are in compliance with
5 Department's financial reporting guidelines requiring an
6 administrative and employee wage and benefits cost split as
7 defined in administrative rules. The audit is a public record
8 under the Freedom of Information Act. The Department shall
9 execute, relative to the nursing home prescreening project,
10 written inter-agency agreements with the Department of Human
11 Services and the Department of Healthcare and Family Services,
12 to effect the following: (1) intake procedures and common
13 eligibility criteria for those persons who are receiving
14 non-institutional services; and (2) the establishment and
15 development of non-institutional services in areas of the State
16 where they are not currently available or are undeveloped. On
17 and after July 1, 1996, all nursing home prescreenings for
18 individuals 60 years of age or older shall be conducted by the
19 Department.

20 As part of the Department on Aging's routine training of
21 case managers and case manager supervisors, the Department may
22 include information on family futures planning for persons who
23 are age 60 or older and who are caregivers of their adult
24 children with developmental disabilities. The content of the
25 training shall be at the Department's discretion.

26 The Department is authorized to establish a system of

1 recipient copayment for services provided under this Section,
2 such copayment to be based upon the recipient's ability to pay
3 but in no case to exceed the actual cost of the services
4 provided. Additionally, any portion of a person's income which
5 is equal to or less than the federal poverty standard shall not
6 be considered by the Department in determining the copayment.
7 The level of such copayment shall be adjusted whenever
8 necessary to reflect any change in the officially designated
9 federal poverty standard.

10 The Department, or the Department's authorized
11 representative, shall recover the amount of moneys expended for
12 services provided to or in behalf of a person under this
13 Section by a claim against the person's estate or against the
14 estate of the person's surviving spouse, but no recovery may be
15 had until after the death of the surviving spouse, if any, and
16 then only at such time when there is no surviving child who is
17 under age 21, blind, or permanently and totally disabled. This
18 paragraph, however, shall not bar recovery, at the death of the
19 person, of moneys for services provided to the person or in
20 behalf of the person under this Section to which the person was
21 not entitled; provided that such recovery shall not be enforced
22 against any real estate while it is occupied as a homestead by
23 the surviving spouse or other dependent, if no claims by other
24 creditors have been filed against the estate, or, if such
25 claims have been filed, they remain dormant for failure of
26 prosecution or failure of the claimant to compel administration

1 of the estate for the purpose of payment. This paragraph shall
2 not bar recovery from the estate of a spouse, under Sections
3 1915 and 1924 of the Social Security Act and Section 5-4 of the
4 Illinois Public Aid Code, who precedes a person receiving
5 services under this Section in death. All moneys for services
6 paid to or in behalf of the person under this Section shall be
7 claimed for recovery from the deceased spouse's estate.
8 "Homestead", as used in this paragraph, means the dwelling
9 house and contiguous real estate occupied by a surviving spouse
10 or relative, as defined by the rules and regulations of the
11 Department of Healthcare and Family Services, regardless of the
12 value of the property.

13 The Department shall increase the effectiveness of the
14 existing Community Care Program by:

15 (1) ensuring that in-home services included in the care
16 plan are available on evenings and weekends;

17 (2) ensuring that care plans contain the services that
18 eligible participants ~~participants~~ need based on the
19 number of days in a month, not limited to specific blocks
20 of time, as identified by the comprehensive assessment tool
21 selected by the Department for use statewide, not to exceed
22 the total monthly service cost maximum allowed for each
23 service; the. ~~The~~ Department shall develop administrative
24 rules to implement this item (2);

25 (3) ensuring that the participants have the right to
26 choose the services contained in their care plan and to

1 direct how those services are provided, based on
2 administrative rules established by the Department;

3 (4) ensuring that the determination of need tool is
4 accurate in determining the participants' level of need; to
5 achieve this, the Department, in conjunction with the Older
6 Adult Services Advisory Committee, shall institute a study
7 of the relationship between the Determination of Need
8 scores, level of need, service cost maximums, and the
9 development and utilization of service plans no later than
10 May 1, 2008; findings and recommendations shall be
11 presented to the Governor and the General Assembly no later
12 than January 1, 2009; recommendations shall include all
13 needed changes to the service cost maximums schedule and
14 additional covered services;

15 (5) ensuring that homemakers can provide personal care
16 services that may or may not involve contact with clients,
17 including but not limited to:

- 18 (A) bathing;
19 (B) grooming;
20 (C) toileting;
21 (D) nail care;
22 (E) transferring;
23 (F) respiratory services;
24 (G) exercise; or
25 (H) positioning;

26 (6) ensuring that homemaker program vendors are not

1 restricted from hiring homemakers who are family members of
2 clients or recommended by clients; the Department may not,
3 by rule or policy, require homemakers who are family
4 members of clients or recommended by clients to accept
5 assignments in homes other than the client; and

6 (7) ensuring that the State may access maximum federal
7 matching funds by seeking approval for the Centers for
8 Medicare and Medicaid Services for modifications to the
9 State's home and community based services waiver and
10 additional waiver opportunities in order to maximize
11 federal matching funds; this shall include, but not be
12 limited to, modification that reflects all changes in the
13 Community Care Program services and all increases in the
14 services cost maximum.

15 By January 1, 2009 or as soon after the end of the Cash and
16 Counseling Demonstration Project as is practicable, the
17 Department may, based on its evaluation of the demonstration
18 project, promulgate rules concerning personal assistant
19 services, to include, but need not be limited to,
20 qualifications, employment screening, rights under fair labor
21 standards, training, fiduciary agent, and supervision
22 requirements. All applicants shall be subject to the provisions
23 of the Health Care Worker Background Check Act.

24 The Department shall develop procedures to enhance
25 availability of services on evenings, weekends, and on an
26 emergency basis to meet the respite needs of caregivers.

1 Procedures shall be developed to permit the utilization of
2 services in successive blocks of 24 hours up to the monthly
3 maximum established by the Department. Workers providing these
4 services shall be appropriately trained.

5 Beginning on the effective date of this Amendatory Act of
6 1991, no person may perform chore/housekeeping and home care
7 aide services under a program authorized by this Section unless
8 that person has been issued a certificate of pre-service to do
9 so by his or her employing agency. Information gathered to
10 effect such certification shall include (i) the person's name,
11 (ii) the date the person was hired by his or her current
12 employer, and (iii) the training, including dates and levels.
13 Persons engaged in the program authorized by this Section
14 before the effective date of this amendatory Act of 1991 shall
15 be issued a certificate of all pre- and in-service training
16 from his or her employer upon submitting the necessary
17 information. The employing agency shall be required to retain
18 records of all staff pre- and in-service training, and shall
19 provide such records to the Department upon request and upon
20 termination of the employer's contract with the Department. In
21 addition, the employing agency is responsible for the issuance
22 of certifications of in-service training completed to their
23 employees.

24 The Department is required to develop a system to ensure
25 that persons working as home care aides and personal assistants
26 ~~chore housekeepers~~ receive increases in their wages when the

1 federal minimum wage is increased by requiring vendors to
2 certify that they are meeting the federal minimum wage statute
3 for home care aides and personal assistants ~~chore housekeepers~~.
4 An employer that cannot ensure that the minimum wage increase
5 is being given to home care aides and personal assistants ~~chore~~
6 ~~housekeepers~~ shall be denied any increase in reimbursement
7 costs.

8 The Community Care Program Advisory Committee is created in
9 the Department on Aging. The Director shall appoint individuals
10 to serve in the Committee, who shall serve at their own
11 expense. Members of the Committee must abide by all applicable
12 ethics laws. The Committee shall advise the Department on
13 issues related to the Department's program of services to
14 prevent unnecessary institutionalization. The Committee shall
15 meet on a bi-monthly basis and shall serve to identify and
16 advise the Department on present and potential issues affecting
17 the service delivery network, the program's clients, and the
18 Department and to recommend solution strategies. Persons
19 appointed to the Committee shall be appointed on, but not
20 limited to, their own and their agency's experience with the
21 program, geographic representation, and willingness to serve.
22 The Director shall appoint members to the Committee to
23 represent provider, advocacy, policy research, and other
24 constituencies committed to the delivery of high quality home
25 and community-based services to older adults. Representatives
26 shall be appointed to ensure representation from community care

1 providers including, but not limited to, adult day service
2 providers, homemaker providers, case coordination and case
3 management units, emergency home response providers, statewide
4 trade or labor unions that represent home care ~~homecare~~ aides
5 and direct care staff, area agencies on aging, adults over age
6 60, membership organizations representing older adults, and
7 other organizational entities, providers of care, or
8 individuals with demonstrated interest and expertise in the
9 field of home and community care as determined by the Director.

10 Nominations may be presented from any agency or State
11 association with interest in the program. The Director, or his
12 or her designee, shall serve as the permanent co-chair of the
13 advisory committee. One other co-chair shall be nominated and
14 approved by the members of the committee on an annual basis.
15 Committee members' terms of appointment shall be for 4 years
16 with one-quarter of the appointees' terms expiring each year. A
17 member shall continue to serve until his or her replacement is
18 named. The Department shall fill vacancies that have a
19 remaining term of over one year, and this replacement shall
20 occur through the annual replacement of expiring terms. The
21 Director shall designate Department staff to provide technical
22 assistance and staff support to the committee. Department
23 representation shall not constitute membership of the
24 committee. All Committee papers, issues, recommendations,
25 reports, and meeting memoranda are advisory only. The Director,
26 or his or her designee, shall make a written report, as

1 requested by the Committee, regarding issues before the
2 Committee.

3 The Department on Aging and the Department of Human
4 Services shall cooperate in the development and submission of
5 an annual report on programs and services provided under this
6 Section. Such joint report shall be filed with the Governor and
7 the General Assembly on or before September 30 each year.

8 The requirement for reporting to the General Assembly shall
9 be satisfied by filing copies of the report with the Speaker,
10 the Minority Leader and the Clerk of the House of
11 Representatives and the President, the Minority Leader and the
12 Secretary of the Senate and the Legislative Research Unit, as
13 required by Section 3.1 of the General Assembly Organization
14 Act and filing such additional copies with the State Government
15 Report Distribution Center for the General Assembly as is
16 required under paragraph (t) of Section 7 of the State Library
17 Act.

18 Those persons previously found eligible for receiving
19 non-institutional services whose services were discontinued
20 under the Emergency Budget Act of Fiscal Year 1992, and who do
21 not meet the eligibility standards in effect on or after July
22 1, 1992, shall remain ineligible on and after July 1, 1992.
23 Those persons previously not required to cost-share and who
24 were required to cost-share effective March 1, 1992, shall
25 continue to meet cost-share requirements on and after July 1,
26 1992. Beginning July 1, 1992, all clients will be required to

1 meet eligibility, cost-share, and other requirements and will
2 have services discontinued or altered when they fail to meet
3 these requirements.

4 For the purposes of this Section, "flexible senior
5 services" refers to services that require one-time or periodic
6 expenditures including, but not limited to, respite care, home
7 modification, assistive technology, housing assistance, and
8 transportation.

9 (Source: P.A. 94-48, eff. 7-1-05; 94-269, eff. 7-19-05; 94-336,
10 eff. 7-26-05; 94-954, eff. 6-27-06; 95-298, eff. 8-20-07;
11 95-473, eff. 8-27-07; 95-565, eff. 6-1-08; revised 10-30-07.)

12 (20 ILCS 105/4.08)

13 Sec. 4.08. Rural and small town meals program. Subject to
14 appropriation, the Department may establish a program to ensure
15 the availability of congregate or home-delivered meals in
16 communities with populations of under 5,000 that are not
17 located within the large urban counties of Cook, DuPage, Kane,
18 Lake, or Will.

19 The Department may meet these requirements by entering into
20 agreements with Area Agencies on Aging or Department designees,
21 which shall in turn enter into grants or contractual agreements
22 with such local entities as restaurants, cafes, churches,
23 facilities licensed under the Nursing Home Care Act, the
24 Assisted Living and Shared Housing Act, or the Hospital
25 Licensing Act, facilities certified by the Department of

1 Healthcare and Family Services, senior centers, or Older
2 American Act designated nutrition service providers.

3 First consideration shall be given to entities that can
4 cost effectively meet the needs of seniors in the community by
5 preparing the food locally.

6 In no instance shall funds provided pursuant to this
7 Section be used to replace funds allocated to a given area or
8 program as of the effective date of this amendatory Act of the
9 95th General Assembly.

10 The Department shall establish guidelines and standards by
11 administrative rule, which shall include submission of an
12 expenditure plan by the recipient of the funds.

13 (Source: P.A. 95-68, eff. 8-13-07.)

14 (20 ILCS 105/4.09)

15 Sec. 4.09 ~~4.08~~. Medication management program. Subject to
16 appropriation, the Department shall establish a program to
17 assist persons 60 years of age or older in managing their
18 medications. The Department shall establish guidelines and
19 standards for the program by rule.

20 (Source: P.A. 95-535, eff. 8-28-07; revised 12-5-07.)

21 Section 35. The Children and Family Services Act is amended
22 by changing Section 5 as follows:

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

1 (Text of Section before amendment by P.A. 95-642)

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

6 (a) For purposes of this Section:

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

10 (A) were committed to the Department pursuant to
11 the Juvenile Court Act or the Juvenile Court Act of
12 1987, as amended, prior to the age of 18 and who
13 continue under the jurisdiction of the court; or

14 (B) were accepted for care, service and training by
15 the Department prior to the age of 18 and whose best
16 interest in the discretion of the Department would be
17 served by continuing that care, service and training
18 because of severe emotional disturbances, physical
19 disability, social adjustment or any combination
20 thereof, or because of the need to complete an
21 educational or vocational training program.

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

26 (3) "Child welfare services" means public social

1 services which are directed toward the accomplishment of
2 the following purposes:

3 (A) protecting and promoting the health, safety
4 and welfare of children, including homeless, dependent
5 or neglected children;

6 (B) remedying, or assisting in the solution of
7 problems which may result in, the neglect, abuse,
8 exploitation or delinquency of children;

9 (C) preventing the unnecessary separation of
10 children from their families by identifying family
11 problems, assisting families in resolving their
12 problems, and preventing the breakup of the family
13 where the prevention of child removal is desirable and
14 possible when the child can be cared for at home
15 without endangering the child's health and safety;

16 (D) restoring to their families children who have
17 been removed, by the provision of services to the child
18 and the families when the child can be cared for at
19 home without endangering the child's health and
20 safety;

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

24 (F) assuring safe and adequate care of children
25 away from their homes, in cases where the child cannot
26 be returned home or cannot be placed for adoption. At

1 the time of placement, the Department shall consider
2 concurrent planning, as described in subsection (1-1)
3 of this Section so that permanency may occur at the
4 earliest opportunity. Consideration should be given so
5 that if reunification fails or is delayed, the
6 placement made is the best available placement to
7 provide permanency for the child;

8 (G) (blank);

9 (H) (blank); and

10 (I) placing and maintaining children in facilities
11 that provide separate living quarters for children
12 under the age of 18 and for children 18 years of age
13 and older, unless a child 18 years of age is in the
14 last year of high school education or vocational
15 training, in an approved individual or group treatment
16 program, in a licensed shelter facility, or secure
17 child care facility. The Department is not required to
18 place or maintain children:

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

20 (ii) who are persons with a developmental
21 disability, as defined in the Mental Health and
22 Developmental Disabilities Code, or

23 (iii) who are female children who are
24 pregnant, pregnant and parenting or parenting, or

25 (iv) who are siblings, in facilities that
26 provide separate living quarters for children 18

1 years of age and older and for children under 18
2 years of age.

3 (b) Nothing in this Section shall be construed to authorize
4 the expenditure of public funds for the purpose of performing
5 abortions.

6 (c) The Department shall establish and maintain
7 tax-supported child welfare services and extend and seek to
8 improve voluntary services throughout the State, to the end
9 that services and care shall be available on an equal basis
10 throughout the State to children requiring such services.

11 (d) The Director may authorize advance disbursements for
12 any new program initiative to any agency contracting with the
13 Department. As a prerequisite for an advance disbursement, the
14 contractor must post a surety bond in the amount of the advance
15 disbursement and have a purchase of service contract approved
16 by the Department. The Department may pay up to 2 months
17 operational expenses in advance. The amount of the advance
18 disbursement shall be prorated over the life of the contract or
19 the remaining months of the fiscal year, whichever is less, and
20 the installment amount shall then be deducted from future
21 bills. Advance disbursement authorizations for new initiatives
22 shall not be made to any agency after that agency has operated
23 during 2 consecutive fiscal years. The requirements of this
24 Section concerning advance disbursements shall not apply with
25 respect to the following: payments to local public agencies for
26 child day care services as authorized by Section 5a of this

1 Act; and youth service programs receiving grant funds under
2 Section 17a-4.

3 (e) (Blank).

4 (f) (Blank).

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

9 (1) adoption;

10 (2) foster care;

11 (3) family counseling;

12 (4) protective services;

13 (5) (blank);

14 (6) homemaker service;

15 (7) return of runaway children;

16 (8) (blank);

17 (9) placement under Section 5-7 of the Juvenile Court
18 Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile
19 Court Act of 1987 in accordance with the federal Adoption
20 Assistance and Child Welfare Act of 1980; and

21 (10) interstate services.

22 Rules and regulations established by the Department shall
23 include provisions for training Department staff and the staff
24 of Department grantees, through contracts with other agencies
25 or resources, in alcohol and drug abuse screening techniques
26 approved by the Department of Human Services, as a successor to

1 the Department of Alcoholism and Substance Abuse, for the
2 purpose of identifying children and adults who should be
3 referred to an alcohol and drug abuse treatment program for
4 professional evaluation.

5 (h) If the Department finds that there is no appropriate
6 program or facility within or available to the Department for a
7 ward and that no licensed private facility has an adequate and
8 appropriate program or none agrees to accept the ward, the
9 Department shall create an appropriate individualized,
10 program-oriented plan for such ward. The plan may be developed
11 within the Department or through purchase of services by the
12 Department to the extent that it is within its statutory
13 authority to do.

14 (i) Service programs shall be available throughout the
15 State and shall include but not be limited to the following
16 services:

- 17 (1) case management;
- 18 (2) homemakers;
- 19 (3) counseling;
- 20 (4) parent education;
- 21 (5) day care; and
- 22 (6) emergency assistance and advocacy.

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

- 25 (1) comprehensive family-based services;
- 26 (2) assessments;

1 (3) respite care; and

2 (4) in-home health services.

3 The Department shall provide transportation for any of the
4 services it makes available to children or families or for
5 which it refers children or families.

6 (j) The Department may provide categories of financial
7 assistance and education assistance grants, and shall
8 establish rules and regulations concerning the assistance and
9 grants, to persons who adopt physically or mentally
10 handicapped, older and other hard-to-place children who (i)
11 immediately prior to their adoption were legal wards of the
12 Department or (ii) were determined eligible for financial
13 assistance with respect to a prior adoption and who become
14 available for adoption because the prior adoption has been
15 dissolved and the parental rights of the adoptive parents have
16 been terminated or because the child's adoptive parents have
17 died. The Department may continue to provide financial
18 assistance and education assistance grants for a child who was
19 determined eligible for financial assistance under this
20 subsection (j) in the interim period beginning when the child's
21 adoptive parents died and ending with the finalization of the
22 new adoption of the child by another adoptive parent or
23 parents. The Department may also provide categories of
24 financial assistance and education assistance grants, and
25 shall establish rules and regulations for the assistance and
26 grants, to persons appointed guardian of the person under

1 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,
2 4-25 or 5-740 of the Juvenile Court Act of 1987 for children
3 who were wards of the Department for 12 months immediately
4 prior to the appointment of the guardian.

5 The amount of assistance may vary, depending upon the needs
6 of the child and the adoptive parents, as set forth in the
7 annual assistance agreement. Special purpose grants are
8 allowed where the child requires special service but such costs
9 may not exceed the amounts which similar services would cost
10 the Department if it were to provide or secure them as guardian
11 of the child.

12 Any financial assistance provided under this subsection is
13 inalienable by assignment, sale, execution, attachment,
14 garnishment, or any other remedy for recovery or collection of
15 a judgment or debt.

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

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

24 (l) Before July 1, 2000, the Department may provide, and
25 beginning July 1, 2000, the Department shall offer family
26 preservation services, as defined in Section 8.2 of the Abused

1 and Neglected Child Reporting Act, to help families, including
2 adoptive and extended families. Family preservation services
3 shall be offered (i) to prevent the placement of children in
4 substitute care when the children can be cared for at home or
5 in the custody of the person responsible for the children's
6 welfare, (ii) to reunite children with their families, or (iii)
7 to maintain an adoptive placement. Family preservation
8 services shall only be offered when doing so will not endanger
9 the children's health or safety. With respect to children who
10 are in substitute care pursuant to the Juvenile Court Act of
11 1987, family preservation services shall not be offered if a
12 goal other than those of subdivisions (A), (B), or (B-1) of
13 subsection (2) of Section 2-28 of that Act has been set.
14 Nothing in this paragraph shall be construed to create a
15 private right of action or claim on the part of any individual
16 or child welfare agency.

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

1 considered in the investigation. The Department may also
2 provide services to any child or family who is the subject of
3 any report of suspected child abuse or neglect or may refer
4 such child or family to services available from other agencies
5 in the community, even if the report is determined to be
6 unfounded, if the conditions in the child's or family's home
7 are reasonably likely to subject the child or family to future
8 reports of suspected child abuse or neglect. Acceptance of such
9 services shall be voluntary.

10 The Department may, at its discretion except for those
11 children also adjudicated neglected or dependent, accept for
12 care and training any child who has been adjudicated addicted,
13 as a truant minor in need of supervision or as a minor
14 requiring authoritative intervention, under the Juvenile Court
15 Act or the Juvenile Court Act of 1987, but no such child shall
16 be committed to the Department by any court without the
17 approval of the Department. A minor charged with a criminal
18 offense under the Criminal Code of 1961 or adjudicated
19 delinquent shall not be placed in the custody of or committed
20 to the Department by any court, except a minor less than 13
21 years of age committed to the Department under Section 5-710 of
22 the Juvenile Court Act of 1987.

23 (1-1) The legislature recognizes that the best interests of
24 the child require that the child be placed in the most
25 permanent living arrangement as soon as is practically
26 possible. To achieve this goal, the legislature directs the

1 Department of Children and Family Services to conduct
2 concurrent planning so that permanency may occur at the
3 earliest opportunity. Permanent living arrangements may
4 include prevention of placement of a child outside the home of
5 the family when the child can be cared for at home without
6 endangering the child's health or safety; reunification with
7 the family, when safe and appropriate, if temporary placement
8 is necessary; or movement of the child toward the most
9 permanent living arrangement and permanent legal status.

10 When determining reasonable efforts to be made with respect
11 to a child, as described in this subsection, and in making such
12 reasonable efforts, the child's health and safety shall be the
13 paramount concern.

14 When a child is placed in foster care, the Department shall
15 ensure and document that reasonable efforts were made to
16 prevent or eliminate the need to remove the child from the
17 child's home. The Department must make reasonable efforts to
18 reunify the family when temporary placement of the child occurs
19 unless otherwise required, pursuant to the Juvenile Court Act
20 of 1987. At any time after the dispositional hearing where the
21 Department believes that further reunification services would
22 be ineffective, it may request a finding from the court that
23 reasonable efforts are no longer appropriate. The Department is
24 not required to provide further reunification services after
25 such a finding.

26 A decision to place a child in substitute care shall be

1 made with considerations of the child's health, safety, and
2 best interests. At the time of placement, consideration should
3 also be given so that if reunification fails or is delayed, the
4 placement made is the best available placement to provide
5 permanency for the child.

6 The Department shall adopt rules addressing concurrent
7 planning for reunification and permanency. The Department
8 shall consider the following factors when determining
9 appropriateness of concurrent planning:

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

21 (m) The Department may assume temporary custody of any
22 child if:

- 23 (1) it has received a written consent to such temporary
24 custody signed by the parents of the child or by the parent
25 having custody of the child if the parents are not living
26 together or by the guardian or custodian of the child if

1 the child is not in the custody of either parent, or
2 (2) the child is found in the State and neither a
3 parent, guardian nor custodian of the child can be located.
4 If the child is found in his or her residence without a parent,
5 guardian, custodian or responsible caretaker, the Department
6 may, instead of removing the child and assuming temporary
7 custody, place an authorized representative of the Department
8 in that residence until such time as a parent, guardian or
9 custodian enters the home and expresses a willingness and
10 apparent ability to ensure the child's health and safety and
11 resume permanent charge of the child, or until a relative
12 enters the home and is willing and able to ensure the child's
13 health and safety and assume charge of the child until a
14 parent, guardian or custodian enters the home and expresses
15 such willingness and ability to ensure the child's safety and
16 resume permanent charge. After a caretaker has remained in the
17 home for a period not to exceed 12 hours, the Department must
18 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
19 5-415 of the Juvenile Court Act of 1987.

20 The Department shall have the authority, responsibilities
21 and duties that a legal custodian of the child would have
22 pursuant to subsection (9) of Section 1-3 of the Juvenile Court
23 Act of 1987. Whenever a child is taken into temporary custody
24 pursuant to an investigation under the Abused and Neglected
25 Child Reporting Act, or pursuant to a referral and acceptance
26 under the Juvenile Court Act of 1987 of a minor in limited

1 custody, the Department, during the period of temporary custody
2 and before the child is brought before a judicial officer as
3 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile
4 Court Act of 1987, shall have the authority, responsibilities
5 and duties that a legal custodian of the child would have under
6 subsection (9) of Section 1-3 of the Juvenile Court Act of
7 1987.

8 The Department shall ensure that any child taken into
9 custody is scheduled for an appointment for a medical
10 examination.

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

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

15 (n) The Department may place children under 18 years of age
16 in licensed child care facilities when in the opinion of the
17 Department, appropriate services aimed at family preservation
18 have been unsuccessful and cannot ensure the child's health and
19 safety or are unavailable and such placement would be for their
20 best interest. Payment for board, clothing, care, training and
21 supervision of any child placed in a licensed child care
22 facility may be made by the Department, by the parents or
23 guardians of the estates of those children, or by both the
24 Department and the parents or guardians, except that no
25 payments shall be made by the Department for any child placed
26 in a licensed child care facility for board, clothing, care,

1 training and supervision of such a child that exceed the
2 average per capita cost of maintaining and of caring for a
3 child in institutions for dependent or neglected children
4 operated by the Department. However, such restriction on
5 payments does not apply in cases where children require
6 specialized care and treatment for problems of severe emotional
7 disturbance, physical disability, social adjustment, or any
8 combination thereof and suitable facilities for the placement
9 of such children are not available at payment rates within the
10 limitations set forth in this Section. All reimbursements for
11 services delivered shall be absolutely inalienable by
12 assignment, sale, attachment, garnishment or otherwise.

13 (o) The Department shall establish an administrative
14 review and appeal process for children and families who request
15 or receive child welfare services from the Department. Children
16 who are wards of the Department and are placed by private child
17 welfare agencies, and foster families with whom those children
18 are placed, shall be afforded the same procedural and appeal
19 rights as children and families in the case of placement by the
20 Department, including the right to an initial review of a
21 private agency decision by that agency. The Department shall
22 insure that any private child welfare agency, which accepts
23 wards of the Department for placement, affords those rights to
24 children and foster families. The Department shall accept for
25 administrative review and an appeal hearing a complaint made by
26 (i) a child or foster family concerning a decision following an

1 initial review by a private child welfare agency or (ii) a
2 prospective adoptive parent who alleges a violation of
3 subsection (j-5) of this Section. An appeal of a decision
4 concerning a change in the placement of a child shall be
5 conducted in an expedited manner.

6 (p) There is hereby created the Department of Children and
7 Family Services Emergency Assistance Fund from which the
8 Department may provide special financial assistance to
9 families which are in economic crisis when such assistance is
10 not available through other public or private sources and the
11 assistance is deemed necessary to prevent dissolution of the
12 family unit or to reunite families which have been separated
13 due to child abuse and neglect. The Department shall establish
14 administrative rules specifying the criteria for determining
15 eligibility for and the amount and nature of assistance to be
16 provided. The Department may also enter into written agreements
17 with private and public social service agencies to provide
18 emergency financial services to families referred by the
19 Department. Special financial assistance payments shall be
20 available to a family no more than once during each fiscal year
21 and the total payments to a family may not exceed \$500 during a
22 fiscal year.

23 (q) The Department may receive and use, in their entirety,
24 for the benefit of children any gift, donation or bequest of
25 money or other property which is received on behalf of such
26 children, or any financial benefits to which such children are

1 or may become entitled while under the jurisdiction or care of
2 the Department.

3 The Department shall set up and administer no-cost,
4 interest-bearing accounts in appropriate financial
5 institutions for children for whom the Department is legally
6 responsible and who have been determined eligible for Veterans'
7 Benefits, Social Security benefits, assistance allotments from
8 the armed forces, court ordered payments, parental voluntary
9 payments, Supplemental Security Income, Railroad Retirement
10 payments, Black Lung benefits, or other miscellaneous
11 payments. Interest earned by each account shall be credited to
12 the account, unless disbursed in accordance with this
13 subsection.

14 In disbursing funds from children's accounts, the
15 Department shall:

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

24 (2) Calculate on a monthly basis the amounts paid from
25 State funds for the child's board and care, medical care
26 not covered under Medicaid, and social services; and

1 utilize funds from the child's account, as covered by
2 regulation, to reimburse those costs. Monthly,
3 disbursements from all children's accounts, up to 1/12 of
4 \$13,000,000, shall be deposited by the Department into the
5 General Revenue Fund and the balance over 1/12 of
6 \$13,000,000 into the DCFS Children's Services Fund.

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

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

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

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

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

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

24 The Department shall provide written notification to the
25 court of the specific arrangements for supervised visitation
26 and projected monthly costs within 60 days of the court order.

1 The Department shall send to the court information related to
2 the costs incurred except in cases where the court has
3 determined the parties are financially unable to pay. The court
4 may order additional periodic reports as appropriate.

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

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

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

21 (3) information containing details of the child's
22 individualized educational plan when the child is
23 receiving special education services.

24 The caretaker shall be informed of any known social or
25 behavioral information (including, but not limited to,
26 criminal background, fire setting, perpetuation of sexual

1 abuse, destructive behavior, and substance abuse) necessary to
2 care for and safeguard the children to be placed or currently
3 in the home. The Department may prepare a written summary of
4 the information required by this paragraph, which may be
5 provided to the foster or prospective adoptive parent in
6 advance of a placement. The foster or prospective adoptive
7 parent may review the supporting documents in the child's file
8 in the presence of casework staff. In the case of an emergency
9 placement, casework staff shall at least provide known
10 information verbally, if necessary, and must subsequently
11 provide the information in writing as required by this
12 subsection.

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

1 level.

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

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

1 trained by personnel from the Department of State Police. In
2 addition, one Office of the Inspector General investigator
3 shall have training in the use of the criminal history
4 information access system and have access to the terminal. The
5 Department of Children and Family Services and its employees
6 shall abide by rules and regulations established by the
7 Department of State Police relating to the access and
8 dissemination of this information.

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

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

1 Department shall request a check of that other state's child
2 abuse and neglect registry.

3 (w) Within 120 days of August 20, 1995 (the effective date
4 of Public Act 89-392), the Department shall prepare and submit
5 to the Governor and the General Assembly, a written plan for
6 the development of in-state licensed secure child care
7 facilities that care for children who are in need of secure
8 living arrangements for their health, safety, and well-being.
9 For purposes of this subsection, secure care facility shall
10 mean a facility that is designed and operated to ensure that
11 all entrances and exits from the facility, a building or a
12 distinct part of the building, are under the exclusive control
13 of the staff of the facility, whether or not the child has the
14 freedom of movement within the perimeter of the facility,
15 building, or distinct part of the building. The plan shall
16 include descriptions of the types of facilities that are needed
17 in Illinois; the cost of developing these secure care
18 facilities; the estimated number of placements; the potential
19 cost savings resulting from the movement of children currently
20 out-of-state who are projected to be returned to Illinois; the
21 necessary geographic distribution of these facilities in
22 Illinois; and a proposed timetable for development of such
23 facilities.

24 (Source: P.A. 94-215, eff. 1-1-06; 94-1010, eff. 10-1-06;
25 95-10, eff. 6-30-07; 95-601, eff. 9-11-07; revised 10-30-07.)

1 (Text of Section after amendment by P.A. 95-642)

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

6 (a) For purposes of this Section:

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

10 (A) were committed to the Department pursuant to
11 the Juvenile Court Act or the Juvenile Court Act of
12 1987, as amended, prior to the age of 18 and who
13 continue under the jurisdiction of the court; or

14 (B) were accepted for care, service and training by
15 the Department prior to the age of 18 and whose best
16 interest in the discretion of the Department would be
17 served by continuing that care, service and training
18 because of severe emotional disturbances, physical
19 disability, social adjustment or any combination
20 thereof, or because of the need to complete an
21 educational or vocational training program.

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

26 (3) "Child welfare services" means public social

1 services which are directed toward the accomplishment of
2 the following purposes:

3 (A) protecting and promoting the health, safety
4 and welfare of children, including homeless, dependent
5 or neglected children;

6 (B) remedying, or assisting in the solution of
7 problems which may result in, the neglect, abuse,
8 exploitation or delinquency of children;

9 (C) preventing the unnecessary separation of
10 children from their families by identifying family
11 problems, assisting families in resolving their
12 problems, and preventing the breakup of the family
13 where the prevention of child removal is desirable and
14 possible when the child can be cared for at home
15 without endangering the child's health and safety;

16 (D) restoring to their families children who have
17 been removed, by the provision of services to the child
18 and the families when the child can be cared for at
19 home without endangering the child's health and
20 safety;

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

24 (F) assuring safe and adequate care of children
25 away from their homes, in cases where the child cannot
26 be returned home or cannot be placed for adoption. At

1 the time of placement, the Department shall consider
2 concurrent planning, as described in subsection (l-1)
3 of this Section so that permanency may occur at the
4 earliest opportunity. Consideration should be given so
5 that if reunification fails or is delayed, the
6 placement made is the best available placement to
7 provide permanency for the child;

8 (G) (blank);

9 (H) (blank); and

10 (I) placing and maintaining children in facilities
11 that provide separate living quarters for children
12 under the age of 18 and for children 18 years of age
13 and older, unless a child 18 years of age is in the
14 last year of high school education or vocational
15 training, in an approved individual or group treatment
16 program, in a licensed shelter facility, or secure
17 child care facility. The Department is not required to
18 place or maintain children:

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

20 (ii) who are persons with a developmental
21 disability, as defined in the Mental Health and
22 Developmental Disabilities Code, or

23 (iii) who are female children who are
24 pregnant, pregnant and parenting or parenting, or

25 (iv) who are siblings, in facilities that
26 provide separate living quarters for children 18

1 years of age and older and for children under 18
2 years of age.

3 (b) Nothing in this Section shall be construed to authorize
4 the expenditure of public funds for the purpose of performing
5 abortions.

6 (c) The Department shall establish and maintain
7 tax-supported child welfare services and extend and seek to
8 improve voluntary services throughout the State, to the end
9 that services and care shall be available on an equal basis
10 throughout the State to children requiring such services.

11 (d) The Director may authorize advance disbursements for
12 any new program initiative to any agency contracting with the
13 Department. As a prerequisite for an advance disbursement, the
14 contractor must post a surety bond in the amount of the advance
15 disbursement and have a purchase of service contract approved
16 by the Department. The Department may pay up to 2 months
17 operational expenses in advance. The amount of the advance
18 disbursement shall be prorated over the life of the contract or
19 the remaining months of the fiscal year, whichever is less, and
20 the installment amount shall then be deducted from future
21 bills. Advance disbursement authorizations for new initiatives
22 shall not be made to any agency after that agency has operated
23 during 2 consecutive fiscal years. The requirements of this
24 Section concerning advance disbursements shall not apply with
25 respect to the following: payments to local public agencies for
26 child day care services as authorized by Section 5a of this

1 Act; and youth service programs receiving grant funds under
2 Section 17a-4.

3 (e) (Blank).

4 (f) (Blank).

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

9 (1) adoption;

10 (2) foster care;

11 (3) family counseling;

12 (4) protective services;

13 (5) (blank);

14 (6) homemaker service;

15 (7) return of runaway children;

16 (8) (blank);

17 (9) placement under Section 5-7 of the Juvenile Court
18 Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile
19 Court Act of 1987 in accordance with the federal Adoption
20 Assistance and Child Welfare Act of 1980; and

21 (10) interstate services.

22 Rules and regulations established by the Department shall
23 include provisions for training Department staff and the staff
24 of Department grantees, through contracts with other agencies
25 or resources, in alcohol and drug abuse screening techniques
26 approved by the Department of Human Services, as a successor to

1 the Department of Alcoholism and Substance Abuse, for the
2 purpose of identifying children and adults who should be
3 referred to an alcohol and drug abuse treatment program for
4 professional evaluation.

5 (h) If the Department finds that there is no appropriate
6 program or facility within or available to the Department for a
7 ward and that no licensed private facility has an adequate and
8 appropriate program or none agrees to accept the ward, the
9 Department shall create an appropriate individualized,
10 program-oriented plan for such ward. The plan may be developed
11 within the Department or through purchase of services by the
12 Department to the extent that it is within its statutory
13 authority to do.

14 (i) Service programs shall be available throughout the
15 State and shall include but not be limited to the following
16 services:

- 17 (1) case management;
- 18 (2) homemakers;
- 19 (3) counseling;
- 20 (4) parent education;
- 21 (5) day care; and
- 22 (6) emergency assistance and advocacy.

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

- 25 (1) comprehensive family-based services;
- 26 (2) assessments;

1 (3) respite care; and

2 (4) in-home health services.

3 The Department shall provide transportation for any of the
4 services it makes available to children or families or for
5 which it refers children or families.

6 (j) The Department may provide categories of financial
7 assistance and education assistance grants, and shall
8 establish rules and regulations concerning the assistance and
9 grants, to persons who adopt physically or mentally
10 handicapped, older and other hard-to-place children who (i)
11 immediately prior to their adoption were legal wards of the
12 Department or (ii) were determined eligible for financial
13 assistance with respect to a prior adoption and who become
14 available for adoption because the prior adoption has been
15 dissolved and the parental rights of the adoptive parents have
16 been terminated or because the child's adoptive parents have
17 died. The Department may continue to provide financial
18 assistance and education assistance grants for a child who was
19 determined eligible for financial assistance under this
20 subsection (j) in the interim period beginning when the child's
21 adoptive parents died and ending with the finalization of the
22 new adoption of the child by another adoptive parent or
23 parents. The Department may also provide categories of
24 financial assistance and education assistance grants, and
25 shall establish rules and regulations for the assistance and
26 grants, to persons appointed guardian of the person under

1 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,
2 4-25 or 5-740 of the Juvenile Court Act of 1987 for children
3 who were wards of the Department for 12 months immediately
4 prior to the appointment of the guardian.

5 The amount of assistance may vary, depending upon the needs
6 of the child and the adoptive parents, as set forth in the
7 annual assistance agreement. Special purpose grants are
8 allowed where the child requires special service but such costs
9 may not exceed the amounts which similar services would cost
10 the Department if it were to provide or secure them as guardian
11 of the child.

12 Any financial assistance provided under this subsection is
13 inalienable by assignment, sale, execution, attachment,
14 garnishment, or any other remedy for recovery or collection of
15 a judgment or debt.

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

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

24 (l) Before July 1, 2000, the Department may provide, and
25 beginning July 1, 2000, the Department shall offer family
26 preservation services, as defined in Section 8.2 of the Abused

1 and Neglected Child Reporting Act, to help families, including
2 adoptive and extended families. Family preservation services
3 shall be offered (i) to prevent the placement of children in
4 substitute care when the children can be cared for at home or
5 in the custody of the person responsible for the children's
6 welfare, (ii) to reunite children with their families, or (iii)
7 to maintain an adoptive placement. Family preservation
8 services shall only be offered when doing so will not endanger
9 the children's health or safety. With respect to children who
10 are in substitute care pursuant to the Juvenile Court Act of
11 1987, family preservation services shall not be offered if a
12 goal other than those of subdivisions (A), (B), or (B-1) of
13 subsection (2) of Section 2-28 of that Act has been set.
14 Nothing in this paragraph shall be construed to create a
15 private right of action or claim on the part of any individual
16 or child welfare agency.

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

1 considered in the investigation. The Department may also
2 provide services to any child or family who is the subject of
3 any report of suspected child abuse or neglect or may refer
4 such child or family to services available from other agencies
5 in the community, even if the report is determined to be
6 unfounded, if the conditions in the child's or family's home
7 are reasonably likely to subject the child or family to future
8 reports of suspected child abuse or neglect. Acceptance of such
9 services shall be voluntary.

10 The Department may, at its discretion except for those
11 children also adjudicated neglected or dependent, accept for
12 care and training any child who has been adjudicated addicted,
13 as a truant minor in need of supervision or as a minor
14 requiring authoritative intervention, under the Juvenile Court
15 Act or the Juvenile Court Act of 1987, but no such child shall
16 be committed to the Department by any court without the
17 approval of the Department. A minor charged with a criminal
18 offense under the Criminal Code of 1961 or adjudicated
19 delinquent shall not be placed in the custody of or committed
20 to the Department by any court, except a minor less than 15
21 years of age committed to the Department under Section 5-710 of
22 the Juvenile Court Act of 1987 or a minor for whom an
23 independent basis of abuse, neglect, or dependency exists,
24 which must be defined by departmental rule. An independent
25 basis exists when the allegations or adjudication of abuse,
26 neglect, or dependency do not arise from the same facts,

1 incident, or circumstances which give rise to a charge or
2 adjudication of delinquency.

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

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

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

1 Department believes that further reunification services would
2 be ineffective, it may request a finding from the court that
3 reasonable efforts are no longer appropriate. The Department is
4 not required to provide further reunification services after
5 such a finding.

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

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

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

1 (m) The Department may assume temporary custody of any
2 child if:

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

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

10 If the child is found in his or her residence without a parent,
11 guardian, custodian or responsible caretaker, the Department
12 may, instead of removing the child and assuming temporary
13 custody, place an authorized representative of the Department
14 in that residence until such time as a parent, guardian or
15 custodian enters the home and expresses a willingness and
16 apparent ability to ensure the child's health and safety and
17 resume permanent charge of the child, or until a relative
18 enters the home and is willing and able to ensure the child's
19 health and safety and assume charge of the child until a
20 parent, guardian or custodian enters the home and expresses
21 such willingness and ability to ensure the child's safety and
22 resume permanent charge. After a caretaker has remained in the
23 home for a period not to exceed 12 hours, the Department must
24 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
25 5-415 of the Juvenile Court Act of 1987.

26 The Department shall have the authority, responsibilities

1 and duties that a legal custodian of the child would have
2 pursuant to subsection (9) of Section 1-3 of the Juvenile Court
3 Act of 1987. Whenever a child is taken into temporary custody
4 pursuant to an investigation under the Abused and Neglected
5 Child Reporting Act, or pursuant to a referral and acceptance
6 under the Juvenile Court Act of 1987 of a minor in limited
7 custody, the Department, during the period of temporary custody
8 and before the child is brought before a judicial officer as
9 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile
10 Court Act of 1987, shall have the authority, responsibilities
11 and duties that a legal custodian of the child would have under
12 subsection (9) of Section 1-3 of the Juvenile Court Act of
13 1987.

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

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

1 otherwise. If a petition is not filed within the 10 day period,
2 the child shall be surrendered to the custody of the requesting
3 parent, guardian or custodian not later than the expiration of
4 the 10 day period, at which time the authority and duties of
5 the Department with respect to the temporary custody of the
6 child shall terminate.

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

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

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

19 (o) The Department shall establish an administrative
20 review and appeal process for children and families who request
21 or receive child welfare services from the Department. Children
22 who are wards of the Department and are placed by private child
23 welfare agencies, and foster families with whom those children
24 are placed, shall be afforded the same procedural and appeal
25 rights as children and families in the case of placement by the
26 Department, including the right to an initial review of a

1 private agency decision by that agency. The Department shall
2 insure that any private child welfare agency, which accepts
3 wards of the Department for placement, affords those rights to
4 children and foster families. The Department shall accept for
5 administrative review and an appeal hearing a complaint made by
6 (i) a child or foster family concerning a decision following an
7 initial review by a private child welfare agency or (ii) a
8 prospective adoptive parent who alleges a violation of
9 subsection (j-5) of this Section. An appeal of a decision
10 concerning a change in the placement of a child shall be
11 conducted in an expedited manner.

12 (p) There is hereby created the Department of Children and
13 Family Services Emergency Assistance Fund from which the
14 Department may provide special financial assistance to
15 families which are in economic crisis when such assistance is
16 not available through other public or private sources and the
17 assistance is deemed necessary to prevent dissolution of the
18 family unit or to reunite families which have been separated
19 due to child abuse and neglect. The Department shall establish
20 administrative rules specifying the criteria for determining
21 eligibility for and the amount and nature of assistance to be
22 provided. The Department may also enter into written agreements
23 with private and public social service agencies to provide
24 emergency financial services to families referred by the
25 Department. Special financial assistance payments shall be
26 available to a family no more than once during each fiscal year

1 and the total payments to a family may not exceed \$500 during a
2 fiscal year.

3 (q) The Department may receive and use, in their entirety,
4 for the benefit of children any gift, donation or bequest of
5 money or other property which is received on behalf of such
6 children, or any financial benefits to which such children are
7 or may become entitled while under the jurisdiction or care of
8 the Department.

9 The Department shall set up and administer no-cost,
10 interest-bearing accounts in appropriate financial
11 institutions for children for whom the Department is legally
12 responsible and who have been determined eligible for Veterans'
13 Benefits, Social Security benefits, assistance allotments from
14 the armed forces, court ordered payments, parental voluntary
15 payments, Supplemental Security Income, Railroad Retirement
16 payments, Black Lung benefits, or other miscellaneous
17 payments. Interest earned by each account shall be credited to
18 the account, unless disbursed in accordance with this
19 subsection.

20 In disbursing funds from children's accounts, the
21 Department shall:

22 (1) Establish standards in accordance with State and
23 federal laws for disbursing money from children's
24 accounts. In all circumstances, the Department's
25 "Guardianship Administrator" or his or her designee must
26 approve disbursements from children's accounts. The

1 Department shall be responsible for keeping complete
2 records of all disbursements for each account for any
3 purpose.

4 (2) Calculate on a monthly basis the amounts paid from
5 State funds for the child's board and care, medical care
6 not covered under Medicaid, and social services; and
7 utilize funds from the child's account, as covered by
8 regulation, to reimburse those costs. Monthly,
9 disbursements from all children's accounts, up to 1/12 of
10 \$13,000,000, shall be deposited by the Department into the
11 General Revenue Fund and the balance over 1/12 of
12 \$13,000,000 into the DCFS Children's Services Fund.

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

18 (r) The Department shall promulgate regulations
19 encouraging all adoption agencies to voluntarily forward to the
20 Department or its agent names and addresses of all persons who
21 have applied for and have been approved for adoption of a
22 hard-to-place or handicapped child and the names of such
23 children who have not been placed for adoption. A list of such
24 names and addresses shall be maintained by the Department or
25 its agent, and coded lists which maintain the confidentiality
26 of the person seeking to adopt the child and of the child shall

1 be made available, without charge, to every adoption agency in
2 the State to assist the agencies in placing such children for
3 adoption. The Department may delegate to an agent its duty to
4 maintain and make available such lists. The Department shall
5 ensure that such agent maintains the confidentiality of the
6 person seeking to adopt the child and of the child.

7 (s) The Department of Children and Family Services may
8 establish and implement a program to reimburse Department and
9 private child welfare agency foster parents licensed by the
10 Department of Children and Family Services for damages
11 sustained by the foster parents as a result of the malicious or
12 negligent acts of foster children, as well as providing third
13 party coverage for such foster parents with regard to actions
14 of foster children to other individuals. Such coverage will be
15 secondary to the foster parent liability insurance policy, if
16 applicable. The program shall be funded through appropriations
17 from the General Revenue Fund, specifically designated for such
18 purposes.

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

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

25 (2) the court has ordered one or both of the parties to
26 the proceeding to reimburse the Department for its

1 reasonable costs for providing such services in accordance
2 with Department rules, or has determined that neither party
3 is financially able to pay.

4 The Department shall provide written notification to the
5 court of the specific arrangements for supervised visitation
6 and projected monthly costs within 60 days of the court order.
7 The Department shall send to the court information related to
8 the costs incurred except in cases where the court has
9 determined the parties are financially unable to pay. The court
10 may order additional periodic reports as appropriate.

11 (u) In addition to other information that must be provided,
12 whenever the Department places a child with a prospective
13 adoptive parent or parents or in a licensed foster home, group
14 home, child care institution, or in a relative home, the
15 Department shall provide to the prospective adoptive parent or
16 parents or other caretaker:

17 (1) available detailed information concerning the
18 child's educational and health history, copies of
19 immunization records (including insurance and medical card
20 information), a history of the child's previous
21 placements, if any, and reasons for placement changes
22 excluding any information that identifies or reveals the
23 location of any previous caretaker;

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

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

4 The caretaker shall be informed of any known social or
5 behavioral information (including, but not limited to,
6 criminal background, fire setting, perpetuation of sexual
7 abuse, destructive behavior, and substance abuse) necessary to
8 care for and safeguard the children to be placed or currently
9 in the home. The Department may prepare a written summary of
10 the information required by this paragraph, which may be
11 provided to the foster or prospective adoptive parent in
12 advance of a placement. The foster or prospective adoptive
13 parent may review the supporting documents in the child's file
14 in the presence of casework staff. In the case of an emergency
15 placement, casework staff shall at least provide known
16 information verbally, if necessary, and must subsequently
17 provide the information in writing as required by this
18 subsection.

19 The information described in this subsection shall be
20 provided in writing. In the case of emergency placements when
21 time does not allow prior review, preparation, and collection
22 of written information, the Department shall provide such
23 information as it becomes available. Within 10 business days
24 after placement, the Department shall obtain from the
25 prospective adoptive parent or parents or other caretaker a
26 signed verification of receipt of the information provided.

1 Within 10 business days after placement, the Department shall
2 provide to the child's guardian ad litem a copy of the
3 information provided to the prospective adoptive parent or
4 parents or other caretaker. The information provided to the
5 prospective adoptive parent or parents or other caretaker shall
6 be reviewed and approved regarding accuracy at the supervisory
7 level.

8 (u-5) Effective July 1, 1995, only foster care placements
9 licensed as foster family homes pursuant to the Child Care Act
10 of 1969 shall be eligible to receive foster care payments from
11 the Department. Relative caregivers who, as of July 1, 1995,
12 were approved pursuant to approved relative placement rules
13 previously promulgated by the Department at 89 Ill. Adm. Code
14 335 and had submitted an application for licensure as a foster
15 family home may continue to receive foster care payments only
16 until the Department determines that they may be licensed as a
17 foster family home or that their application for licensure is
18 denied or until September 30, 1995, whichever occurs first.

19 (v) The Department shall access criminal history record
20 information as defined in the Illinois Uniform Conviction
21 Information Act and information maintained in the adjudicatory
22 and dispositional record system as defined in Section 2605-355
23 of the Department of State Police Law (20 ILCS 2605/2605-355)
24 if the Department determines the information is necessary to
25 perform its duties under the Abused and Neglected Child
26 Reporting Act, the Child Care Act of 1969, and the Children and

1 Family Services Act. The Department shall provide for
2 interactive computerized communication and processing
3 equipment that permits direct on-line communication with the
4 Department of State Police's central criminal history data
5 repository. The Department shall comply with all certification
6 requirements and provide certified operators who have been
7 trained by personnel from the Department of State Police. In
8 addition, one Office of the Inspector General investigator
9 shall have training in the use of the criminal history
10 information access system and have access to the terminal. The
11 Department of Children and Family Services and its employees
12 shall abide by rules and regulations established by the
13 Department of State Police relating to the access and
14 dissemination of this information.

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

1 (v-2) Prior to final approval for placement of a child, the
2 Department shall check its child abuse and neglect registry for
3 information concerning prospective foster and adoptive
4 parents, and any adult living in the home. If any prospective
5 foster or adoptive parent or other adult living in the home has
6 resided in another state in the preceding 5 years, the
7 Department shall request a check of that other state's child
8 abuse and neglect registry.

9 (w) Within 120 days of August 20, 1995 (the effective date
10 of Public Act 89-392), the Department shall prepare and submit
11 to the Governor and the General Assembly, a written plan for
12 the development of in-state licensed secure child care
13 facilities that care for children who are in need of secure
14 living arrangements for their health, safety, and well-being.
15 For purposes of this subsection, secure care facility shall
16 mean a facility that is designed and operated to ensure that
17 all entrances and exits from the facility, a building or a
18 distinct part of the building, are under the exclusive control
19 of the staff of the facility, whether or not the child has the
20 freedom of movement within the perimeter of the facility,
21 building, or distinct part of the building. The plan shall
22 include descriptions of the types of facilities that are needed
23 in Illinois; the cost of developing these secure care
24 facilities; the estimated number of placements; the potential
25 cost savings resulting from the movement of children currently
26 out-of-state who are projected to be returned to Illinois; the

1 necessary geographic distribution of these facilities in
2 Illinois; and a proposed timetable for development of such
3 facilities.

4 (Source: P.A. 94-215, eff. 1-1-06; 94-1010, eff. 10-1-06;
5 95-10, eff. 6-30-07; 95-601, eff. 9-11-07; 95-642, eff. 6-1-08;
6 revised 10-30-07.)

7 Section 40. The Child Death Review Team Act is amended by
8 changing Sections 20 and 40 as follows:

9 (20 ILCS 515/20)

10 (Text of Section before amendment by P.A. 95-405 and
11 95-527)

12 Sec. 20. Reviews of child deaths.

13 (a) Every child death shall be reviewed by the team in the
14 subregion which has primary case management responsibility.
15 The deceased child must be one of the following:

16 (1) A ward of the Department.

17 (2) The subject of an open service case maintained by
18 the Department.

19 (3) The subject of a pending child abuse or neglect
20 investigation.

21 (4) A child who was the subject of an abuse or neglect
22 investigation at any time during the 12 months preceding
23 the child's death.

24 (5) Any other child whose death is reported to the

1 State central register as a result of alleged child abuse
2 or neglect which report is subsequently indicated.

3 A child death review team may, at its discretion, review
4 other sudden, unexpected, or unexplained child deaths.

5 (b) A child death review team's purpose in conducting
6 reviews of child deaths is to do the following:

7 (1) Assist in determining the cause and manner of the
8 child's death, when requested.

9 (2) Evaluate means by which the death might have been
10 prevented.

11 (3) Report its findings to appropriate agencies and
12 make recommendations that may help to reduce the number of
13 child deaths caused by abuse or neglect.

14 (4) Promote continuing education for professionals
15 involved in investigating, treating, and preventing child
16 abuse and neglect as a means of preventing child deaths due
17 to abuse or neglect.

18 (5) Make specific recommendations to the Director and
19 the Inspector General of the Department concerning the
20 prevention of child deaths due to abuse or neglect and the
21 establishment of protocols for investigating child deaths.

22 (c) A child death review team shall review a child death as
23 soon as practical and not later than 90 days following the
24 completion by the Department of the investigation of the death
25 under the Abused and Neglected Child Reporting Act. When there
26 has been no investigation by the Department, the child death

1 review team shall review a child's death within 90 days after
2 obtaining the information necessary to complete the review from
3 the coroner, pathologist, medical examiner, or law enforcement
4 agency, depending on the nature of the case. A child death
5 review team shall meet at least once in each calendar quarter.

6 (d) The Director shall, within 90 days, review and reply to
7 recommendations made by a team under item (5) of subsection
8 (b). The Director shall implement recommendations as feasible
9 and appropriate and shall respond in writing to explain the
10 implementation or nonimplementation of the recommendations.

11 (Source: P.A. 90-239, eff. 7-28-97; 90-608, eff. 6-30-98.)

12 (Text of Section after amendment by P.A. 95-405 and 95-527)
13 Sec. 20. Reviews of child deaths.

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15 subregion which has primary case management responsibility.
16 The deceased child must be one of the following:

17 (1) A ward of the Department.

18 (2) The subject of an open service case maintained by
19 the Department.

20 (3) The subject of a pending child abuse or neglect
21 investigation.

22 (4) A child who was the subject of an abuse or neglect
23 investigation at any time during the 12 months preceding
24 the child's death.

25 (5) Any other child whose death is reported to the

1 State central register as a result of alleged child abuse
2 or neglect which report is subsequently indicated.

3 A child death review team may, at its discretion, review
4 other sudden, unexpected, or unexplained child deaths, and
5 cases of serious or fatal injuries to a child identified under
6 the Child Advocacy Center Act.

7 (b) A child death review team's purpose in conducting
8 reviews of child deaths is to do the following:

9 (1) Assist in determining the cause and manner of the
10 child's death, when requested.

11 (2) Evaluate means by which the death might have been
12 prevented.

13 (3) Report its findings to appropriate agencies and
14 make recommendations that may help to reduce the number of
15 child deaths caused by abuse or neglect.

16 (4) Promote continuing education for professionals
17 involved in investigating, treating, and preventing child
18 abuse and neglect as a means of preventing child deaths due
19 to abuse or neglect.

20 (5) Make specific recommendations to the Director and
21 the Inspector General of the Department concerning the
22 prevention of child deaths due to abuse or neglect and the
23 establishment of protocols for investigating child deaths.

24 (c) A child death review team shall review a child death as
25 soon as practical and not later than 90 days following the
26 completion by the Department of the investigation of the death

1 under the Abused and Neglected Child Reporting Act. When there
2 has been no investigation by the Department, the child death
3 review team shall review a child's death within 90 days after
4 obtaining the information necessary to complete the review from
5 the coroner, pathologist, medical examiner, or law enforcement
6 agency, depending on the nature of the case. A child death
7 review team shall meet at least once in each calendar quarter.

8 (d) The Director shall, within 90 days, review and reply to
9 recommendations made by a team under item (5) of subsection
10 (b). With respect to each recommendation made by a team, the
11 Director shall submit his or her reply both to the chairperson
12 of that team and to the chairperson of the Executive Council.
13 The Director's reply to each recommendation must include a
14 statement as to whether the Director intends to implement the
15 recommendation.

16 The Director shall implement recommendations as feasible
17 and appropriate and shall respond in writing to explain the
18 implementation or nonimplementation of the recommendations.

19 (e) Within 90 days after the Director submits a reply with
20 respect to a recommendation as required by subsection (d), the
21 Director must submit an additional report that sets forth in
22 detail the way, if any, in which the Director will implement
23 the recommendation and the schedule for implementing the
24 recommendation. The Director shall submit this report to the
25 chairperson of the team that made the recommendation and to the
26 chairperson of the Executive Council.

1 (f) Within 180 days after the Director submits a report
2 under subsection (e) concerning the implementation of a
3 recommendation, the Director shall submit a further report to
4 the chairperson of the team that made the recommendation and to
5 the chairperson of the Executive Council. This report shall set
6 forth the specific changes in the Department's policies and
7 procedures that have been made in response to the
8 recommendation.

9 (Source: P.A. 95-405, eff. 6-1-08; 95-527, eff. 6-1-08; revised
10 10-30-07.)

11 (20 ILCS 515/40)

12 (Text of Section before amendment by P.A. 95-405 and
13 95-527)

14 Sec. 40. Illinois Child Death Review Teams Executive
15 Council.

16 (a) The Illinois Child Death Review Teams Executive
17 Council, consisting of the chairpersons of the 9 child death
18 review teams in Illinois, is the coordinating and oversight
19 body for child death review teams and activities in Illinois.
20 The vice-chairperson of a child death review team, as
21 designated by the chairperson, may serve as a back-up member or
22 an alternate member of the Executive Council, if the
23 chairperson of the child death review team is unavailable to
24 serve on the Executive Council. The Inspector General of the
25 Department, ex officio, is a non-voting member of the Executive

1 Council. The Director may appoint to the Executive Council any
2 ex-officio members deemed necessary. Persons with expertise
3 needed by the Executive Council may be invited to meetings. The
4 Executive Council must select from its members a chairperson
5 and a vice-chairperson, each to serve a 2-year, renewable term.

6 The Executive Council must meet at least 4 times during
7 each calendar year.

8 (b) The Department must provide or arrange for the staff
9 support necessary for the Executive Council to carry out its
10 duties. The Director, in cooperation and consultation with the
11 Executive Council, shall appoint, reappoint, and remove team
12 members.

13 (c) The Executive Council has, but is not limited to, the
14 following duties:

15 (1) To serve as the voice of child death review teams
16 in Illinois.

17 (2) To oversee the regional teams in order to ensure
18 that the teams' work is coordinated and in compliance with
19 the statutes and the operating protocol.

20 (3) To ensure that the data, results, findings, and
21 recommendations of the teams are adequately used to make
22 any necessary changes in the policies, procedures, and
23 statutes in order to protect children in a timely manner.

24 (4) To collaborate with the General Assembly, the
25 Department, and others in order to develop any legislation
26 needed to prevent child fatalities and to protect children.

1 (5) To assist in the development of quarterly and
2 annual reports based on the work and the findings of the
3 teams.

4 (6) To ensure that the regional teams' review processes
5 are standardized in order to convey data, findings, and
6 recommendations in a usable format.

7 (7) To serve as a link with child death review teams
8 throughout the country and to participate in national child
9 death review team activities.

10 (8) To develop an annual statewide symposium to update
11 the knowledge and skills of child death review team members
12 and to promote the exchange of information between teams.

13 (9) To provide the child death review teams with the
14 most current information and practices concerning child
15 death review and related topics.

16 (10) To perform any other functions necessary to
17 enhance the capability of the child death review teams to
18 reduce and prevent child injuries and fatalities.

19 (d) In any instance when a child death review team does not
20 operate in accordance with established protocol, the Director,
21 in consultation and cooperation with the Executive Council,
22 must take any necessary actions to bring the team into
23 compliance with the protocol.

24 (Source: P.A. 92-468, eff. 8-22-01.)

25 (Text of Section after amendment by P.A. 95-405 and 95-527)

1 Sec. 40. Illinois Child Death Review Teams Executive
2 Council.

3 (a) The Illinois Child Death Review Teams Executive
4 Council, consisting of the chairpersons of the 9 child death
5 review teams in Illinois, is the coordinating and oversight
6 body for child death review teams and activities in Illinois.
7 The vice-chairperson of a child death review team, as
8 designated by the chairperson, may serve as a back-up member or
9 an alternate member of the Executive Council, if the
10 chairperson of the child death review team is unavailable to
11 serve on the Executive Council. The Inspector General of the
12 Department, ex officio, is a non-voting member of the Executive
13 Council. The Director may appoint to the Executive Council any
14 ex-officio members deemed necessary. Persons with expertise
15 needed by the Executive Council may be invited to meetings. The
16 Executive Council must select from its members a chairperson
17 and a vice-chairperson, each to serve a 2-year, renewable term.

18 The Executive Council must meet at least 4 times during
19 each calendar year. At each such meeting, in addition to any
20 other matters under consideration, the Executive Council shall
21 review all replies and reports received from the Director
22 pursuant to subsections (d), (e), and (f) of Section 20 since
23 the Executive Council's previous meeting. The Executive
24 Council's review must include consideration of the Director's
25 proposed manner of and schedule for implementing each
26 recommendation made by a child death review team.

1 (b) The Department must provide or arrange for the staff
2 support necessary for the Executive Council to carry out its
3 duties. The Director, in cooperation and consultation with the
4 Executive Council, shall appoint, reappoint, and remove team
5 members. From funds available, the Director may select from a
6 list of 2 or more candidates recommended by the Executive
7 Council to serve as the Child Death Review Teams Executive
8 Director. The Child Death Review Teams Executive Director shall
9 oversee the operations of the child death review teams and
10 shall report directly to the Executive Council.

11 (c) The Executive Council has, but is not limited to, the
12 following duties:

13 (1) To serve as the voice of child death review teams
14 in Illinois.

15 (2) To oversee the regional teams in order to ensure
16 that the teams' work is coordinated and in compliance with
17 the statutes and the operating protocol.

18 (3) To ensure that the data, results, findings, and
19 recommendations of the teams are adequately used to make
20 any necessary changes in the policies, procedures, and
21 statutes in order to protect children in a timely manner.

22 (4) To collaborate with the General Assembly, the
23 Department, and others in order to develop any legislation
24 needed to prevent child fatalities and to protect children.

25 (5) To assist in the development of quarterly and
26 annual reports based on the work and the findings of the

1 teams.

2 (6) To ensure that the regional teams' review processes
3 are standardized in order to convey data, findings, and
4 recommendations in a usable format.

5 (7) To serve as a link with child death review teams
6 throughout the country and to participate in national child
7 death review team activities.

8 (8) To develop an annual statewide symposium to update
9 the knowledge and skills of child death review team members
10 and to promote the exchange of information between teams.

11 (9) To provide the child death review teams with the
12 most current information and practices concerning child
13 death review and related topics.

14 (10) To perform any other functions necessary to
15 enhance the capability of the child death review teams to
16 reduce and prevent child injuries and fatalities.

17 (c-5) The Executive Council shall prepare an annual report.
18 The report must include, but need not be limited to, (i) each
19 recommendation made by a child death review team pursuant to
20 item (5) of subsection (b) of Section 20 during the period
21 covered by the report, (ii) the Director's proposed schedule
22 for implementing each such recommendation, and (iii) a
23 description of the specific changes in the Department's
24 policies and procedures that have been made in response to the
25 recommendation. The Executive Council shall send a copy of its
26 annual report to each of the following:

1 (1) The Governor.

2 (2) Each member of the Senate or the House of
3 Representatives whose legislative district lies wholly or
4 partly within the region covered by any child death review
5 team whose recommendation is addressed in the annual
6 report.

7 (3) Each member of each child death review team in the
8 State.

9 (d) In any instance when a child death review team does not
10 operate in accordance with established protocol, the Director,
11 in consultation and cooperation with the Executive Council,
12 must take any necessary actions to bring the team into
13 compliance with the protocol.

14 (Source: P.A. 95-405, eff. 6-1-08; 95-527, eff. 6-1-08; revised
15 10-30-07.)

16 Section 45. The Illinois Lottery Law is amended by changing
17 Sections 2 and 20 and by setting forth and renumbering multiple
18 versions of Section 21.7 as follows:

19 (20 ILCS 1605/2) (from Ch. 120, par. 1152)

20 Sec. 2. This Act is enacted to implement and establish
21 within the State a lottery to be operated by the State, the
22 entire net proceeds of which are to be used for the support of
23 the State's Common School Fund, except as provided in Sections
24 21.2, 21.5, 21.6, ~~and~~ 21.7, and 21.8 ~~21.7~~.

1 (Source: P.A. 94-120, eff. 7-6-05; 94-585, eff. 8-15-05;
2 95-331, eff. 8-21-07; 95-673, eff. 10-11-07; 95-674, eff.
3 10-11-07; revised 12-5-07.)

4 (20 ILCS 1605/20) (from Ch. 120, par. 1170)

5 Sec. 20. State Lottery Fund.

6 (a) There is created in the State Treasury a special fund
7 to be known as the "State Lottery Fund". Such fund shall
8 consist of all revenues received from (1) the sale of lottery
9 tickets or shares, (net of commissions, fees representing those
10 expenses that are directly proportionate to the sale of tickets
11 or shares at the agent location, and prizes of less than \$600
12 which have been validly paid at the agent level), (2)
13 application fees, and (3) all other sources including moneys
14 credited or transferred thereto from any other fund or source
15 pursuant to law. Interest earnings of the State Lottery Fund
16 shall be credited to the Common School Fund.

17 (b) The receipt and distribution of moneys under Section
18 21.5 of this Act shall be in accordance with Section 21.5.

19 (c) The receipt and distribution of moneys under Section
20 21.6 of this Act shall be in accordance with Section 21.6.

21 (d) The receipt and distribution of moneys under Section
22 21.7 of this Act shall be in accordance with Section 21.7.

23 (e) ~~(d)~~ The receipt and distribution of moneys under
24 Section 21.8 ~~21.7~~ of this Act shall be in accordance with
25 Section 21.8 ~~21.7~~.

1 (Source: P.A. 94-120, eff. 7-6-05; 94-585, eff. 8-15-05;
2 95-331, eff. 8-21-07; 95-673, eff. 10-11-07; 95-674, eff.
3 10-11-07; revised 12-5-07.)

4 (20 ILCS 1605/21.7)

5 Sec. 21.7. Scratch-out Multiple Sclerosis scratch-off
6 game.

7 (a) The Department shall offer a special instant
8 scratch-off game for the benefit of research pertaining to
9 multiple sclerosis. The game shall commence on July 1, 2008 or
10 as soon thereafter, in the discretion of the Director, as is
11 reasonably practical. The operation of the game shall be
12 governed by this Act and any rules adopted by the Department.
13 If any provision of this Section is inconsistent with any other
14 provision of this Act, then this Section governs.

15 (b) The Multiple Sclerosis Research Fund is created as a
16 special fund in the State treasury. The net revenue from the
17 scratch-out multiple sclerosis scratch-off game created under
18 this Section shall be deposited into the Fund for appropriation
19 by the General Assembly to the Department of Public Health for
20 the purpose of making grants to organizations in Illinois that
21 conduct research pertaining to the repair of damage caused by
22 an acquired demyelinating disease of the central nervous
23 system.

24 Moneys received for the purposes of this Section,
25 including, without limitation, net revenue from the special

1 instant scratch-off game and from gifts, grants, and awards
2 from any public or private entity, must be deposited into the
3 Fund. Any interest earned on moneys in the Fund must be
4 deposited into the Fund.

5 For purposes of this Section, the term "research" includes,
6 without limitation, expenditures to develop and advance the
7 understanding, techniques, and modalities effective for
8 maintaining function, mobility, and strength through
9 preventive physical therapy or other treatments and to develop
10 and advance the repair of myelin, neuron, and axon damage
11 caused by an acquired demyelinating disease of the central
12 nervous system and the restoration of function, including but
13 not limited to, nervous system repair or neuroregeneration.

14 The grant funds may not be used for institutional,
15 organizational, or community-based overhead costs, indirect
16 costs, or levies.

17 For purposes of this subsection, "net revenue" means the
18 total amount for which tickets have been sold less the sum of
19 the amount paid out in the prizes and the actual administrative
20 expenses of the Department solely related to the scratch-off
21 game under this Section.

22 (c) During the time that tickets are sold for the
23 scratch-out multiple sclerosis scratch-off game, the
24 Department shall not unreasonably diminish the efforts devoted
25 to marketing any other instant scratch-off lottery game.

26 (d) The Department may adopt any rules necessary to

1 implement and administer the provisions of this Section.

2 (Source: P.A. 95-673, eff. 10-11-07.)

3 (20 ILCS 1605/21.8)

4 Sec. 21.8 ~~21.7~~. Quality of Life scratch-off game.

5 (a) The Department shall offer a special instant
6 scratch-off game with the title of "Quality of Life". The game
7 shall commence on July 1, 2007 or as soon thereafter, in the
8 discretion of the Director, as is reasonably practical, and
9 shall be discontinued on December 31, 2012. The operation of
10 the game is governed by this Act and by any rules adopted by
11 the Department. The Department must consult with the Quality of
12 Life Board, which is established under Section 2310-348 of the
13 Department of Public Health Powers and Duties Law of the Civil
14 Administrative Code of Illinois, regarding the design and
15 promotion of the game. If any provision of this Section is
16 inconsistent with any other provision of this Act, then this
17 Section governs.

18 (b) The Quality of Life Endowment Fund is created as a
19 special fund in the State treasury. The net revenue from the
20 Quality of Life special instant scratch-off game must be
21 deposited into the Fund for appropriation by the General
22 Assembly solely to the Department of Public Health for the
23 purpose of HIV/AIDS-prevention education and for making grants
24 to public or private entities in Illinois for the purpose of
25 funding organizations that serve the highest at-risk

1 categories for contracting HIV or developing AIDS. Grants shall
2 be targeted to serve at-risk populations in proportion to the
3 distribution of recent reported Illinois HIV/AIDS cases among
4 risk groups as reported by the Illinois Department of Public
5 Health. The recipient organizations must be engaged in
6 HIV/AIDS-prevention education and HIV/AIDS healthcare
7 treatment. The Department must, before grants are awarded,
8 provide copies of all grant applications to the Quality of Life
9 Board, receive and review the Board's recommendations and
10 comments, and consult with the Board regarding the grants.
11 Organizational size will determine an organization's
12 competitive slot in the "Request for Proposal" process.
13 Organizations with an annual budget of \$300,000 or less will
14 compete with like size organizations for 50% of the Quality of
15 Life annual fund. Organizations with an annual budget of
16 \$300,001 to \$700,000 will compete with like organizations for
17 25% of the Quality of Life annual fund, and organizations with
18 an annual budget of \$700,001 and upward will compete with like
19 organizations for 25% of the Quality of Life annual fund. The
20 lottery may designate a percentage of proceeds for marketing
21 purpose. The grant funds may not be used for institutional,
22 organizational, or community-based overhead costs, indirect
23 costs, or levies.

24 Grants awarded from the Fund are intended to augment the
25 current and future State funding for the prevention and
26 treatment of HIV/AIDS and are not intended to replace that

1 funding.

2 Moneys received for the purposes of this Section,
3 including, without limitation, net revenue from the special
4 instant scratch-off game and gifts, grants, and awards from any
5 public or private entity, must be deposited into the Fund. Any
6 interest earned on moneys in the Fund must be deposited into
7 the Fund.

8 For purposes of this subsection, "net revenue" means the
9 total amount for which tickets have been sold less the sum of
10 the amount paid out in prizes and the actual administrative
11 expenses of the Department solely related to the Quality of
12 Life game.

13 (c) During the time that tickets are sold for the Quality
14 of Life game, the Department shall not unreasonably diminish
15 the efforts devoted to marketing any other instant scratch-off
16 lottery game.

17 (d) The Department may adopt any rules necessary to
18 implement and administer the provisions of this Section in
19 consultation with the Quality of Life Board.

20 (Source: P.A. 95-674, eff. 10-11-07; revised 12-5-07.)

21 Section 50. The Mental Health and Developmental
22 Disabilities Administrative Act is amended by changing Section
23 56 as follows:

24 (20 ILCS 1705/56) (from Ch. 91 1/2, par. 100-56)

1 Sec. 56. The Secretary, upon making a determination based
2 upon information in the possession of the Department, that
3 continuation in practice of a licensed health care professional
4 would constitute an immediate danger to the public, shall
5 submit a written communication to the Director of Professional
6 Regulation indicating such determination and additionally
7 providing a complete summary of the information upon which such
8 determination is based, and recommending that the Director of
9 Professional Regulation immediately suspend such person's
10 license. All relevant evidence, or copies thereof, in the
11 Department's possession may also be submitted in conjunction
12 with the written communication. A copy of such written
13 communication, which is exempt from the copying and inspection
14 provisions of the Freedom of Information Act, shall at the time
15 of submittal to the Director of Professional Regulation be
16 simultaneously mailed to the last known business address of
17 such licensed health care professional by certified or
18 registered postage, United States Mail, return receipt
19 requested. Any evidence, or copies thereof, which is submitted
20 in conjunction with the written communication is also exempt
21 from the copying and inspection provisions of the Freedom of
22 Information Act.

23 For the purposes of this Section, "licensed health care
24 professional" means any person licensed under the Illinois
25 Dental Practice Act, the Nurse Practice Act, the Medical
26 Practice Act of 1987, the Pharmacy Practice Act, the Podiatric

1 Medical Practice Act of 1987, and the Illinois Optometric
2 Practice Act of 1987.

3 (Source: P.A. 95-639, eff. 10-5-07; 95-689, eff. 10-29-07;
4 revised 12-5-07.)

5 Section 55. The Department of Human Services (Mental Health
6 and Developmental Disabilities) Law of the Civil
7 Administrative Code of Illinois is amended by changing Section
8 1710-100 as follows:

9 (20 ILCS 1710/1710-100) (was 20 ILCS 1710/53d)

10 (Text of Section before amendment by P.A. 95-523)

11 Sec. 1710-100. Grants to Illinois Special Olympics. The
12 Department shall make grants to the Illinois Special Olympics
13 for area and statewide athletic competitions from
14 appropriations to the Department from the Illinois Special
15 Olympics Checkoff Fund, a special fund created in the State
16 treasury.

17 (Source: P.A. 91-239, eff. 1-1-00.)

18 (Text of Section after amendment by P.A. 95-523)

19 Sec. 1710-100. Grants to Special Olympics Illinois. The
20 Department shall make grants to ~~the~~ Special Olympics Illinois
21 for area and statewide athletic competitions from
22 appropriations to the Department from the Special Olympics
23 Illinois Fund, a special fund created in the State treasury.

1 (Source: P.A. 95-523, eff. 6-1-08; revised 11-13-07.)

2 Section 60. The Department of Public Health Powers and
3 Duties Law of the Civil Administrative Code of Illinois is
4 amended by changing Section 2310-140, by renumbering Section
5 216, and by setting forth and renumbering multiple versions of
6 Section 2310-361 as follows:

7 (20 ILCS 2310/2310-140) (was 20 ILCS 2310/55.37a)

8 Sec. 2310-140. Recommending suspension of licensed health
9 care professional. The Director, upon making a determination
10 based upon information in the possession of the Department that
11 continuation in practice of a licensed health care professional
12 would constitute an immediate danger to the public, shall
13 submit a written communication to the Director of Professional
14 Regulation indicating that determination and additionally (i)
15 providing a complete summary of the information upon which the
16 determination is based and (ii) recommending that the Director
17 of Professional Regulation immediately suspend the person's
18 license. All relevant evidence, or copies thereof, in the
19 Department's possession may also be submitted in conjunction
20 with the written communication. A copy of the written
21 communication, which is exempt from the copying and inspection
22 provisions of the Freedom of Information Act, shall at the time
23 of submittal to the Director of Professional Regulation be
24 simultaneously mailed to the last known business address of the

1 licensed health care professional by certified or registered
2 postage, United States Mail, return receipt requested. Any
3 evidence, or copies thereof, that is submitted in conjunction
4 with the written communication is also exempt from the copying
5 and inspection provisions of the Freedom of Information Act.

6 For the purposes of this Section, "licensed health care
7 professional" means any person licensed under the Illinois
8 Dental Practice Act, the Nurse Practice Act, the Medical
9 Practice Act of 1987, the Pharmacy Practice Act, the Podiatric
10 Medical Practice Act of 1987, or the Illinois Optometric
11 Practice Act of 1987.

12 (Source: P.A. 95-639, eff. 10-5-07; 95-689, eff. 10-29-07;
13 revised 12-5-07.)

14 (20 ILCS 2310/2310-216)

15 Sec. 2310-216 ~~216~~. Culturally Competent Healthcare
16 Demonstration Program.

17 (a) Research demonstrates that racial and ethnic
18 minorities generally receive health care that is of a lesser
19 quality than the majority population and have poorer health
20 outcomes on a number of measures. The 2007 State Health
21 Improvement Plan calls for increased cultural competence in
22 Illinois health care settings, based on national standards that
23 indicate cultural competence is an important aspect of the
24 quality of health care delivered to racial, ethnic, religious,
25 and other minorities. Based on the research and national

1 standards, the General Assembly finds that increasing cultural
2 competence among health care providers will improve the quality
3 of health care delivered to minorities in Illinois.

4 (b) Subject to appropriation for this purpose, the
5 Department shall establish the Culturally Competent Health
6 Care Demonstration Program. For purposes of this Section,
7 "culturally competent health care" means the ability of health
8 care providers to understand and respond to the cultural and
9 linguistic needs brought by patients to the health care
10 encounter. The Program shall establish models that reflect best
11 practices in culturally competent health care and that expand
12 the delivery of culturally competent health care in Illinois.

13 (c) The Program shall consist of (i) demonstration grants
14 awarded by the Department to public or private health care
15 entities geographically distributed around the State; (ii) an
16 ongoing collaborative learning project among the grantees; and
17 (iii) an evaluation of the effect of the demonstration grants
18 in improving the quality of health care for racial and ethnic
19 minorities. The Department may contract with a vendor with
20 experience in racial and ethnic health disparities and cultural
21 competency to conduct the evaluation and provide support for
22 the collaborative learning project. The vendor shall be a
23 not-for-profit organization that represents a partnership of
24 public, private, and voluntary health organizations that
25 focuses on prevention, development of the public health system,
26 and the reduction of racial and ethnic health disparities, and

1 that engages health disparities stakeholders in its efforts.

2 (Source: P.A. 95-630, eff. 9-25-07; revised 12-5-07.)

3 (20 ILCS 2310/2310-361)

4 Sec. 2310-361. The Lung Cancer Research Fund. The Lung
5 Cancer Research Fund is created as a special fund in the State
6 treasury. From appropriations to the Department from the Fund,
7 the Department shall make grants to public or private
8 not-for-profit entities for the purpose of lung cancer
9 research.

10 (Source: P.A. 95-434, eff. 8-27-07.)

11 (20 ILCS 2310/2310-362)

12 Sec. 2310-362 ~~2310-361~~. The Autoimmune Disease Research
13 Fund.

14 (a) The Autoimmune Disease Research Fund is created as a
15 special fund in the State treasury. From appropriations to the
16 Department from the Fund, the Department shall make grants to
17 public and private entities in the State for the purpose of
18 funding research for the treatment and cure of autoimmune
19 diseases.

20 (b) For the purposes of this Section:

21 "Autoimmune disease" means any disease that results from an
22 aberrant immune response, including, without limitation,
23 rheumatoid arthritis, systemic lupus erythematosus, and
24 scleroderma.

1 "Research" includes, without limitation, expenditures to
2 develop and advance the understanding, techniques, and
3 modalities effective in the detection, prevention, screening,
4 and treatment of autoimmune disease and may include clinical
5 trials. "Research" does not include institutional overhead
6 costs, indirect costs, other organizational levies, or costs of
7 community-based support services.

8 (c) Moneys received for the purposes of this Section,
9 including, without limitation, income tax checkoff receipts
10 and gifts, grants, and awards from any public or private
11 entity, must be deposited into the Fund. Any interest earnings
12 that are attributable to moneys in the Fund must be deposited
13 into the Fund.

14 (Source: P.A. 95-435, eff. 8-27-07; revised 12-5-07.)

15 Section 65. The Disabilities Services Act of 2003 is
16 amended by adding a heading to Article 99 immediately before
17 Section 90 of the Act as follows:

18 (20 ILCS 2407/Art. 99 heading new)

19 ARTICLE 99. AMENDATORY PROVISIONS; EFFECTIVE DATE

20 Section 70. The Department of Veterans Affairs Act is
21 amended by changing Section 2.07 and by setting forth and
22 renumbering multiple versions of Section 20 as follows:

1 (20 ILCS 2805/2.07) (from Ch. 126 1/2, par. 67.07)

2 Sec. 2.07. The Department shall employ and maintain
3 sufficient and qualified staff at the veterans' homes to
4 fulfill the requirements of this Act. The Department shall
5 report to the General Assembly, by January 1 and July 1 of each
6 year, the number of staff employed in providing direct patient
7 care at their veterans' homes, the compliance or noncompliance
8 with staffing standards established by the United States
9 Department of Veterans Affairs for such care, and in the event
10 of noncompliance with such standards, the number of staff
11 required for compliance. For purposes of this Section, a nurse
12 who has a license application pending with the State shall not
13 be deemed unqualified by the Department if the nurse is in
14 compliance with Section 50-15 of the Nurse Practice Act
15 ~~65/5-15(i)~~.

16 All contracts between the State and outside contractors to
17 provide workers to staff and service the Anna Veterans Home
18 shall be canceled in accordance with the terms of those
19 contracts. Upon cancellation, each worker or staff member shall
20 be offered certified employment status under the Illinois
21 Personnel Code with the State of Illinois. To the extent it is
22 reasonably practicable, the position offered to each person
23 shall be at the same facility and shall consist of the same
24 duties and hours as previously existed under the canceled
25 contract or contracts.

26 (Source: P.A. 94-703, eff. 6-1-06; 95-331, eff. 8-21-07;

1 95-639, eff. 10-5-07; revised 12-6-07.)

2 (20 ILCS 2805/20)

3 Sec. 20. Illinois Discharged Servicemember Task Force. The
4 Illinois Discharged Servicemember Task Force is hereby created
5 within the Department of Veterans Affairs. The Task Force shall
6 investigate the re-entry process for service members who return
7 to civilian life after being engaged in an active theater. The
8 investigation shall include the effects of post-traumatic
9 stress disorder, homelessness, disabilities, and other issues
10 the Task Force finds relevant to the re-entry process. The Task
11 Force shall include the following members:

12 (a) a representative of the Department of Veterans
13 Affairs, who shall chair the committee;

14 (b) a representative from the Department of Military
15 Affairs;

16 (c) a representative from the Office of the Illinois
17 Attorney General;

18 (d) a member of the General Assembly appointed by the
19 Speaker of the House;

20 (e) a member of the General Assembly appointed by the
21 House Minority Leader;

22 (f) a member of the General Assembly appointed by the
23 President of the Senate;

24 (g) a member of the General Assembly appointed by the
25 Senate Minority Leader;

1 (h) 4 members chosen by the Department of Veterans
2 Affairs, who shall represent statewide veterans'
3 organizations or veterans' homeless shelters;

4 (i) one member appointed by the Lieutenant Governor;
5 and

6 (j) a representative of the United States Department of
7 Veterans Affairs shall be invited to participate.

8 Vacancies in the Task Force shall be filled by the initial
9 appointing authority. Task Force members shall serve without
10 compensation, but may be reimbursed for necessary expenses
11 incurred in performing duties associated with the Task Force.

12 By July 1, 2008 and by July 1 of each year thereafter, the
13 Task Force shall present an annual report of its findings to
14 the Governor, the Attorney General, the Director of Veterans'
15 Affairs, the Lieutenant Governor, and the Secretary of the
16 United States Department of Veterans Affairs.

17 If the Task Force becomes inactive because active theaters
18 cease, the Director of Veterans Affairs may reactivate the Task
19 Force if active theaters are reestablished.

20 (Source: P.A. 95-294, eff. 8-20-07.)

21 (20 ILCS 2805/25)

22 Sec. 25 ~~20~~. Payments to veterans service organizations.

23 (a) In this Section:

24 "Veterans service officer" means an individual employed by
25 a veterans service organization and accredited by the United

1 States Department of Veterans Affairs to process claims and
2 other benefits for veterans and their spouses and
3 beneficiaries.

4 "Veterans service organization" means an organization that
5 meets all of the following criteria:

6 (1) It is formed by and for United States military
7 veterans.

8 (2) It is chartered by the United States Congress and
9 incorporated in the State of Illinois.

10 (3) It maintained a state headquarters office in
11 Illinois for the 10-year period immediately preceding July
12 1, 2006.

13 (4) It maintains at least one office in this State
14 staffed by a veterans service officer.

15 (5) It is capable of preparing a power of attorney for
16 a veteran and processing claims for veterans services.

17 (6) It is not funded by the State of Illinois or by any
18 county in this State.

19 "Veterans services" means the representation of veterans
20 in federal hearings to secure benefits for veterans and their
21 spouses and beneficiaries:

22 (1) Disability compensation benefits.

23 (2) Disability pension benefits.

24 (3) Dependents' indemnity compensation.

25 (4) Widow's death pension.

26 (5) Burial benefits.

1 (6) Confirmed and continued claims.

2 (7) Vocational rehabilitation and education.

3 (8) Waivers of indebtedness.

4 (9) Miscellaneous.

5 (b) The Veterans Service Organization Reimbursement Fund
6 is created as a special fund in the State treasury. Subject to
7 appropriation, the Department shall use moneys appropriated
8 from the Fund to make payments to a veterans service
9 organization for veterans services rendered on behalf of
10 veterans and their spouses and beneficiaries by a veterans
11 service officer employed by the organization. The payment shall
12 be computed at the rate of \$0.010 for each dollar of benefits
13 obtained for veterans or their spouses or beneficiaries
14 residing in Illinois as a result of the efforts of the veterans
15 service officer. There shall be no payment under this Section
16 for the value of health care received in a health care facility
17 under the jurisdiction of the United States Veterans
18 Administration. A veterans service organization may receive
19 compensation under this Fund or it may apply for grants from
20 the Illinois Veterans Assistance Fund, but in no event may a
21 veterans service organization receive moneys from both funds
22 during the same fiscal year. Funding for each applicant is
23 subject to renewal by the Department on an annual basis.

24 (c) To be eligible for a payment under this Section, a
25 veterans service organization must document the amount of
26 moneys obtained for veterans and their spouses and

1 beneficiaries in the form and manner required by the
2 Department. The documentation must include the submission to
3 the Department of a copy of the organization's report or
4 reports to the United States Department of Veterans Affairs
5 stating the amount of moneys obtained by the organization for
6 veterans and their spouses and beneficiaries in the State
7 fiscal year for which payment under this Section is requested.
8 The organization must submit the copy of the report or reports
9 to the Department no later than July 31 following the end of
10 the State fiscal year for which payment is requested.

11 (d) The Department shall make the payment under this
12 Section to a veterans service organization in a single annual
13 payment for each State fiscal year, beginning with the State
14 fiscal year that begins on July 1, 2007. The Department must
15 make the payment for a State fiscal year on or before December
16 31 of the succeeding State fiscal year.

17 (e) A veterans service organization shall use moneys
18 received under this Section only for the purpose of paying the
19 salary and expenses of one or more veterans service officers
20 and the organization's related expenses incurred in employing
21 the officer or officers for the processing of claims and other
22 benefits for veterans and their spouses and beneficiaries.

23 (Source: P.A. 95-629, eff. 9-25-07; revised 12-6-07.)

24 Section 75. The Building Authority Act is amended by
25 changing Section 5 as follows:

1 (20 ILCS 3110/5) (from Ch. 127, par. 213.5)

2 Sec. 5. Powers. To accomplish projects of the kind listed
3 in Section 3 above, the Authority shall possess the following
4 powers:

5 (a) Acquire by purchase or otherwise (including the power
6 of condemnation in the manner provided for the exercise of the
7 right of eminent domain under the Eminent Domain Act),
8 construct, complete, remodel and install fixed equipment in any
9 and all buildings and other facilities as the General Assembly
10 by law declares to be in the public interest.

11 Whenever the General Assembly has by law declared it to be
12 in the public interest for the Authority to acquire any real
13 estate, construct, complete, remodel and install fixed
14 equipment in buildings and other facilities for public
15 community college districts, the Director of the Department of
16 Central Management Services shall, when requested by any such
17 public community college district board, enter into a lease by
18 and on behalf of and for the use of such public community
19 college district board to the extent appropriations have been
20 made by the General Assembly to pay the rents under the terms
21 of such lease.

22 In the course of such activities, acquire property of any
23 and every kind and description, whether real, personal or
24 mixed, by gift, purchase or otherwise. It may also acquire real
25 estate of the State of Illinois controlled by any officer,

1 department, board, commission, or other agency of the State, or
2 the Board of Trustees of the University of Illinois, the Board
3 of Trustees of Southern Illinois University, the Board of
4 Trustees of Chicago State University, the Board of Trustees of
5 Eastern Illinois University, the Board of Trustees of Governors
6 State University, the Board of Trustees of Illinois State
7 University, the Board of Trustees of Northeastern Illinois
8 University, the Board of Trustees of Northern Illinois
9 University, the Board of Trustees of Western Illinois
10 University, or any public community college district board, the
11 jurisdiction of which is transferred by such officer,
12 department, board, commission, or other agency or the Board of
13 Trustees of Southern Illinois University, the Board of Trustees
14 of Chicago State University, the Board of Trustees of Eastern
15 Illinois University, the Board of Trustees of Governors State
16 University, the Board of Trustees of Illinois State University,
17 the Board of Trustees of Northeastern Illinois University, the
18 Board of Trustees of Northern Illinois University, the Board of
19 Trustees of Western Illinois University, or any public
20 community college district board to the Authority. The Board of
21 Trustees of the University of Illinois, the Board of Trustees
22 of Southern Illinois University, the Board of Trustees of
23 Chicago State University, the Board of Trustees of Eastern
24 Illinois University, the Board of Trustees of Governors State
25 University, the Board of Trustees of Illinois State University,
26 the Board of Trustees of Northeastern Illinois University, the

1 Board of Trustees of Northern Illinois University, the Board of
2 Trustees of Western Illinois University, and any public
3 community college district board, respectively, shall prepare
4 plans and specifications for and have supervision over any
5 project to be undertaken by the Authority for their use. Before
6 any other particular construction is undertaken, plans and
7 specifications shall be approved by the lessee provided for
8 under (b) below, except as indicated above.

9 (b) Execute leases of facilities and sites to, and charge
10 for the use of any such facilities and sites by, any officer,
11 department, board, commission or other agency of the State of
12 Illinois, or the Director of the Department of Central
13 Management Services when the Director is requested to, by and
14 on behalf of, or for the use of, any officer, department,
15 board, commission or other agency of the State of Illinois, or
16 by the Board of Trustees of the University of Illinois, the
17 Board of Trustees of Southern Illinois University, the Board of
18 Trustees of Chicago State University, the Board of Trustees of
19 Eastern Illinois University, the Board of Trustees of Governors
20 State University, the Board of Trustees of Illinois State
21 University, the Board of Trustees of Northeastern Illinois
22 University, the Board of Trustees of Northern Illinois
23 University, the Board of Trustees of Western Illinois
24 University, or any public community college district board.
25 Such leases may be entered into contemporaneously with any
26 financing to be done by the Authority and payments under the

1 terms of the lease shall begin at any time after execution of
2 any such lease.

3 (c) In the event of non-payment of rents reserved in such
4 leases, maintain and operate such facilities and sites or
5 execute leases thereof to others for any suitable purposes.
6 Such leases to the officers, departments, boards, commissions,
7 other agencies, the respective Boards of Trustees, or any
8 public community college district board shall contain the
9 provision that rents under such leases shall be payable solely
10 from appropriations to be made by the General Assembly for the
11 payment of such rent and any revenues derived from the
12 operation of the leased premises.

13 (d) Borrow money and issue and sell bonds in such amount or
14 amounts as the Authority may determine for the purpose of
15 acquiring, constructing, completing or remodeling, or putting
16 fixed equipment in any such facility; refund and refinance the
17 same from time to time as often as advantageous and in the
18 public interest to do so; and pledge any and all income of such
19 Authority, and any revenues derived from such facilities, or
20 any combination thereof, to secure the payment of such bonds
21 and to redeem such bonds. All such bonds are subject to the
22 provisions of Section 6 of this Act.

23 In addition to the permanent financing authorized by
24 Sections 5 and 6 of this Act, the Illinois Building Authority
25 may borrow money and issue interim notes in evidence thereof
26 for any of the projects, or to perform any of the duties

1 authorized under this Act, and in addition may borrow money and
2 issue interim notes for planning, architectural and
3 engineering, acquisition of land, and purchase of fixed
4 equipment as follows:

5 1. Whenever the Authority considers it advisable and in
6 the interests of the Authority to borrow funds temporarily
7 for any of the purposes enumerated in this Section, the
8 Authority may from time to time, and pursuant to
9 appropriate resolution, issue interim notes to evidence
10 such borrowings including funds for the payment of interest
11 on such borrowings and funds for all necessary and
12 incidental expenses in connection with any of the purposes
13 provided for by this Section and this Act until the date of
14 the permanent financing. Any resolution authorizing the
15 issuance of such notes shall describe the project to be
16 undertaken and shall specify the principal amount, rate of
17 interest (not exceeding the maximum rate authorized by the
18 Bond Authorization Act, as amended at the time of the
19 making of the contract,) and maturity date, but not to
20 exceed 5 years from date of issue, and such other terms as
21 may be specified in such resolution; however, time of
22 payment of any such notes may be extended for a period of
23 not exceeding 3 years from the maturity date thereof.

24 The Authority may provide for the registration of the
25 notes in the name of the owner either as to principal
26 alone, or as to both principal and interest, on such terms

1 and conditions as the Authority may determine by the
2 resolution authorizing their issue. The notes shall be
3 issued from time to time by the Authority as funds are
4 borrowed, in the manner the Authority may determine.
5 Interest on the notes may be made payable semiannually,
6 annually or at maturity. The notes may be made redeemable,
7 prior to maturity, at the option of the Authority, in the
8 manner and upon the terms fixed by the resolution
9 authorizing their issuance. The notes may be executed in
10 the name of the Authority by the Chairman of the Authority
11 or by any other officer or officers of the Authority as the
12 Authority by resolution may direct, shall be attested by
13 the Secretary or such other officer or officers of the
14 Authority as the Authority may by resolution direct, and be
15 sealed with the Authority's corporate seal. All such notes
16 and the interest thereon may be secured by a pledge of any
17 income and revenue derived by the Authority from the
18 project to be undertaken with the proceeds of the notes and
19 shall be payable solely from such income and revenue and
20 from the proceeds to be derived from the sale of any
21 revenue bonds for permanent financing authorized to be
22 issued under Sections 5 and 6 of this Act, and from the
23 property acquired with the proceeds of the notes.

24 Contemporaneously with the issue of revenue bonds as
25 provided by this Act, all interim notes, even though they
26 may not then have matured, shall be paid, both principal

1 and interest to date of payment, from the funds derived
2 from the sale of revenue bonds for the permanent financing
3 and such interim notes shall be surrendered and canceled.

4 2. The Authority, in order further to secure the
5 payment of the interim notes, is, in addition to the
6 foregoing, authorized and empowered to make any other or
7 additional covenants, terms and conditions not
8 inconsistent with the provisions of subparagraph (a) of
9 this Section, and do any and all acts and things as may be
10 necessary or convenient or desirable in order to secure
11 payment of its interim notes, or in the discretion of the
12 Authority, as will tend to make the interim notes more
13 acceptable to lenders, notwithstanding that the covenants,
14 acts or things may not be enumerated herein; however,
15 nothing contained in this subparagraph shall authorize the
16 Authority to secure the payment of the interim notes out of
17 property or facilities, other than the facilities acquired
18 with the proceeds of the interim notes, and any net income
19 and revenue derived from the facilities and the proceeds of
20 revenue bonds as hereinabove provided.

21 (e) Convey property, without charge, to the State or to the
22 appropriate corporate agency of the State or to any public
23 community college district board if and when all debts which
24 have been secured by the income from such property have been
25 paid.

26 (f) Enter into contracts regarding any matter connected

1 with any corporate purpose within the objects and purposes of
2 this Act.

3 (g) Employ agents and employees necessary to carry out the
4 duties and purposes of the Authority.

5 (h) Adopt all necessary by-laws, rules and regulations for
6 the conduct of the business and affairs of the Authority, and
7 for the management and use of facilities and sites acquired
8 under the powers granted by this Act.

9 (i) Have and use a common seal and alter the same at
10 pleasure.

11 The Interim notes shall constitute State debt of the State
12 of Illinois within the meaning of any of the provisions of the
13 Constitution and statutes of the State of Illinois.

14 No member, officer, agent or employee of the Authority, nor
15 any other person who executes interim notes, shall be liable
16 personally by reason of the issuance thereof.

17 With respect to instruments for the payment of money issued
18 under this Section either before, on, or after the effective
19 date of this amendatory Act of 1989, it is and always has been
20 the intention of the General Assembly (i) that the Omnibus Bond
21 Acts are and always have been supplementary grants of power to
22 issue instruments in accordance with the Omnibus Bond Acts,
23 regardless of any provision of this Act that may appear to be
24 or to have been more restrictive than those Acts, (ii) that the
25 provisions of this Section are not a limitation on the
26 supplementary authority granted by the Omnibus Bond Acts, and

1 (iii) that instruments issued under this Section within the
2 supplementary authority granted by the Omnibus Bond Acts are
3 not invalid because of any provision of this Act that may
4 appear to be or to have been more restrictive than those Acts.
5 (Source: P.A. 94-1055, eff. 1-1-07; 94-1105, eff. 6-1-07;
6 revised 12-26-07.)

7 Section 80. The Illinois Finance Authority Act is amended
8 by changing Sections 801-40 and 845-5 and by setting forth and
9 renumbering multiple versions of Section 825-90 as follows:

10 (20 ILCS 3501/801-40)

11 Sec. 801-40. In addition to the powers otherwise authorized
12 by law and in addition to the foregoing general corporate
13 powers, the Authority shall also have the following additional
14 specific powers to be exercised in furtherance of the purposes
15 of this Act.

16 (a) The Authority shall have power (i) to accept grants,
17 loans or appropriations from the federal government or the
18 State, or any agency or instrumentality thereof, to be used for
19 the operating expenses of the Authority, or for any purposes of
20 the Authority, including the making of direct loans of such
21 funds with respect to projects, and (ii) to enter into any
22 agreement with the federal government or the State, or any
23 agency or instrumentality thereof, in relationship to such
24 grants, loans or appropriations.

1 (b) The Authority shall have power to procure and enter
2 into contracts for any type of insurance and indemnity
3 agreements covering loss or damage to property from any cause,
4 including loss of use and occupancy, or covering any other
5 insurable risk.

6 (c) The Authority shall have the continuing power to issue
7 bonds for its corporate purposes. Bonds may be issued by the
8 Authority in one or more series and may provide for the payment
9 of any interest deemed necessary on such bonds, of the costs of
10 issuance of such bonds, of any premium on any insurance, or of
11 the cost of any guarantees, letters of credit or other similar
12 documents, may provide for the funding of the reserves deemed
13 necessary in connection with such bonds, and may provide for
14 the refunding or advance refunding of any bonds or for accounts
15 deemed necessary in connection with any purpose of the
16 Authority. The bonds may bear interest payable at any time or
17 times and at any rate or rates, notwithstanding any other
18 provision of law to the contrary, and such rate or rates may be
19 established by an index or formula which may be implemented or
20 established by persons appointed or retained therefor by the
21 Authority, or may bear no interest or may bear interest payable
22 at maturity or upon redemption prior to maturity, may bear such
23 date or dates, may be payable at such time or times and at such
24 place or places, may mature at any time or times not later than
25 40 years from the date of issuance, may be sold at public or
26 private sale at such time or times and at such price or prices,

1 may be secured by such pledges, reserves, guarantees, letters
2 of credit, insurance contracts or other similar credit support
3 or liquidity instruments, may be executed in such manner, may
4 be subject to redemption prior to maturity, may provide for the
5 registration of the bonds, and may be subject to such other
6 terms and conditions all as may be provided by the resolution
7 or indenture authorizing the issuance of such bonds. The holder
8 or holders of any bonds issued by the Authority may bring suits
9 at law or proceedings in equity to compel the performance and
10 observance by any person or by the Authority or any of its
11 agents or employees of any contract or covenant made with the
12 holders of such bonds and to compel such person or the
13 Authority and any of its agents or employees to perform any
14 duties required to be performed for the benefit of the holders
15 of any such bonds by the provision of the resolution
16 authorizing their issuance, and to enjoin such person or the
17 Authority and any of its agents or employees from taking any
18 action in conflict with any such contract or covenant.
19 Notwithstanding the form and tenor of any such bonds and in the
20 absence of any express recital on the face thereof that it is
21 non-negotiable, all such bonds shall be negotiable
22 instruments. Pending the preparation and execution of any such
23 bonds, temporary bonds may be issued as provided by the
24 resolution. The bonds shall be sold by the Authority in such
25 manner as it shall determine. The bonds may be secured as
26 provided in the authorizing resolution by the receipts,

1 revenues, income and other available funds of the Authority and
2 by any amounts derived by the Authority from the loan agreement
3 or lease agreement with respect to the project or projects; and
4 bonds may be issued as general obligations of the Authority
5 payable from such revenues, funds and obligations of the
6 Authority as the bond resolution shall provide, or may be
7 issued as limited obligations with a claim for payment solely
8 from such revenues, funds and obligations as the bond
9 resolution shall provide. The Authority may grant a specific
10 pledge or assignment of and lien on or security interest in
11 such rights, revenues, income, or amounts and may grant a
12 specific pledge or assignment of and lien on or security
13 interest in any reserves, funds or accounts established in the
14 resolution authorizing the issuance of bonds. Any such pledge,
15 assignment, lien or security interest for the benefit of the
16 holders of the Authority's bonds shall be valid and binding
17 from the time the bonds are issued without any physical
18 delivery or further act, and shall be valid and binding as
19 against and prior to the claims of all other parties having
20 claims against the Authority or any other person irrespective
21 of whether the other parties have notice of the pledge,
22 assignment, lien or security interest. As evidence of such
23 pledge, assignment, lien and security interest, the Authority
24 may execute and deliver a mortgage, trust agreement, indenture
25 or security agreement or an assignment thereof. A remedy for
26 any breach or default of the terms of any such agreement by the

1 Authority may be by mandamus proceedings in any court of
2 competent jurisdiction to compel the performance and
3 compliance therewith, but the agreement may prescribe by whom
4 or on whose behalf such action may be instituted. It is
5 expressly understood that the Authority may, but need not,
6 acquire title to any project with respect to which it exercises
7 its authority.

8 (d) With respect to the powers granted by this Act, the
9 Authority may adopt rules and regulations prescribing the
10 procedures by which persons may apply for assistance under this
11 Act. Nothing herein shall be deemed to preclude the Authority,
12 prior to the filing of any formal application, from conducting
13 preliminary discussions and investigations with respect to the
14 subject matter of any prospective application.

15 (e) The Authority shall have power to acquire by purchase,
16 lease, gift or otherwise any property or rights therein from
17 any person useful for its purposes, whether improved for the
18 purposes of any prospective project, or unimproved. The
19 Authority may also accept any donation of funds for its
20 purposes from any such source. The Authority shall have no
21 independent power of condemnation but may acquire any property
22 or rights therein obtained upon condemnation by any other
23 authority, governmental entity or unit of local government with
24 such power.

25 (f) The Authority shall have power to develop, construct
26 and improve either under its own direction, or through

1 collaboration with any approved applicant, or to acquire
2 through purchase or otherwise, any project, using for such
3 purpose the proceeds derived from the sale of its bonds or from
4 governmental loans or grants, and to hold title in the name of
5 the Authority to such projects.

6 (g) The Authority shall have power to lease pursuant to a
7 lease agreement any project so developed and constructed or
8 acquired to the approved tenant on such terms and conditions as
9 may be appropriate to further the purposes of this Act and to
10 maintain the credit of the Authority. Any such lease may
11 provide for either the Authority or the approved tenant to
12 assume initially, in whole or in part, the costs of
13 maintenance, repair and improvements during the leasehold
14 period. In no case, however, shall the total rentals from any
15 project during any initial leasehold period or the total loan
16 repayments to be made pursuant to any loan agreement, be less
17 than an amount necessary to return over such lease or loan
18 period (1) all costs incurred in connection with the
19 development, construction, acquisition or improvement of the
20 project and for repair, maintenance and improvements thereto
21 during the period of the lease or loan; provided, however, that
22 the rentals or loan repayments need not include costs met
23 through the use of funds other than those obtained by the
24 Authority through the issuance of its bonds or governmental
25 loans; (2) a reasonable percentage additive to be agreed upon
26 by the Authority and the borrower or tenant to cover a properly

1 allocable portion of the Authority's general expenses,
2 including, but not limited to, administrative expenses,
3 salaries and general insurance, and (3) an amount sufficient to
4 pay when due all principal of, interest and premium, if any on,
5 any bonds issued by the Authority with respect to the project.
6 The portion of total rentals payable under clause (3) of this
7 subsection (g) shall be deposited in such special accounts,
8 including all sinking funds, acquisition or construction
9 funds, debt service and other funds as provided by any
10 resolution, mortgage or trust agreement of the Authority
11 pursuant to which any bond is issued.

12 (h) The Authority has the power, upon the termination of
13 any leasehold period of any project, to sell or lease for a
14 further term or terms such project on such terms and conditions
15 as the Authority shall deem reasonable and consistent with the
16 purposes of the Act. The net proceeds from all such sales and
17 the revenues or income from such leases shall be used to
18 satisfy any indebtedness of the Authority with respect to such
19 project and any balance may be used to pay any expenses of the
20 Authority or be used for the further development, construction,
21 acquisition or improvement of projects. In the event any
22 project is vacated by a tenant prior to the termination of the
23 initial leasehold period, the Authority shall sell or lease the
24 facilities of the project on the most advantageous terms
25 available. The net proceeds of any such disposition shall be
26 treated in the same manner as the proceeds from sales or the

1 revenues or income from leases subsequent to the termination of
2 any initial leasehold period.

3 (i) The Authority shall have the power to make loans to
4 persons to finance a project, to enter into loan agreements
5 with respect thereto, and to accept guarantees from persons of
6 its loans or the resultant evidences of obligations of the
7 Authority.

8 (j) The Authority may fix, determine, charge and collect
9 any premiums, fees, charges, costs and expenses, including,
10 without limitation, any application fees, commitment fees,
11 program fees, financing charges or publication fees from any
12 person in connection with its activities under this Act.

13 (k) In addition to the funds established as provided
14 herein, the Authority shall have the power to create and
15 establish such reserve funds and accounts as may be necessary
16 or desirable to accomplish its purposes under this Act and to
17 deposit its available monies into the funds and accounts.

18 (l) At the request of the governing body of any unit of
19 local government, the Authority is authorized to market such
20 local government's revenue bond offerings by preparing bond
21 issues for sale, advertising for sealed bids, receiving bids at
22 its offices, making the award to the bidder that offers the
23 most favorable terms or arranging for negotiated placements or
24 underwritings of such securities. The Authority may, at its
25 discretion, offer for concurrent sale the revenue bonds of
26 several local governments. Sales by the Authority of revenue

1 bonds under this Section shall in no way imply State guarantee
2 of such debt issue. The Authority may require such financial
3 information from participating local governments as it deems
4 necessary in order to carry out the purposes of this subsection
5 (1).

6 (m) The Authority may make grants to any county to which
7 Division 5-37 of the Counties Code is applicable to assist in
8 the financing of capital development, construction and
9 renovation of new or existing facilities for hospitals and
10 health care facilities under that Act. Such grants may only be
11 made from funds appropriated for such purposes from the Build
12 Illinois Bond Fund.

13 (n) The Authority may establish an urban development action
14 grant program for the purpose of assisting municipalities in
15 Illinois which are experiencing severe economic distress to
16 help stimulate economic development activities needed to aid in
17 economic recovery. The Authority shall determine the types of
18 activities and projects for which the urban development action
19 grants may be used, provided that such projects and activities
20 are broadly defined to include all reasonable projects and
21 activities the primary objectives of which are the development
22 of viable urban communities, including decent housing and a
23 suitable living environment, and expansion of economic
24 opportunity, principally for persons of low and moderate
25 incomes. The Authority shall enter into grant agreements from
26 monies appropriated for such purposes from the Build Illinois

1 Bond Fund. The Authority shall monitor the use of the grants,
2 and shall provide for audits of the funds as well as recovery
3 by the Authority of any funds determined to have been spent in
4 violation of this subsection (n) or any rule or regulation
5 promulgated hereunder. The Authority shall provide technical
6 assistance with regard to the effective use of the urban
7 development action grants. The Authority shall file an annual
8 report to the General Assembly concerning the progress of the
9 grant program.

10 (o) The Authority may establish a Housing Partnership
11 Program whereby the Authority provides zero-interest loans to
12 municipalities for the purpose of assisting in the financing of
13 projects for the rehabilitation of affordable multi-family
14 housing for low and moderate income residents. The Authority
15 may provide such loans only upon a municipality's providing
16 evidence that it has obtained private funding for the
17 rehabilitation project. The Authority shall provide 3 State
18 dollars for every 7 dollars obtained by the municipality from
19 sources other than the State of Illinois. The loans shall be
20 made from monies appropriated for such purpose from the Build
21 Illinois Bond Fund. The total amount of loans available under
22 the Housing Partnership Program shall not exceed \$30,000,000.
23 State loan monies under this subsection shall be used only for
24 the acquisition and rehabilitation of existing buildings
25 containing 4 or more dwelling units. The terms of any loan made
26 by the municipality under this subsection shall require

1 repayment of the loan to the municipality upon any sale or
2 other transfer of the project.

3 (p) The Authority may award grants to universities and
4 research institutions, research consortiums and other
5 not-for-profit entities for the purposes of: remodeling or
6 otherwise physically altering existing laboratory or research
7 facilities, expansion or physical additions to existing
8 laboratory or research facilities, construction of new
9 laboratory or research facilities or acquisition of modern
10 equipment to support laboratory or research operations
11 provided that such grants (i) be used solely in support of
12 project and equipment acquisitions which enhance technology
13 transfer, and (ii) not constitute more than 60 percent of the
14 total project or acquisition cost.

15 (q) Grants may be awarded by the Authority to units of
16 local government for the purpose of developing the appropriate
17 infrastructure or defraying other costs to the local government
18 in support of laboratory or research facilities provided that
19 such grants may not exceed 40% of the cost to the unit of local
20 government.

21 (r) The Authority may establish a Direct Loan Program to
22 make loans to individuals, partnerships or corporations for the
23 purpose of an industrial project, as defined in Section 801-10
24 of this Act. For the purposes of such program and not by way of
25 limitation on any other program of the Authority, the Authority
26 shall have the power to issue bonds, notes, or other evidences

1 of indebtedness including commercial paper for purposes of
2 providing a fund of capital from which it may make such loans.
3 The Authority shall have the power to use any appropriations
4 from the State made especially for the Authority's Direct Loan
5 Program for additional capital to make such loans or for the
6 purposes of reserve funds or pledged funds which secure the
7 Authority's obligations of repayment of any bond, note or other
8 form of indebtedness established for the purpose of providing
9 capital for which it intends to make such loans under the
10 Direct Loan Program. For the purpose of obtaining such capital,
11 the Authority may also enter into agreements with financial
12 institutions and other persons for the purpose of selling loans
13 and developing a secondary market for such loans. Loans made
14 under the Direct Loan Program may be in an amount not to exceed
15 \$300,000 and shall be made for a portion of an industrial
16 project which does not exceed 50% of the total project. No loan
17 may be made by the Authority unless approved by the affirmative
18 vote of at least 8 members of the board. The Authority shall
19 establish procedures and publish rules which shall provide for
20 the submission, review, and analysis of each direct loan
21 application and which shall preserve the ability of each board
22 member to reach an individual business judgment regarding the
23 propriety of making each direct loan. The collective discretion
24 of the board to approve or disapprove each loan shall be
25 unencumbered. The Authority may establish and collect such fees
26 and charges, determine and enforce such terms and conditions,

1 and charge such interest rates as it determines to be necessary
2 and appropriate to the successful administration of the Direct
3 Loan Program. The Authority may require such interests in
4 collateral and such guarantees as it determines are necessary
5 to project the Authority's interest in the repayment of the
6 principal and interest of each loan made under the Direct Loan
7 Program.

8 (s) The Authority may guarantee private loans to third
9 parties up to a specified dollar amount in order to promote
10 economic development in this State.

11 (t) The Authority may adopt rules and regulations as may be
12 necessary or advisable to implement the powers conferred by
13 this Act.

14 (u) The Authority shall have the power to issue bonds,
15 notes or other evidences of indebtedness, which may be used to
16 make loans to units of local government which are authorized to
17 enter into loan agreements and other documents and to issue
18 bonds, notes and other evidences of indebtedness for the
19 purpose of financing the protection of storm sewer outfalls,
20 the construction of adequate storm sewer outfalls, and the
21 provision for flood protection of sanitary sewage treatment
22 plans, in counties that have established a stormwater
23 management planning committee in accordance with Section
24 5-1062 of the Counties Code. Any such loan shall be made by the
25 Authority pursuant to the provisions of Section 820-5 to 820-60
26 of this Act. The unit of local government shall pay back to the

1 Authority the principal amount of the loan, plus annual
2 interest as determined by the Authority. The Authority shall
3 have the power, subject to appropriations by the General
4 Assembly, to subsidize or buy down a portion of the interest on
5 such loans, up to 4% per annum.

6 (v) The Authority may accept security interests as provided
7 in Sections 11-3 and 11-3.3 of the Illinois Public Aid Code.

8 (w) Moral Obligation. In the event that the Authority
9 determines that monies of the Authority will not be sufficient
10 for the payment of the principal of and interest on its bonds
11 during the next State fiscal year, the Chairperson, as soon as
12 practicable, shall certify to the Governor the amount required
13 by the Authority to enable it to pay such principal of and
14 interest on the bonds. The Governor shall submit the amount so
15 certified to the General Assembly as soon as practicable, but
16 no later than the end of the current State fiscal year. This
17 subsection shall apply only to any bonds or notes as to which
18 the Authority shall have determined, in the resolution
19 authorizing the issuance of the bonds or notes, that this
20 subsection shall apply. Whenever the Authority makes such a
21 determination, that fact shall be plainly stated on the face of
22 the bonds or notes and that fact shall also be reported to the
23 Governor. In the event of a withdrawal of moneys from a reserve
24 fund established with respect to any issue or issues of bonds
25 of the Authority to pay principal or interest on those bonds,
26 the Chairperson of the Authority, as soon as practicable, shall

1 certify to the Governor the amount required to restore the
2 reserve fund to the level required in the resolution or
3 indenture securing those bonds. The Governor shall submit the
4 amount so certified to the General Assembly as soon as
5 practicable, but no later than the end of the current State
6 fiscal year. The Authority shall obtain written approval from
7 the Governor for any bonds and notes to be issued under this
8 Section. In addition to any other bonds authorized to be issued
9 under Sections 825-60, 825-65(e), 830-25 and 845-5, the
10 principal amount of Authority bonds outstanding issued under
11 this Section 801-40(w) or under 20 ILCS 3850/1-80 or 30 ILCS
12 360/2-6(c), which have been assumed by the Authority, shall not
13 exceed \$150,000,000. This subsection (w) shall in no way be
14 applied to any bonds issued by the Authority on behalf of the
15 Illinois Power Agency under Section 825-90 of this Act.

16 (x) The Authority may enter into agreements or contracts
17 with any person necessary or appropriate to place the payment
18 obligations of the Authority under any of its bonds in whole or
19 in part on any interest rate basis, cash flow basis, or other
20 basis desired by the Authority, including without limitation
21 agreements or contracts commonly known as "interest rate swap
22 agreements", "forward payment conversion agreements", and
23 "futures", or agreements or contracts to exchange cash flows or
24 a series of payments, or agreements or contracts, including
25 without limitation agreements or contracts commonly known as
26 "options", "puts", or "calls", to hedge payment, rate spread,

1 or similar exposure; provided that any such agreement or
2 contract shall not constitute an obligation for borrowed money
3 and shall not be taken into account under Section 845-5 of this
4 Act or any other debt limit of the Authority or the State of
5 Illinois.

6 (Source: P.A. 94-91, eff. 7-1-05; 95-470, eff. 8-27-07; 95-481,
7 eff. 8-28-07; revised 10-30-07.)

8 (20 ILCS 3501/825-90)

9 Sec. 825-90. Illinois Power Agency Bonds.

10 (a) In this Section:

11 "Agency" means the Illinois Power Agency.

12 "Agency loan agreement" means any agreement pursuant to
13 which the Illinois Finance Authority agrees to loan the
14 proceeds of its revenue bonds issued with respect to a specific
15 Illinois Power Agency project to the Illinois Power Agency upon
16 terms providing for loan repayment installments at least
17 sufficient to pay when due all principal of, interest and
18 premium, if any, on any revenue bonds of the Authority, if any,
19 issued with respect to the Illinois Power Agency project, and
20 providing for maintenance, insurance, and other matters as may
21 be deemed desirable by the Authority.

22 "Authority" means the Illinois Finance Authority.

23 "Director" means the Director of the Illinois Power Agency.

24 "Facility" means an electric generating unit or a
25 co-generating unit that produces electricity along with

1 related equipment necessary to connect the facility to an
2 electric transmission or distribution system.

3 "Governmental aggregator" means one or more units of local
4 government that individually or collectively procures
5 electricity to serve residential retail electrical loads
6 located within its or their jurisdiction.

7 "Local government" means a unit of local government as
8 defined in Section 1 of Article VII of the Illinois
9 Constitution of 1970.

10 "Project" means any project as defined in the Illinois
11 Power Agency Act.

12 "Real property" means any interest in land, together with
13 all structures, fixtures, and improvements thereon, including
14 lands under water and riparian rights, any easements,
15 covenants, licenses, leases, rights-of-way, uses, and other
16 interests, together with any liens, judgments, mortgages, or
17 other claims or security interests related to real property.

18 "Revenue bond" means any bond, note, or other evidence of
19 indebtedness issued by the Illinois Finance Authority on behalf
20 of the Illinois Power Agency, the principal and interest of
21 which is payable solely from revenues or income derived from
22 any project or activity of the Agency.

23 (b) Powers and duties; Illinois Power Agency Program. The
24 Authority has the power:

25 (1) To accept from time to time pursuant to an Agency
26 loan agreement any pledge or a pledge agreement by the

1 Agency subject to the requirements and limitations of the
2 Illinois Power Agency Act.

3 (2) To issue revenue bonds in one or more series
4 pursuant to one or more resolutions of the Authority to
5 loan funds to the Agency pursuant to one or more Agency
6 loan agreements meeting the requirements of the Illinois
7 Power Agency Act and providing for the payment of any
8 interest deemed necessary on those revenue bonds, paying
9 for the cost of issuance of those revenue bonds, providing
10 for the payment of the cost of any guarantees, letters of
11 credit, insurance contracts or other similar credit
12 support or liquidity instruments, or providing for the
13 funding of any reserves deemed necessary in connection with
14 those revenue bonds and refunding or advance refunding of
15 any such revenue bonds and the interest and any premium
16 thereon, pursuant to this Act. Authority for the agreements
17 shall conform to the requirements of the Illinois Power
18 Agency Act. The Authority may issue up to \$4,000,000,000
19 aggregate principal amount of revenue bonds, the net
20 proceeds of which shall be loaned to the Agency pursuant to
21 one or more Agency loan agreements. No revenue bonds issued
22 to refund or advance refund revenue bonds issued under this
23 Section may mature later than the longest maturity date of
24 the series of bonds being refunded. After the aggregate
25 original principal amount of revenue bonds authorized in
26 this Section has been issued, the payment of any principal

1 amount of those revenue bonds does not authorize the
2 issuance of additional revenue bonds (except refunding
3 revenue bonds). Such revenue bond authorization is in
4 addition to any other bonds authorized in this Act. All
5 bonds issued on behalf of the Agency must be issued by the
6 Authority and must be revenue bonds. These revenue bonds
7 may be taxable or tax-exempt.

8 (3) To provide for the funding of any reserves or other
9 funds or accounts deemed necessary by the Authority on
10 behalf of the Agency in connection with its issuance of
11 Agency revenue bonds.

12 (4) To accept the pledge of any Agency revenue,
13 including any payments thereon, and any other property or
14 funds of the Agency or funds made available to the
15 Authority through the applicable Agency loan agreement
16 with the Agency that may be applied to such purpose, as
17 security for any revenue bonds or any guarantees, letters
18 of credit, insurance contracts, or similar credit support
19 or liquidity instruments securing the revenue bonds.

20 (5) To enter into agreements or contracts with third
21 parties, whether public or private, including without
22 limitation the United States of America, the State, or any
23 department or agency thereof, to obtain any grants, loans,
24 or guarantees that are deemed necessary or desirable by the
25 Authority. Any such guarantee, agreement, or contract may
26 contain terms and provisions necessary or desirable in

1 connection with the program, subject to the requirements
2 established by this Article.

3 (6) To charge reasonable fees to defray the cost of
4 obtaining letters of credit, insurance contracts, or other
5 similar documents, and to charge such other reasonable fees
6 to defray the cost of trustees, depositories, paying
7 agents, legal counsel, bond registrars, escrow agents, and
8 other administrative expenses. Any such fees shall be
9 payable by the Agency, in such amounts and at such times as
10 the Authority shall determine.

11 (7) To obtain and maintain guarantees, letters of
12 credit, insurance contracts, or similar credit support or
13 liquidity instruments that are deemed necessary or
14 desirable in connection with any revenue bonds or other
15 obligations of the Authority for any Agency revenue bonds.

16 (8) To provide technical assistance, at the request of
17 the Agency, with respect to the financing or refinancing
18 for any public purpose.

19 (9) To sell, transfer, or otherwise defease revenue
20 bonds issued on behalf of the Agency at the request and
21 authorization of the Agency.

22 (10) To enter into agreements or contracts with any
23 person necessary or appropriate to place the payment
24 obligations of the Agency relating to revenue bonds in
25 whole or in part on any interest rate basis, cash flow
26 basis, or other basis desired by the Authority, including

1 without limitation agreements or contracts commonly known
2 as "interest rate swap agreements", "forward payment
3 conversion agreements", and "futures", or agreements or
4 contracts to exchange cash flows or a series of payments,
5 or agreements or contracts, including without limitation
6 agreements or contracts commonly known as "options",
7 "puts" or "calls", to hedge payment, rate spread, or
8 similar exposure; provided, that any such agreement or
9 contract shall not constitute an obligation for borrowed
10 money, and shall not be taken into account under Section
11 845-5 of this Act or any other debt limit of the Authority
12 or the State of Illinois.

13 (11) To make and enter into all other agreements and
14 contracts and execute all instruments necessary or
15 incidental to performance of its duties and the execution
16 of its powers under this Article.

17 (12) To contract for and finance the costs of audits
18 and to contract for and finance the cost of project
19 monitoring. Any such contract shall be executed only after
20 it has been jointly negotiated by the Authority and the
21 Agency.

22 (13) To exercise such other powers as are necessary or
23 incidental to the foregoing.

24 (c) Illinois Power Agency participation. The Agency is
25 authorized to voluntarily participate in this program as
26 described in the Illinois Power Agency Act. The Authority may

1 issue revenue bonds on behalf of the Agency pursuant to an
2 Agency loan agreement entered into by the parties as set forth
3 in the Illinois Power Agency Act. Any proceeds from the sale of
4 those revenue bonds shall be deposited into the Illinois Power
5 Agency Facilities Fund to be used by the Agency for the
6 purposes set forth in the Illinois Power Agency Act.

7 (d) Pledge of revenues by the Agency. Any pledge of
8 revenues or other moneys made by the Agency shall be binding
9 from the time the pledge is made. Revenues and other moneys so
10 pledged shall be held in the Illinois Power Agency Facilities
11 Fund, Illinois Power Agency Debt Service Fund, or other funds
12 as directed by the Agency loan agreement. Revenues or other
13 moneys so pledged and thereafter received by the State
14 Treasurer shall immediately be subject to the lien of the
15 pledge without any physical delivery thereof or further act,
16 and the lien of any pledge shall be binding against all parties
17 having claims of any kind of tort, contract, or otherwise
18 against the Authority, irrespective of whether the parties have
19 notice thereof. Neither the resolution nor any other instrument
20 by which a pledge is created need be filed or recorded except
21 in the records of the Authority. The State pledges to and
22 agrees with the holders of revenue bonds, and the beneficial
23 owners of the revenue bonds issued on behalf of the Agency,
24 that the State shall not limit or restrict the rights hereby
25 vested in the Authority to purchase, acquire, hold, sell, or
26 defease revenue bonds or other investments or to establish and

1 collect such fees or other charges as may be convenient or
2 necessary to produce sufficient revenues to meet the expenses
3 of operation of the Authority, and to fulfill the terms of any
4 agreement made with the holders of the revenue bonds issued by
5 the Authority on behalf of the Agency or in any way impair the
6 rights or remedies of the holders of those revenue bonds or the
7 beneficial owners of the revenue bonds until those revenue
8 bonds are fully paid and discharged or provision for their
9 payment has been made. The revenue bonds shall not be a debt of
10 the State, the Authority, any political subdivision thereof
11 (other than the Agency to the extent provided therein), any
12 governmental aggregator as defined in the Illinois Power Agency
13 Act, or any local government, and neither the State, the
14 Authority, any political subdivision thereof (other than the
15 Agency to the extent provided therein), any governmental
16 aggregator, nor any local government shall be liable thereon.
17 The Authority shall not have the power to pledge the credit,
18 the revenues, or the taxing power of the State, any political
19 subdivision thereof (other than the Agency to the extent
20 provided in the Agency loan agreement relating to the revenue
21 bonds in question), any governmental aggregator, or of any
22 local government, and neither the credit, the revenues, nor the
23 taxing power of the State, any political subdivision thereof
24 (other than the Agency to the extent provided in the Agency
25 loan agreement relating to the revenue bonds in question), any
26 governmental aggregator, or of any local government shall be,

1 or shall be deemed to be, pledged to the payment of any revenue
2 bonds, or obligations of the Agency.

3 (e) Exemption from taxation. The creation of the Illinois
4 Power Agency is in all respects for the benefit of the people
5 of Illinois and for the improvement of their health, safety,
6 welfare, comfort, and security, and its purposes are public
7 purposes. In consideration thereof, the revenue bonds issued on
8 behalf of the Agency pursuant to this Act and the income from
9 these revenue bonds may be free from all taxation by the State
10 or its political subdivisions, except for estate, transfer, and
11 inheritance taxes. The exemption from taxation provided by the
12 preceding sentence shall apply to the income on any revenue
13 bonds issued on behalf of the Agency only if the Authority with
14 concurrence of the Agency in its sole judgment determines that
15 the exemption enhances the marketability of the revenue bonds
16 or reduces the interest rates that would otherwise be borne by
17 the revenue bonds and that the project for which the revenue
18 bonds will be issued will be owned by the Agency or another
19 governmental entity and that the project is used for public
20 consumption. For purposes of Section 250 of the Illinois Income
21 Tax Act, the exemption of the Agency shall terminate after all
22 of the revenue bonds have been paid. The amount of the income
23 that shall be added and then subtracted on the Illinois income
24 tax return of a taxpayer, subject to Section 203 of the
25 Illinois Income Tax Act, from federal adjusted gross income or
26 federal taxable income in computing Illinois base income shall

1 be the interest net of any bond premium amortization.

2 (Source: P.A. 95-481, eff. 8-28-07.)

3 (20 ILCS 3501/825-95)

4 Sec. 825-95 ~~825-90~~. Emerald ash borer revolving loan
5 program.

6 (a) The Illinois Finance Authority shall administer an
7 emerald ash borer revolving loan program. The program shall
8 provide low-interest or zero-interest loans to units of local
9 government for the replanting of trees on public lands that are
10 within emerald ash borer quarantine areas as established by the
11 Illinois Department of Agriculture. The Authority shall make
12 loans based on the recommendation of the Department of
13 Agriculture.

14 (b) The loan funds, subject to appropriation, must be paid
15 out of the Emerald Ash Borer Revolving Loan Fund, a special
16 fund created in the State treasury. The moneys in the Fund
17 consist of any moneys transferred or appropriated into the Fund
18 as well as all repayments of loans made under this program.
19 Moneys in the Fund may be used only for loans to units of local
20 government for the replanting of trees within emerald ash borer
21 quarantine areas established by the Department of Agriculture
22 and for no other purpose. All interest earned on moneys in the
23 Fund must be deposited into the Fund.

24 (c) A loan for the replanting of trees on public lands
25 within emerald ash borer quarantine areas established by the

1 Department of Agriculture may not exceed \$5,000,000 to any one
2 unit of local government. The repayment period for the loan may
3 not exceed 20 years. The unit of local government shall repay,
4 each year, at least 5% of the principal amount borrowed or the
5 remaining balance of the loan, whichever is less. All
6 repayments of loans must be deposited into the Emerald Ash
7 Borer Revolving Loan Fund.

8 (d) Any loan under this Section to a unit of local
9 government may not exceed the moneys that the unit of local
10 government expends or dedicates for the reforestation project
11 for which the loan is made.

12 (e) The Department of Agriculture may enter into agreements
13 with a unit of local government under which the unit of local
14 government is authorized to assist the Department in carrying
15 out its duties in a quarantined area, including inspection and
16 eradication of any dangerous insect or dangerous plant disease,
17 and including the transportation, processing, and disposal of
18 diseased material. The Department is authorized to provide
19 compensation or financial assistance to the unit of local
20 government for its costs.

21 (f) The Authority, with the assistance of the Department of
22 Agriculture and the Department of Natural Resources, shall
23 adopt rules to administer the program under this Section.

24 (Source: P.A. 95-588, eff. 9-4-07; revised 12-6-07.)

1 Sec. 845-5. Bond limitations.

2 (a) The Authority may not have outstanding at any one time
3 bonds for any of its corporate purposes in an aggregate
4 principal amount exceeding \$26,650,000,000, excluding bonds
5 issued to refund the bonds of the Authority or bonds of the
6 Predecessor Authorities.

7 (b) The Authority may not have outstanding at any one time
8 revenue bonds in an aggregate principal amount exceeding
9 \$4,000,000,000 on behalf of the Illinois Power Agency as set
10 forth in Section 825-90. Any such revenue bonds issued on
11 behalf of the Illinois Power Agency pursuant to this Act shall
12 not be counted against the bond authorization limit set forth
13 in subsection (a).

14 (Source: P.A. 94-1068, eff. 8-1-06; 95-481, eff. 8-28-07;
15 95-697, eff. 11-6-07; revised 12-6-07.)

16 Section 85. The Illinois Power Agency Act is amended by
17 changing Section 1-65 as follows:

18 (20 ILCS 3855/1-65)

19 Sec. 1-65. Appropriations for operations. ~~(a)~~ The General
20 Assembly may appropriate moneys from the General Revenue Fund
21 for the operation of the Illinois Power Agency in Fiscal Year
22 2008 not to exceed \$1,250,000 and in Fiscal Year 2009 not to
23 exceed \$1,500,000. These appropriated funds shall constitute
24 an advance that the Agency shall repay without interest to the

1 State in Fiscal Year 2010 and in Fiscal Year 2011. Beginning
2 with Fiscal Year 2010, the operation of the Agency shall be
3 funded solely from moneys in the Illinois Power Agency
4 Operations Fund with no liability or obligation imposed on the
5 State by those operations.

6 (Source: P.A. 95-481, eff. 8-28-07; revised 11-9-07.)

7 Section 90. The Illinois Health Facilities Planning Act is
8 amended by changing Section 3 as follows:

9 (20 ILCS 3960/3) (from Ch. 111 1/2, par. 1153)

10 (Section scheduled to be repealed on August 31, 2008)

11 Sec. 3. Definitions. As used in this Act:

12 "Health care facilities" means and includes the following
13 facilities and organizations:

14 1. An ambulatory surgical treatment center required to
15 be licensed pursuant to the Ambulatory Surgical Treatment
16 Center Act;

17 2. An institution, place, building, or agency required
18 to be licensed pursuant to the Hospital Licensing Act;

19 3. Skilled and intermediate long term care facilities
20 licensed under the Nursing Home Care Act;

21 4. Hospitals, nursing homes, ambulatory surgical
22 treatment centers, or kidney disease treatment centers
23 maintained by the State or any department or agency
24 thereof;

1 5. Kidney disease treatment centers, including a
2 free-standing hemodialysis unit required to be licensed
3 under the End Stage Renal Disease Facility Act; and

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

8 No federally owned facility shall be subject to the
9 provisions of this Act, nor facilities used solely for healing
10 by prayer or spiritual means.

11 No facility licensed under the Supportive Residences
12 Licensing Act or the Assisted Living and Shared Housing Act
13 shall be subject to the provisions of this Act.

14 A facility designated as a supportive living facility that
15 is in good standing with the program established under Section
16 5-5.01a of the Illinois Public Aid Code shall not be subject to
17 the provisions of this Act.

18 This Act does not apply to facilities granted waivers under
19 Section 3-102.2 of the Nursing Home Care Act. However, if a
20 demonstration project under that Act applies for a certificate
21 of need to convert to a nursing facility, it shall meet the
22 licensure and certificate of need requirements in effect as of
23 the date of application.

24 This Act does not apply to a dialysis facility that
25 provides only dialysis training, support, and related services
26 to individuals with end stage renal disease who have elected to

1 receive home dialysis. This Act does not apply to a dialysis
2 unit located in a licensed nursing home that offers or provides
3 dialysis-related services to residents with end stage renal
4 disease who have elected to receive home dialysis within the
5 nursing home. The Board, however, may require these dialysis
6 facilities and licensed nursing homes to report statistical
7 information on a quarterly basis to the Board to be used by the
8 Board to conduct analyses on the need for proposed kidney
9 disease treatment centers.

10 This Act shall not apply to the closure of an entity or a
11 portion of an entity licensed under the Nursing Home Care Act,
12 with the exceptions of facilities operated by a county or
13 Illinois Veterans Homes, that elects to convert, in whole or in
14 part, to an assisted living or shared housing establishment
15 licensed under the Assisted Living and Shared Housing Act.

16 This Act does not apply to any change of ownership of a
17 healthcare facility that is licensed under the Nursing Home
18 Care Act, with the exceptions of facilities operated by a
19 county or Illinois Veterans Homes. Changes of ownership of
20 facilities licensed under the Nursing Home Care Act must meet
21 the requirements set forth in Sections 3-101 through 3-119 of
22 the Nursing Home Care Act.

23 With the exception of those health care facilities
24 specifically included in this Section, nothing in this Act
25 shall be intended to include facilities operated as a part of
26 the practice of a physician or other licensed health care

1 professional, whether practicing in his individual capacity or
2 within the legal structure of any partnership, medical or
3 professional corporation, or unincorporated medical or
4 professional group. Further, this Act shall not apply to
5 physicians or other licensed health care professional's
6 practices where such practices are carried out in a portion of
7 a health care facility under contract with such health care
8 facility by a physician or by other licensed health care
9 professionals, whether practicing in his individual capacity
10 or within the legal structure of any partnership, medical or
11 professional corporation, or unincorporated medical or
12 professional groups. This Act shall apply to construction or
13 modification and to establishment by such health care facility
14 of such contracted portion which is subject to facility
15 licensing requirements, irrespective of the party responsible
16 for such action or attendant financial obligation.

17 "Person" means any one or more natural persons, legal
18 entities, governmental bodies other than federal, or any
19 combination thereof.

20 "Consumer" means any person other than a person (a) whose
21 major occupation currently involves or whose official capacity
22 within the last 12 months has involved the providing,
23 administering or financing of any type of health care facility,
24 (b) who is engaged in health research or the teaching of
25 health, (c) who has a material financial interest in any
26 activity which involves the providing, administering or

1 financing of any type of health care facility, or (d) who is or
2 ever has been a member of the immediate family of the person
3 defined by (a), (b), or (c).

4 "State Board" means the Health Facilities Planning Board.

5 "Construction or modification" means the establishment,
6 erection, building, alteration, reconstruction, modernization,
7 improvement, extension, discontinuation, change of ownership,
8 of or by a health care facility, or the purchase or acquisition
9 by or through a health care facility of equipment or service
10 for diagnostic or therapeutic purposes or for facility
11 administration or operation, or any capital expenditure made by
12 or on behalf of a health care facility which exceeds the
13 capital expenditure minimum; however, any capital expenditure
14 made by or on behalf of a health care facility for (i) the
15 construction or modification of a facility licensed under the
16 Assisted Living and Shared Housing Act or (ii) a conversion
17 project undertaken in accordance with Section 30 of the Older
18 Adult Services Act shall be excluded from any obligations under
19 this Act.

20 "Establish" means the construction of a health care
21 facility or the replacement of an existing facility on another
22 site.

23 "Major medical equipment" means medical equipment which is
24 used for the provision of medical and other health services and
25 which costs in excess of the capital expenditure minimum,
26 except that such term does not include medical equipment

1 acquired by or on behalf of a clinical laboratory to provide
2 clinical laboratory services if the clinical laboratory is
3 independent of a physician's office and a hospital and it has
4 been determined under Title XVIII of the Social Security Act to
5 meet the requirements of paragraphs (10) and (11) of Section
6 1861(s) of such Act. In determining whether medical equipment
7 has a value in excess of the capital expenditure minimum, the
8 value of studies, surveys, designs, plans, working drawings,
9 specifications, and other activities essential to the
10 acquisition of such equipment shall be included.

11 "Capital Expenditure" means an expenditure: (A) made by or
12 on behalf of a health care facility (as such a facility is
13 defined in this Act); and (B) which under generally accepted
14 accounting principles is not properly chargeable as an expense
15 of operation and maintenance, or is made to obtain by lease or
16 comparable arrangement any facility or part thereof or any
17 equipment for a facility or part; and which exceeds the capital
18 expenditure minimum.

19 For the purpose of this paragraph, the cost of any studies,
20 surveys, designs, plans, working drawings, specifications, and
21 other activities essential to the acquisition, improvement,
22 expansion, or replacement of any plant or equipment with
23 respect to which an expenditure is made shall be included in
24 determining if such expenditure exceeds the capital
25 expenditures minimum. Donations of equipment or facilities to a
26 health care facility which if acquired directly by such

1 facility would be subject to review under this Act shall be
2 considered capital expenditures, and a transfer of equipment or
3 facilities for less than fair market value shall be considered
4 a capital expenditure for purposes of this Act if a transfer of
5 the equipment or facilities at fair market value would be
6 subject to review.

7 "Capital expenditure minimum" means \$6,000,000, which
8 shall be annually adjusted to reflect the increase in
9 construction costs due to inflation, for major medical
10 equipment and for all other capital expenditures; provided,
11 however, that when a capital expenditure is for the
12 construction or modification of a health and fitness center,
13 "capital expenditure minimum" means the capital expenditure
14 minimum for all other capital expenditures in effect on March
15 1, 2000, which shall be annually adjusted to reflect the
16 increase in construction costs due to inflation.

17 "Non-clinical service area" means an area (i) for the
18 benefit of the patients, visitors, staff, or employees of a
19 health care facility and (ii) not directly related to the
20 diagnosis, treatment, or rehabilitation of persons receiving
21 services from the health care facility. "Non-clinical service
22 areas" include, but are not limited to, chapels; gift shops;
23 news stands; computer systems; tunnels, walkways, and
24 elevators; telephone systems; projects to comply with life
25 safety codes; educational facilities; student housing;
26 patient, employee, staff, and visitor dining areas;

1 administration and volunteer offices; modernization of
2 structural components (such as roof replacement and masonry
3 work); boiler repair or replacement; vehicle maintenance and
4 storage facilities; parking facilities; mechanical systems for
5 heating, ventilation, and air conditioning; loading docks; and
6 repair or replacement of carpeting, tile, wall coverings,
7 window coverings or treatments, or furniture. Solely for the
8 purpose of this definition, "non-clinical service area" does
9 not include health and fitness centers.

10 "Areawide" means a major area of the State delineated on a
11 geographic, demographic, and functional basis for health
12 planning and for health service and having within it one or
13 more local areas for health planning and health service. The
14 term "region", as contrasted with the term "subregion", and the
15 word "area" may be used synonymously with the term "areawide".

16 "Local" means a subarea of a delineated major area that on
17 a geographic, demographic, and functional basis may be
18 considered to be part of such major area. The term "subregion"
19 may be used synonymously with the term "local".

20 "Areawide health planning organization" or "Comprehensive
21 health planning organization" means the health systems agency
22 designated by the Secretary, Department of Health and Human
23 Services or any successor agency.

24 "Local health planning organization" means those local
25 health planning organizations that are designated as such by
26 the areawide health planning organization of the appropriate

1 area.

2 "Physician" means a person licensed to practice in
3 accordance with the Medical Practice Act of 1987, as amended.

4 "Licensed health care professional" means a person
5 licensed to practice a health profession under pertinent
6 licensing statutes of the State of Illinois.

7 "Director" means the Director of the Illinois Department of
8 Public Health.

9 "Agency" means the Illinois Department of Public Health.

10 "Comprehensive health planning" means health planning
11 concerned with the total population and all health and
12 associated problems that affect the well-being of people and
13 that encompasses health services, health manpower, and health
14 facilities; and the coordination among these and with those
15 social, economic, and environmental factors that affect
16 health.

17 "Alternative health care model" means a facility or program
18 authorized under the Alternative Health Care Delivery Act.

19 "Out-of-state facility" means a person that is both (i)
20 licensed as a hospital or as an ambulatory surgery center under
21 the laws of another state or that qualifies as a hospital or an
22 ambulatory surgery center under regulations adopted pursuant
23 to the Social Security Act and (ii) not licensed under the
24 Ambulatory Surgical Treatment Center Act, the Hospital
25 Licensing Act, or the Nursing Home Care Act. Affiliates of
26 out-of-state facilities shall be considered out-of-state

1 facilities. Affiliates of Illinois licensed health care
2 facilities 100% owned by an Illinois licensed health care
3 facility, its parent, or Illinois physicians licensed to
4 practice medicine in all its branches shall not be considered
5 out-of-state facilities. Nothing in this definition shall be
6 construed to include an office or any part of an office of a
7 physician licensed to practice medicine in all its branches in
8 Illinois that is not required to be licensed under the
9 Ambulatory Surgical Treatment Center Act.

10 "Change of ownership of a health care facility" means a
11 change in the person who has ownership or control of a health
12 care facility's physical plant and capital assets. A change in
13 ownership is indicated by the following transactions: sale,
14 transfer, acquisition, lease, change of sponsorship, or other
15 means of transferring control.

16 "Related person" means any person that: (i) is at least 50%
17 owned, directly or indirectly, by either the health care
18 facility or a person owning, directly or indirectly, at least
19 50% of the health care facility; or (ii) owns, directly or
20 indirectly, at least 50% of the health care facility.

21 "Charity care" means care provided by a health care
22 facility for which the provider does not expect to receive
23 payment from the patient or a third-party payer.

24 "Freestanding emergency center" means a facility subject
25 to licensure under Section 32.5 of the Emergency Medical
26 Services (EMS) Systems Act.

1 (Source: P.A. 94-342, eff. 7-26-05; 95-331, eff. 8-21-07;
2 95-543, eff. 8-28-07; 95-584, eff. 8-31-07; revised 10-30-07.)

3 Section 95. The Illinois Latino Family Commission Act is
4 amended by changing Section 15 as follows:

5 (20 ILCS 3983/15)

6 Sec. 15. Purpose and objectives. ~~(a)~~ The purpose of the
7 Illinois Latino Family Commission is to advise the Governor and
8 General Assembly, as well as work directly with State agencies
9 to improve and expand existing policies, services, programs,
10 and opportunities for Latino families. Subject to
11 appropriation, the Illinois Latino Family Commission shall
12 guide the efforts of and collaborate with State agencies,
13 including: the Department on Aging, the Department of Children
14 and Family Services, the Department of Commerce and Economic
15 Opportunity, the Department of Corrections, the Department of
16 Human Services, the Department of Public Aid, the Department of
17 Public Health, the Department of Transportation, the
18 Department of Employment Security, and others. This shall be
19 achieved primarily by:

20 (1) monitoring and commenting on existing and proposed
21 legislation and programs designed to address the needs of
22 Latinos in Illinois;

23 (2) assisting State agencies in developing programs,
24 services, public policies, and research strategies that

1 will expand and enhance the social and economic well-being
2 of Latino children and families;

3 (3) facilitating the participation and representation
4 of Latinos in the development, implementation, and
5 planning of policies, programs, and services; and

6 (4) promoting research efforts to document the impact
7 of policies and programs on Latino families.

8 The work of the Illinois Latino Family Commission shall
9 include the use of existing reports, research, and planning
10 efforts, procedures, and programs.

11 (Source: P.A. 95-619, eff. 9-14-07; revised 10-30-07.)

12 Section 100. The State Finance Act is amended by setting
13 forth and renumbering multiple versions of Sections 5.663 and
14 5.675 and by changing Section 8h as follows:

15 (30 ILCS 105/5.663)

16 Sec. 5.663. The Pension Stabilization Fund.

17 (Source: P.A. 94-839, eff. 6-6-06; 95-331, eff. 8-21-07.)

18 (30 ILCS 105/5.675)

19 Sec. 5.675. The Employee Classification Fund.

20 (Source: P.A. 95-26, eff. 1-1-08.)

21 (30 ILCS 105/5.677)

22 Sec. 5.677 ~~5.663~~. The Sheet Metal Workers International

1 Association of Illinois Fund.

2 (Source: P.A. 95-531, eff. 1-1-08; revised 12-6-07.)

3 (30 ILCS 105/5.678)

4 Sec. 5.678 ~~5.675~~. The Agriculture in the Classroom Fund.

5 (Source: P.A. 95-94, eff. 8-13-07; revised 12-18-07.)

6 (30 ILCS 105/5.679)

7 Sec. 5.679 ~~5.675~~. The Autism Awareness Fund.

8 (Source: P.A. 95-226, eff. 1-1-08; revised 12-18-07.)

9 (30 ILCS 105/5.684)

10 Sec. 5.684 ~~5.675~~. The Boy Scout and Girl Scout Fund.

11 (Source: P.A. 95-320, eff. 1-1-08; revised 12-18-07.)

12 (30 ILCS 105/5.685)

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

15 Sec. 5.685 ~~5.675~~. The Indigent BAIID Fund.

16 (Source: P.A. 95-400, eff. 1-1-09; revised 12-18-07.)

17 (30 ILCS 105/5.686)

18 Sec. 5.686 ~~5.675~~. The Supreme Court Historic Preservation
19 Fund.

20 (Source: P.A. 95-410, eff. 8-24-07; revised 12-18-07.)

1 (30 ILCS 105/5.687)

2 Sec. 5.687 ~~5.675~~. The Lung Cancer Research Fund.

3 (Source: P.A. 95-434, eff. 8-27-07; revised 12-18-07.)

4 (30 ILCS 105/5.688)

5 Sec. 5.688 ~~5.675~~. The Autoimmune Disease Research Fund.

6 (Source: P.A. 95-435, eff. 8-27-07; revised 12-18-07.)

7 (30 ILCS 105/5.689)

8 Sec. 5.689 ~~5.675~~. The Illinois Professional Golfers
9 Association Foundation Junior Golf Fund.

10 (Source: P.A. 95-444, eff. 8-27-07; revised 12-18-07.)

11 (30 ILCS 105/5.690)

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

14 Sec. 5.690 ~~5.675~~. The Rotary Club Fund.

15 (Source: P.A. 95-523, eff. 6-1-08; revised 12-18-07.)

16 (30 ILCS 105/5.691)

17 Sec. 5.691 ~~5.675~~. The Support Our Troops Fund.

18 (Source: P.A. 95-534, eff. 8-28-07; revised 12-18-07.)

19 (30 ILCS 105/5.692)

20 Sec. 5.692 ~~5.675~~. The Ovarian Cancer Awareness Fund.

21 (Source: P.A. 95-552, eff. 8-30-07; revised 12-18-07.)

1 (30 ILCS 105/5.693)

2 Sec. 5.693 ~~5.675~~. The Emerald Ash Borer Revolving Loan
3 Fund.

4 (Source: P.A. 95-588, eff. 9-4-07; revised 12-18-07.)

5 (30 ILCS 105/5.694)

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

8 Sec. 5.694 ~~5.675~~. The Sex Offender Investigation Fund.

9 (Source: P.A. 95-600, eff. 6-1-08; revised 12-18-07.)

10 (30 ILCS 105/5.695)

11 Sec. 5.695 ~~5.675~~. The Interpreters for the Deaf Fund.

12 (Source: P.A. 95-617, eff. 9-12-07; revised 12-18-07.)

13 (30 ILCS 105/5.696)

14 Sec. 5.696 ~~5.675~~. The Veterans Service Organization
15 Reimbursement Fund.

16 (Source: P.A. 95-629, eff. 9-25-07; revised 12-18-07.)

17 (30 ILCS 105/5.697)

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

20 Sec. 5.697 ~~5.675~~. The Charitable Trust Stabilization Fund.

21 (Source: P.A. 95-655, eff. 6-1-08; revised 12-18-07.)

1 (30 ILCS 105/5.698)

2 Sec. 5.698 ~~5.675~~. The Multiple Sclerosis Research Fund.

3 (Source: P.A. 95-673, eff. 10-11-07; revised 12-18-07.)

4 (30 ILCS 105/5.699)

5 Sec. 5.699 ~~5.675~~. The Quality of Life Endowment Fund.

6 (Source: P.A. 95-674, eff. 10-11-07; revised 12-18-07.)

7 (30 ILCS 105/5.701)

8 Sec. 5.701 ~~5.675~~. Comprehensive Regional Planning Fund.

9 (Source: P.A. 95-677, eff. 10-11-07; revised 12-18-07.)

10 (30 ILCS 105/5.702)

11 Sec. 5.702 ~~5.675~~. The High Speed Internet Services and

12 Information Technology Fund.

13 (Source: P.A. 95-684, eff. 10-19-07; revised 12-18-07.)

14 (30 ILCS 105/8h)

15 Sec. 8h. Transfers to General Revenue Fund.

16 (a) Except as otherwise provided in this Section and
17 Section 8n of this Act, and notwithstanding any other State law
18 to the contrary, the Governor may, through June 30, 2007, from
19 time to time direct the State Treasurer and Comptroller to
20 transfer a specified sum from any fund held by the State
21 Treasurer to the General Revenue Fund in order to help defray

1 the State's operating costs for the fiscal year. The total
2 transfer under this Section from any fund in any fiscal year
3 shall not exceed the lesser of (i) 8% of the revenues to be
4 deposited into the fund during that fiscal year or (ii) an
5 amount that leaves a remaining fund balance of 25% of the July
6 1 fund balance of that fiscal year. In fiscal year 2005 only,
7 prior to calculating the July 1, 2004 final balances, the
8 Governor may calculate and direct the State Treasurer with the
9 Comptroller to transfer additional amounts determined by
10 applying the formula authorized in Public Act 93-839 to the
11 funds balances on July 1, 2003. No transfer may be made from a
12 fund under this Section that would have the effect of reducing
13 the available balance in the fund to an amount less than the
14 amount remaining unexpended and unreserved from the total
15 appropriation from that fund estimated to be expended for that
16 fiscal year. This Section does not apply to any funds that are
17 restricted by federal law to a specific use, to any funds in
18 the Motor Fuel Tax Fund, the Intercity Passenger Rail Fund, the
19 Hospital Provider Fund, the Medicaid Provider Relief Fund, the
20 Teacher Health Insurance Security Fund, the Reviewing Court
21 Alternative Dispute Resolution Fund, the Voters' Guide Fund,
22 the Foreign Language Interpreter Fund, the Lawyers' Assistance
23 Program Fund, the Supreme Court Federal Projects Fund, the
24 Supreme Court Special State Projects Fund, the Supplemental
25 Low-Income Energy Assistance Fund, the Good Samaritan Energy
26 Trust Fund, the Low-Level Radioactive Waste Facility

1 Development and Operation Fund, the Horse Racing Equity Trust
2 Fund, the Metabolic Screening and Treatment Fund, or the
3 Hospital Basic Services Preservation Fund, or to any funds to
4 which Section 70-50 of the Nurse Practice Act applies. No
5 transfers may be made under this Section from the Pet
6 Population Control Fund. Notwithstanding any other provision
7 of this Section, for fiscal year 2004, the total transfer under
8 this Section from the Road Fund or the State Construction
9 Account Fund shall not exceed the lesser of (i) 5% of the
10 revenues to be deposited into the fund during that fiscal year
11 or (ii) 25% of the beginning balance in the fund. For fiscal
12 year 2005 through fiscal year 2007, no amounts may be
13 transferred under this Section from the Road Fund, the State
14 Construction Account Fund, the Criminal Justice Information
15 Systems Trust Fund, the Wireless Service Emergency Fund, or the
16 Mandatory Arbitration Fund.

17 In determining the available balance in a fund, the
18 Governor may include receipts, transfers into the fund, and
19 other resources anticipated to be available in the fund in that
20 fiscal year.

21 The State Treasurer and Comptroller shall transfer the
22 amounts designated under this Section as soon as may be
23 practicable after receiving the direction to transfer from the
24 Governor.

25 (a-5) Transfers directed to be made under this Section on
26 or before February 28, 2006 that are still pending on May 19,

1 2006 (the effective date of Public Act 94-774) shall be
2 redirected as provided in Section 8n of this Act.

3 (b) This Section does not apply to: (i) the Ticket For The
4 Cure Fund; (ii) any fund established under the Community Senior
5 Services and Resources Act; or (iii) on or after January 1,
6 2006 (the effective date of Public Act 94-511), the Child Labor
7 and Day and Temporary Labor Enforcement Fund.

8 (c) This Section does not apply to the Demutualization
9 Trust Fund established under the Uniform Disposition of
10 Unclaimed Property Act.

11 (d) This Section does not apply to moneys set aside in the
12 Illinois State Podiatric Disciplinary Fund for podiatric
13 scholarships and residency programs under the Podiatric
14 Scholarship and Residency Act.

15 (e) Subsection (a) does not apply to, and no transfer may
16 be made under this Section from, the Pension Stabilization
17 Fund.

18 (f) Subsection (a) does not apply to, and no transfer may
19 be made under this Section from, the Illinois Power Agency
20 Operations Fund, the Illinois Power Agency Facilities Fund, the
21 Illinois Power Agency Debt Service Fund, and the Illinois Power
22 Agency Trust Fund.

23 (g) ~~(f)~~ This Section does not apply to the Veterans Service
24 Organization Reimbursement Fund.

25 (h) ~~(f)~~ This Section does not apply to the Supreme Court
26 Historic Preservation Fund.

1 (Source: P.A. 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511,
2 eff. 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05;
3 94-645, eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff.
4 11-2-05; 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; 94-773,
5 eff. 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06;
6 94-839, eff. 6-6-06; 95-331, eff. 8-21-07; 95-410, eff.
7 8-24-07; 95-481, eff. 8-28-07; 95-629, eff. 9-25-07; 95-639,
8 eff. 10-5-07; 95-695, eff. 11-5-07; revised 11-2-07.)

9 Section 105. The Illinois Procurement Code is amended by
10 changing Sections 1-10 and 50-70 and by setting forth and
11 renumbering multiple versions of Section 45-75 as follows:

12 (30 ILCS 500/1-10)

13 Sec. 1-10. Application.

14 (a) This Code applies only to procurements for which
15 contractors were first solicited on or after July 1, 1998. This
16 Code shall not be construed to affect or impair any contract,
17 or any provision of a contract, entered into based on a
18 solicitation prior to the implementation date of this Code as
19 described in Article 99, including but not limited to any
20 covenant entered into with respect to any revenue bonds or
21 similar instruments. All procurements for which contracts are
22 solicited between the effective date of Articles 50 and 99 and
23 July 1, 1998 shall be substantially in accordance with this
24 Code and its intent.

1 (b) This Code shall apply regardless of the source of the
2 funds with which the contracts are paid, including federal
3 assistance moneys. This Code shall not apply to:

4 (1) Contracts between the State and its political
5 subdivisions or other governments, or between State
6 governmental bodies except as specifically provided in
7 this Code.

8 (2) Grants, except for the filing requirements of
9 Section 20-80.

10 (3) Purchase of care.

11 (4) Hiring of an individual as employee and not as an
12 independent contractor, whether pursuant to an employment
13 code or policy or by contract directly with that
14 individual.

15 (5) Collective bargaining contracts.

16 (6) Purchase of real estate, except that notice of this
17 type of contract with a value of more than \$25,000 must be
18 published in the Procurement Bulletin within 7 days after
19 the deed is recorded in the county of jurisdiction. The
20 notice shall identify the real estate purchased, the names
21 of all parties to the contract, the value of the contract,
22 and the effective date of the contract.

23 (7) Contracts necessary to prepare for anticipated
24 litigation, enforcement actions, or investigations,
25 provided that the chief legal counsel to the Governor shall
26 give his or her prior approval when the procuring agency is

1 one subject to the jurisdiction of the Governor, and
2 provided that the chief legal counsel of any other
3 procuring entity subject to this Code shall give his or her
4 prior approval when the procuring entity is not one subject
5 to the jurisdiction of the Governor.

6 (8) Contracts for services to Northern Illinois
7 University by a person, acting as an independent
8 contractor, who is qualified by education, experience, and
9 technical ability and is selected by negotiation for the
10 purpose of providing non-credit educational service
11 activities or products by means of specialized programs
12 offered by the university.

13 (9) Procurement expenditures by the Illinois
14 Conservation Foundation when only private funds are used.

15 (c) This Code does not apply to the electric power
16 procurement process provided for under Section 1-75 of the
17 Illinois Power Agency Act and Section 16-111.5 of the Public
18 Utilities Act.

19 (Source: P.A. 95-481, eff. 8-28-07; 95-615, eff. 9-11-07;
20 revised 11-2-07.)

21 (30 ILCS 500/45-75)

22 Sec. 45-75. Biobased products. When a State contract is to
23 be awarded to the lowest responsible bidder, an otherwise
24 qualified bidder who will fulfill the contract through the use
25 of biobased products may be given preference over other bidders

1 unable to do so, provided that the cost included in the bid of
2 biobased products is not more than 5% greater than the cost of
3 products that are not biobased.

4 For the purpose of this Section, a biobased product is
5 defined as in the federal Biobased Products Preferred
6 Procurement Program.

7 This Section does not apply to contracts for construction
8 projects awarded by the Capital Development Board or the
9 Department of Transportation.

10 (Source: P.A. 95-71, eff. 1-1-08.)

11 (30 ILCS 500/45-80)

12 Sec. 45-80 ~~45-75~~. Historic area preference. State agencies
13 with responsibilities for leasing, acquiring, or maintaining
14 State facilities shall take all reasonable steps to minimize
15 any regulations, policies, and procedures that impede the goals
16 of Section 17 of the Capital Development Board Act.

17 (Source: P.A. 95-101, eff. 8-13-07; revised 12-6-07.)

18 (30 ILCS 500/50-70)

19 Sec. 50-70. Additional provisions. This Code is subject to
20 applicable provisions of the following Acts:

21 (1) Article 33E of the Criminal Code of 1961;

22 (2) the Illinois Human Rights Act;

23 (3) the Discriminatory Club Act;

24 (4) the Illinois Governmental Ethics Act;

- 1 (5) the State Prompt Payment Act;
- 2 (6) the Public Officer Prohibited Activities Act;
- 3 (7) the Drug Free Workplace Act; ~~and~~
- 4 (8) the Illinois Power Agency Act; and
- 5 (9) ~~(8)~~ the Employee Classification Act.

6 (Source: P.A. 95-26, eff. 1-1-08; 95-481, eff. 8-28-07; revised
7 11-2-07.)

8 Section 110. The State Mandates Act is amended by changing
9 Sections 8.30 and 8.31 as follows:

10 (30 ILCS 805/8.30)

11 Sec. 8.30. Exempt mandate.

12 (a) Notwithstanding Sections 6 and 8 of this Act, no
13 reimbursement by the State is required for the implementation
14 of any mandate created by Public Act 94-750, 94-792, 94-794,
15 94-806, 94-823, 94-834, 94-856, 94-875, 94-933, ~~or~~ 94-1055,
16 94-1074, or 94-1111.

17 (b) Notwithstanding Sections 6 and 8 of this Act, no
18 reimbursement by the State is required for the implementation
19 of any mandate created by the Volunteer Emergency Worker Higher
20 Education Protection Act.

21 (Source: P.A. 94-750, eff. 5-9-06; 94-792, eff. 5-19-06;
22 94-794, eff. 5-22-06; 94-806, eff. 1-1-07; 94-823, eff. 1-1-07;
23 94-834, eff. 6-6-06; 94-856, eff. 6-15-06; 94-875, eff. 7-1-06;
24 94-933, eff. 6-26-06; 94-957, eff. 7-1-06; 94-1055, eff.

1 1-1-07; 94-1074, eff. 12-26-06; 94-1111, eff. 2-27-07; 95-331,
2 eff. 8-21-07; revised 12-6-07.)

3 (30 ILCS 805/8.31)

4 Sec. 8.31. Exempt mandate.

5 (a) Notwithstanding Sections 6 and 8 of this Act, no
6 reimbursement by the State is required for the implementation
7 of any mandate created by Public Act 95-9, 95-17, 95-148,
8 95-151, 95-194, 95-232, 95-241, 95-279, 95-349, 95-369,
9 95-483, 95-486, 95-504, 95-521, 95-530, 95-586, 95-644,
10 95-654, 95-671, 95-677, or 95-681 ~~this amendatory Act of the~~
11 ~~95th General Assembly.~~

12 (b) Notwithstanding Sections 6 and 8 of this Act, no
13 reimbursement by the State is required for the implementation
14 of any mandate created by the Green Cleaning Schools Act.

15 (Source: P.A. 95-9, eff. 6-30-07; 95-17, eff. 1-1-08; 95-84,
16 eff. 8-13-07; 95-148, eff. 8-14-07; 95-151, eff. 8-14-07;
17 95-194, eff. 1-1-08; 95-232, eff. 8-16-07; 95-241, eff.
18 8-17-07; 95-279, eff. 1-1-08; 95-349, eff. 8-23-07; 95-369,
19 eff. 8-23-07; 95-483, eff. 8-28-07; 95-486, eff. 8-28-07;
20 95-504, eff. 8-28-07; 95-521, eff. 8-28-07; 95-530, eff.
21 8-28-07; 95-586, eff. 8-31-07; 95-644, eff. 10-12-07; 95-654,
22 eff. 1-1-08; 95-671, eff. 1-1-08; 95-677, eff. 10-11-07;
23 95-681, eff. 10-11-07; revised 12-18-07.)

24 Section 115. The Illinois Income Tax Act is amended by

1 changing Section 203 and by renumbering multiple versions of
2 Section 50700 as follows:

3 (35 ILCS 5/203) (from Ch. 120, par. 2-203)

4 Sec. 203. Base income defined.

5 (a) Individuals.

6 (1) In general. In the case of an individual, base
7 income means an amount equal to the taxpayer's adjusted
8 gross income for the taxable year as modified by paragraph
9 (2).

10 (2) Modifications. The adjusted gross income referred
11 to in paragraph (1) shall be modified by adding thereto the
12 sum of the following amounts:

13 (A) An amount equal to all amounts paid or accrued
14 to the taxpayer as interest or dividends during the
15 taxable year to the extent excluded from gross income
16 in the computation of adjusted gross income, except
17 stock dividends of qualified public utilities
18 described in Section 305(e) of the Internal Revenue
19 Code;

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 adjusted gross income for the
23 taxable year;

24 (C) An amount equal to the amount received during
25 the taxable year as a recovery or refund of real

1 property taxes paid with respect to the taxpayer's
2 principal residence under the Revenue Act of 1939 and
3 for which a deduction was previously taken under
4 subparagraph (L) of this paragraph (2) prior to July 1,
5 1991, the retrospective application date of Article 4
6 of Public Act 87-17. In the case of multi-unit or
7 multi-use structures and farm dwellings, the taxes on
8 the taxpayer's principal residence shall be that
9 portion of the total taxes for the entire property
10 which is attributable to such principal residence;

11 (D) An amount equal to the amount of the capital
12 gain deduction allowable under the Internal Revenue
13 Code, to the extent deducted from gross income in the
14 computation of adjusted gross income;

15 (D-5) An amount, to the extent not included in
16 adjusted gross income, equal to the amount of money
17 withdrawn by the taxpayer in the taxable year from a
18 medical care savings account and the interest earned on
19 the account in the taxable year of a withdrawal
20 pursuant to subsection (b) of Section 20 of the Medical
21 Care Savings Account Act or subsection (b) of Section
22 20 of the Medical Care Savings Account Act of 2000;

23 (D-10) For taxable years ending after December 31,
24 1997, an amount equal to any eligible remediation costs
25 that the individual deducted in computing adjusted
26 gross income and for which the individual claims a

1 credit under subsection (l) of Section 201;

2 (D-15) For taxable years 2001 and thereafter, an
3 amount equal to the bonus depreciation deduction taken
4 on the taxpayer's federal income tax return for the
5 taxable year under subsection (k) of Section 168 of the
6 Internal Revenue Code;

7 (D-16) If the taxpayer sells, transfers, abandons,
8 or otherwise disposes of property for which the
9 taxpayer was required in any taxable year to make an
10 addition modification under subparagraph (D-15), then
11 an amount equal to the aggregate amount of the
12 deductions taken in all taxable years under
13 subparagraph (Z) with respect to that property.

14 If the taxpayer continues to own property through
15 the last day of the last tax year for which the
16 taxpayer may claim a depreciation deduction for
17 federal income tax purposes and for which the taxpayer
18 was allowed in any taxable year to make a subtraction
19 modification under subparagraph (Z), then an amount
20 equal to that subtraction modification.

21 The taxpayer is required to make the addition
22 modification under this subparagraph only once with
23 respect to any one piece of property;

24 (D-17) An amount equal to the amount otherwise
25 allowed as a deduction in computing base income for
26 interest paid, accrued, or incurred, directly or

1 indirectly, (i) for taxable years ending on or after
2 December 31, 2004, to a foreign person who would be a
3 member of the same unitary business group but for the
4 fact that foreign person's business activity outside
5 the United States is 80% or more of the foreign
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. The addition modification
14 required by this subparagraph shall be reduced to the
15 extent that dividends were included in base income of
16 the unitary group for the same taxable year and
17 received by the taxpayer or by a member of the
18 taxpayer's unitary business group (including amounts
19 included in gross income under Sections 951 through 964
20 of the Internal Revenue Code and amounts included in
21 gross income under Section 78 of the Internal Revenue
22 Code) with respect to the stock of the same person to
23 whom the interest was paid, accrued, or incurred.

24 This paragraph shall not apply to the following:

25 (i) an item of interest paid, accrued, or
26 incurred, directly or indirectly, to a foreign

1 person who is subject in a foreign country or
2 state, other than a state which requires mandatory
3 unitary reporting, to a tax on or measured by net
4 income with respect to such interest; or

5 (ii) an item of interest paid, accrued, or
6 incurred, directly or indirectly, to a foreign
7 person if the taxpayer can establish, based on a
8 preponderance of the evidence, both of the
9 following:

10 (a) the foreign person, during the same
11 taxable year, paid, accrued, or incurred, the
12 interest to a person that is not a related
13 member, and

14 (b) the transaction giving rise to the
15 interest expense between the taxpayer and the
16 foreign person did not have as a principal
17 purpose the avoidance of Illinois income tax,
18 and is paid pursuant to a contract or agreement
19 that reflects an arm's-length interest rate
20 and terms; or

21 (iii) the taxpayer can establish, based on
22 clear and convincing evidence, that the interest
23 paid, accrued, or incurred relates to a contract or
24 agreement entered into at arm's-length rates and
25 terms and the principal purpose for the payment is
26 not federal or Illinois tax avoidance; or

1 (iv) an item of interest paid, accrued, or
2 incurred, directly or indirectly, to a foreign
3 person if the taxpayer establishes by clear and
4 convincing evidence that the adjustments are
5 unreasonable; or if the taxpayer and the Director
6 agree in writing to the application or use of an
7 alternative method of apportionment under Section
8 304(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 foreign
15 person who is subject in a foreign country or
16 state, other than a state which requires mandatory
17 unitary reporting, to a tax on or measured by net
18 income with respect 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 foreign person during the same
25 taxable 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 foreign person did not have as
5 a 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 foreign
12 person if the taxpayer establishes by clear and
13 convincing evidence, that the adjustments are
14 unreasonable; or if the taxpayer and the Director
15 agree in writing to the application or use of an
16 alternative method of apportionment under Section
17 304(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;

1 (D-19) For taxable years ending on or after
2 December 31, 2008, an amount equal to the amount of
3 insurance premium expenses and costs otherwise allowed
4 as a deduction in computing base income, and that were
5 paid, accrued, or incurred, directly or indirectly, to
6 a person who would be a member of the same unitary
7 business group but for the fact that the person is
8 prohibited under Section 1501(a)(27) from being
9 included in the unitary business group because he or
10 she is ordinarily required to apportion business
11 income under different subsections of Section 304. The
12 addition modification required by this subparagraph
13 shall be reduced to the extent that dividends were
14 included in base income of the unitary group for the
15 same taxable year and received by the taxpayer or by a
16 member of the taxpayer's unitary business group
17 (including amounts included in gross income under
18 Sections 951 through 964 of the Internal Revenue Code
19 and amounts included in gross income under Section 78
20 of the Internal Revenue Code) with respect to the stock
21 of the same person to whom the intangible expenses and
22 costs were directly or indirectly paid, incurred, or
23 accrued. The preceding sentence does not apply to the
24 extent that the same dividends caused a reduction to
25 the addition modification required under Section
26 203(a)(2)(D-17) of this Act.

1 (D-20) For taxable years beginning on or after
2 January 1, 2002 and ending on or before December 31,
3 2006, in the case of a distribution from a qualified
4 tuition program under Section 529 of the Internal
5 Revenue Code, other than (i) a distribution from a
6 College Savings Pool created under Section 16.5 of the
7 State Treasurer Act or (ii) a distribution from the
8 Illinois Prepaid Tuition Trust Fund, an amount equal to
9 the amount excluded from gross income under Section
10 529(c)(3)(B). For taxable years beginning on or after
11 January 1, 2007, in the case of a distribution from a
12 qualified tuition program under Section 529 of the
13 Internal Revenue Code, other than (i) a distribution
14 from a College Savings Pool created under Section 16.5
15 of the State Treasurer Act, (ii) a distribution from
16 the Illinois Prepaid Tuition Trust Fund, or (iii) a
17 distribution from a qualified tuition program under
18 Section 529 of the Internal Revenue Code that (I)
19 adopts and determines that its offering materials
20 comply with the College Savings Plans Network's
21 disclosure principles and (II) has made reasonable
22 efforts to inform in-state residents of the existence
23 of in-state qualified tuition programs by informing
24 Illinois residents directly and, where applicable, to
25 inform financial intermediaries distributing the
26 program to inform in-state residents of the existence

1 of in-state qualified tuition programs at least
2 annually, an amount equal to the amount excluded from
3 gross income under Section 529(c) (3) (B).

4 For the purposes of this subparagraph (D-20), a
5 qualified tuition program has made reasonable efforts
6 if it makes disclosures (which may use the term
7 "in-state program" or "in-state plan" and need not
8 specifically refer to Illinois or its qualified
9 programs by name) (i) directly to prospective
10 participants in its offering materials or makes a
11 public disclosure, such as a website posting; and (ii)
12 where applicable, to intermediaries selling the
13 out-of-state program in the same manner that the
14 out-of-state program distributes its offering
15 materials;

16 (D-21) For taxable years beginning on or after
17 January 1, 2007, in the case of transfer of moneys from
18 a qualified tuition program under Section 529 of the
19 Internal Revenue Code that is administered by the State
20 to an out-of-state program, an amount equal to the
21 amount of moneys previously deducted from base income
22 under subsection (a) (2) (Y) of this Section.

23 and by deducting from the total so obtained the sum of the
24 following amounts:

25 (E) For taxable years ending before December 31,
26 2001, any amount included in such total in respect of

1 any compensation (including but not limited to any
2 compensation paid or accrued to a serviceman while a
3 prisoner of war or missing in action) paid to a
4 resident by reason of being on active duty in the Armed
5 Forces of the United States and in respect of any
6 compensation paid or accrued to a resident who as a
7 governmental employee was a prisoner of war or missing
8 in action, and in respect of any compensation paid to a
9 resident in 1971 or thereafter for annual training
10 performed pursuant to Sections 502 and 503, Title 32,
11 United States Code as a member of the Illinois National
12 Guard or, beginning with taxable years ending on or
13 after December 31, 2007, the National Guard of any
14 other state. For taxable years ending on or after
15 December 31, 2001, any amount included in such total in
16 respect of any compensation (including but not limited
17 to any compensation paid or accrued to a serviceman
18 while a prisoner of war or missing in action) paid to a
19 resident by reason of being a member of any component
20 of the Armed Forces of the United States and in respect
21 of any compensation paid or accrued to a resident who
22 as a governmental employee was a prisoner of war or
23 missing in action, and in respect of any compensation
24 paid to a resident in 2001 or thereafter by reason of
25 being a member of the Illinois National Guard or,
26 beginning with taxable years ending on or after

1 December 31, 2007, the National Guard of any other
2 state. The provisions of this amendatory Act of the
3 92nd General Assembly are exempt from the provisions of
4 Section 250;

5 (F) An amount equal to all amounts included in such
6 total pursuant to the provisions of Sections 402(a),
7 402(c), 403(a), 403(b), 406(a), 407(a), and 408 of the
8 Internal Revenue Code, or included in such total as
9 distributions under the provisions of any retirement
10 or disability plan for employees of any governmental
11 agency or unit, or retirement payments to retired
12 partners, which payments are excluded in computing net
13 earnings from self employment by Section 1402 of the
14 Internal Revenue Code and regulations adopted pursuant
15 thereto;

16 (G) The valuation limitation amount;

17 (H) An amount equal to the amount of any tax
18 imposed by this Act which was refunded to the taxpayer
19 and included in such total for the taxable year;

20 (I) An amount equal to all amounts included in such
21 total pursuant to the provisions of Section 111 of the
22 Internal Revenue Code as a recovery of items previously
23 deducted from adjusted gross income in the computation
24 of taxable income;

25 (J) An amount equal to those dividends included in
26 such total which were paid by a corporation which

1 conducts business operations in an Enterprise Zone or
2 zones created under the Illinois Enterprise Zone Act or
3 a River Edge Redevelopment Zone or zones created under
4 the River Edge Redevelopment Zone Act, and conducts
5 substantially all of its operations in an Enterprise
6 Zone or zones or a River Edge Redevelopment Zone or
7 zones. This subparagraph (J) is exempt from the
8 provisions of Section 250;

9 (K) An amount equal to those dividends included in
10 such total that were paid by a corporation that
11 conducts business operations in a federally designated
12 Foreign Trade Zone or Sub-Zone and that is designated a
13 High Impact Business located in Illinois; provided
14 that dividends eligible for the deduction provided in
15 subparagraph (J) of paragraph (2) of this subsection
16 shall not be eligible for the deduction provided under
17 this subparagraph (K);

18 (L) For taxable years ending after December 31,
19 1983, an amount equal to all social security benefits
20 and railroad retirement benefits included in such
21 total pursuant to Sections 72(r) and 86 of the Internal
22 Revenue Code;

23 (M) With the exception of any amounts subtracted
24 under subparagraph (N), an amount equal to the sum of
25 all amounts disallowed as deductions by (i) Sections
26 171(a) (2), and 265(2) of the Internal Revenue Code of

1 1954, as now or hereafter amended, and all amounts of
2 expenses allocable to interest and disallowed as
3 deductions by Section 265(1) of the Internal Revenue
4 Code of 1954, as now or hereafter amended; and (ii) for
5 taxable years ending on or after August 13, 1999,
6 Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of
7 the Internal Revenue Code; the provisions of this
8 subparagraph are exempt from the provisions of Section
9 250;

10 (N) An amount equal to all amounts included in such
11 total which are exempt from taxation by this State
12 either by reason of its statutes or Constitution or by
13 reason of the Constitution, treaties or statutes of the
14 United States; provided that, in the case of any
15 statute of this State or, for taxable years ending on
16 or after December 31, 2008, of the United States, any
17 treaty of the United States, the Illinois
18 Constitution, or the United States Constitution that
19 exempts income derived from bonds or other obligations
20 from the tax imposed under this Act, the amount
21 exempted shall be the income net of bond premium
22 amortization, and, for taxable years ending on or after
23 December 31, 2008, interest expense incurred on
24 indebtedness to carry the bond or other obligation,
25 expenses incurred in producing the income to be
26 deducted, and all other related expenses. The amount of

1 expenses to be taken into account under this provision
2 may not exceed the amount of income that is exempted;

3 (O) An amount equal to any contribution made to a
4 job training project established pursuant to the Tax
5 Increment Allocation Redevelopment Act;

6 (P) An amount equal to the amount of the deduction
7 used to compute the federal income tax credit for
8 restoration of substantial amounts held under claim of
9 right for the taxable year pursuant to Section 1341 of
10 the Internal Revenue Code of 1986;

11 (Q) An amount equal to any amounts included in such
12 total, received by the taxpayer as an acceleration in
13 the payment of life, endowment or annuity benefits in
14 advance of the time they would otherwise be payable as
15 an indemnity for a terminal illness;

16 (R) An amount equal to the amount of any federal or
17 State bonus paid to veterans of the Persian Gulf War;

18 (S) An amount, to the extent included in adjusted
19 gross income, equal to the amount of a contribution
20 made in the taxable year on behalf of the taxpayer to a
21 medical care savings account established under the
22 Medical Care Savings Account Act or the Medical Care
23 Savings Account Act of 2000 to the extent the
24 contribution is accepted by the account administrator
25 as provided in that Act;

26 (T) An amount, to the extent included in adjusted

1 gross income, equal to the amount of interest earned in
2 the taxable year on a medical care savings account
3 established under the Medical Care Savings Account Act
4 or the Medical Care Savings Account Act of 2000 on
5 behalf of the taxpayer, other than interest added
6 pursuant to item (D-5) of this paragraph (2);

7 (U) For one taxable year beginning on or after
8 January 1, 1994, an amount equal to the total amount of
9 tax imposed and paid under subsections (a) and (b) of
10 Section 201 of this Act on grant amounts received by
11 the taxpayer under the Nursing Home Grant Assistance
12 Act during the taxpayer's taxable years 1992 and 1993;

13 (V) Beginning with tax years ending on or after
14 December 31, 1995 and ending with tax years ending on
15 or before December 31, 2004, an amount equal to the
16 amount paid by a taxpayer who is a self-employed
17 taxpayer, a partner of a partnership, or a shareholder
18 in a Subchapter S corporation for health insurance or
19 long-term care insurance for that taxpayer or that
20 taxpayer's spouse or dependents, to the extent that the
21 amount paid for that health insurance or long-term care
22 insurance may be deducted under Section 213 of the
23 Internal Revenue Code of 1986, has not been deducted on
24 the federal income tax return of the taxpayer, and does
25 not exceed the taxable income attributable to that
26 taxpayer's income, self-employment income, or

1 Subchapter S corporation income; except that no
2 deduction shall be allowed under this item (V) if the
3 taxpayer is eligible to participate in any health
4 insurance or long-term care insurance plan of an
5 employer of the taxpayer or the taxpayer's spouse. The
6 amount of the health insurance and long-term care
7 insurance subtracted under this item (V) shall be
8 determined by multiplying total health insurance and
9 long-term care insurance premiums paid by the taxpayer
10 times a number that represents the fractional
11 percentage of eligible medical expenses under Section
12 213 of the Internal Revenue Code of 1986 not actually
13 deducted on the taxpayer's federal income tax return;

14 (W) For taxable years beginning on or after January
15 1, 1998, all amounts included in the taxpayer's federal
16 gross income in the taxable year from amounts converted
17 from a regular IRA to a Roth IRA. This paragraph is
18 exempt from the provisions of Section 250;

19 (X) For taxable year 1999 and thereafter, an amount
20 equal to the amount of any (i) distributions, to the
21 extent includible in gross income for federal income
22 tax purposes, made to the taxpayer because of his or
23 her status as a victim of persecution for racial or
24 religious reasons by Nazi Germany or any other Axis
25 regime or as an heir of the victim and (ii) items of
26 income, to the extent includible in gross income for

1 federal income tax purposes, attributable to, derived
2 from or in any way related to assets stolen from,
3 hidden from, or otherwise lost to a victim of
4 persecution for racial or religious reasons by Nazi
5 Germany or any other Axis regime immediately prior to,
6 during, and immediately after World War II, including,
7 but not limited to, interest on the proceeds receivable
8 as insurance under policies issued to a victim of
9 persecution for racial or religious reasons by Nazi
10 Germany or any other Axis regime by European insurance
11 companies immediately prior to and during World War II;
12 provided, however, this subtraction from federal
13 adjusted gross income does not apply to assets acquired
14 with such assets or with the proceeds from the sale of
15 such assets; provided, further, this paragraph shall
16 only apply to a taxpayer who was the first recipient of
17 such assets after their recovery and who is a victim of
18 persecution for racial or religious reasons by Nazi
19 Germany or any other Axis regime or as an heir of the
20 victim. The amount of and the eligibility for any
21 public assistance, benefit, or similar entitlement is
22 not affected by the inclusion of items (i) and (ii) of
23 this paragraph in gross income for federal income tax
24 purposes. This paragraph is exempt from the provisions
25 of Section 250;

26 (Y) For taxable years beginning on or after January

1 1, 2002 and ending on or before December 31, 2004,
2 moneys contributed in the taxable year to a College
3 Savings Pool account under Section 16.5 of the State
4 Treasurer Act, except that amounts excluded from gross
5 income under Section 529(c)(3)(C)(i) of the Internal
6 Revenue Code shall not be considered moneys
7 contributed under this subparagraph (Y). For taxable
8 years beginning on or after January 1, 2005, a maximum
9 of \$10,000 contributed in the taxable year to (i) a
10 College Savings Pool account under Section 16.5 of the
11 State Treasurer Act or (ii) the Illinois Prepaid
12 Tuition Trust Fund, except that amounts excluded from
13 gross income under Section 529(c)(3)(C)(i) of the
14 Internal Revenue Code shall not be considered moneys
15 contributed under this subparagraph (Y). This
16 subparagraph (Y) is exempt from the provisions of
17 Section 250;

18 (Z) For taxable years 2001 and thereafter, for the
19 taxable year in which the bonus depreciation deduction
20 is taken on the taxpayer's federal income tax return
21 under subsection (k) of Section 168 of the Internal
22 Revenue Code and for each applicable taxable year
23 thereafter, an amount equal to "x", where:

24 (1) "y" equals the amount of the depreciation
25 deduction taken for the taxable year on the
26 taxpayer's federal income tax return on property

1 for which the bonus depreciation deduction was
2 taken in any year under subsection (k) of Section
3 168 of the Internal Revenue Code, but not including
4 the bonus depreciation deduction;

5 (2) for taxable years ending on or before
6 December 31, 2005, "x" equals "y" multiplied by 30
7 and then divided by 70 (or "y" multiplied by
8 0.429); and

9 (3) for taxable years ending after December
10 31, 2005:

11 (i) for property on which a bonus
12 depreciation deduction of 30% of the adjusted
13 basis was taken, "x" equals "y" multiplied by
14 30 and then divided by 70 (or "y" multiplied by
15 0.429); and

16 (ii) for property on which a bonus
17 depreciation deduction of 50% of the adjusted
18 basis was taken, "x" equals "y" multiplied by
19 1.0.

20 The aggregate amount deducted under this
21 subparagraph in all taxable years for any one piece of
22 property may not exceed the amount of the bonus
23 depreciation deduction taken on that property on the
24 taxpayer's federal income tax return under subsection
25 (k) of Section 168 of the Internal Revenue Code. This
26 subparagraph (Z) is exempt from the provisions of

1 Section 250;

2 (AA) 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 (D-15), then
6 an amount equal to that addition modification.

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 required in any taxable year to make an addition
12 modification under subparagraph (D-15), then an amount
13 equal to that addition modification.

14 The taxpayer is allowed to take the deduction under
15 this subparagraph only once with respect to any one
16 piece of property.

17 This subparagraph (AA) is exempt from the
18 provisions of Section 250;

19 (BB) Any amount included in adjusted gross income,
20 other than salary, received by a driver in a
21 ridesharing arrangement using a motor vehicle;

22 (CC) The amount of (i) any interest income (net of
23 the deductions allocable thereto) taken into account
24 for the taxable year with respect to a transaction with
25 a taxpayer that is required to make an addition
26 modification with respect to such transaction under

1 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
2 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
3 the amount of that addition modification, and (ii) any
4 income from intangible property (net of the deductions
5 allocable thereto) taken into account for the taxable
6 year with respect to a transaction with a taxpayer that
7 is required to make an addition modification with
8 respect to such transaction under Section
9 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
10 203(d)(2)(D-8), but not to exceed the amount of that
11 addition modification;

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;

5 (EE) An amount equal to the income from intangible
6 property taken into account for the taxable year (net
7 of the 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(a)(2)(D-18) for
22 intangible expenses and costs paid, accrued, or
23 incurred, directly or indirectly, to the same foreign
24 person; and

25 (FF) An amount equal to the income from insurance
26 premiums taken into account for the taxable year (net

1 of the deductions allocable thereto) with respect to
2 transactions with a person who would be a member of the
3 same unitary business group but for the fact that the
4 person is prohibited under Section 1501(a)(27) from
5 being included in the unitary business group because he
6 or she is ordinarily required to apportion business
7 income under different subsections of Section 304, but
8 not to exceed the addition modification required to be
9 made for the same taxable year under Section
10 203(a)(2)(D-18) for intangible expenses and costs
11 paid, accrued, or incurred, directly or indirectly, to
12 the same person.

13 (b) Corporations.

14 (1) In general. In the case of a corporation, base
15 income means an amount equal to the taxpayer's taxable
16 income for the taxable year as modified by paragraph (2).

17 (2) Modifications. The taxable income referred to in
18 paragraph (1) shall be modified by adding thereto the sum
19 of the following amounts:

20 (A) An amount equal to all amounts paid or accrued
21 to the taxpayer as interest and all distributions
22 received from regulated investment companies during
23 the taxable year to the extent excluded from gross
24 income in the computation of taxable income;

25 (B) An amount equal to the amount of tax imposed by

1 this Act to the extent deducted from gross income in
2 the computation of taxable income for the taxable year;

3 (C) In the case of a regulated investment company,
4 an amount equal to the excess of (i) the net long-term
5 capital gain for the taxable year, over (ii) the amount
6 of the capital gain dividends designated as such in
7 accordance with Section 852(b)(3)(C) of the Internal
8 Revenue Code and any amount designated under Section
9 852(b)(3)(D) of the Internal Revenue Code,
10 attributable to the taxable year (this amendatory Act
11 of 1995 (Public Act 89-89) is declarative of existing
12 law and is not a new enactment);

13 (D) The amount of any net operating loss deduction
14 taken in arriving at taxable income, other than a net
15 operating loss carried forward from a taxable year
16 ending prior to December 31, 1986;

17 (E) For taxable years in which a net operating loss
18 carryback or carryforward from a taxable year ending
19 prior to December 31, 1986 is an element of taxable
20 income under paragraph (1) of subsection (e) or
21 subparagraph (E) of paragraph (2) of subsection (e),
22 the amount by which addition modifications other than
23 those provided by this subparagraph (E) exceeded
24 subtraction modifications in such earlier taxable
25 year, with the following limitations applied in the
26 order that they are listed:

1 (i) the addition modification relating to the
2 net operating loss carried back or forward to the
3 taxable year from any taxable year ending prior to
4 December 31, 1986 shall be reduced by the amount of
5 addition modification under this subparagraph (E)
6 which related to that net operating loss and which
7 was taken into account in calculating the base
8 income of an earlier taxable year, and

9 (ii) the addition modification relating to the
10 net operating loss carried back or forward to the
11 taxable year from any taxable year ending prior to
12 December 31, 1986 shall not exceed the amount of
13 such carryback or carryforward;

14 For taxable years in which there is a net operating
15 loss carryback or carryforward from more than one other
16 taxable year ending prior to December 31, 1986, the
17 addition modification provided in this subparagraph
18 (E) shall be the sum of the amounts computed
19 independently under the preceding provisions of this
20 subparagraph (E) for each such taxable year;

21 (E-5) For taxable years ending after December 31,
22 1997, an amount equal to any eligible remediation costs
23 that the corporation deducted in computing adjusted
24 gross income and for which the corporation claims a
25 credit under subsection (l) of Section 201;

26 (E-10) For taxable years 2001 and thereafter, an

1 amount equal to the bonus depreciation deduction taken
2 on the taxpayer's federal income tax return for the
3 taxable year under subsection (k) of Section 168 of the
4 Internal Revenue Code; and

5 (E-11) If the taxpayer sells, transfers, abandons,
6 or otherwise disposes of property for which the
7 taxpayer was required in any taxable year to make an
8 addition modification under subparagraph (E-10), then
9 an amount equal to the aggregate amount of the
10 deductions taken in all taxable years under
11 subparagraph (T) with respect to that property.

12 If the taxpayer continues to own property through
13 the last day of the last tax year for which the
14 taxpayer may claim a depreciation deduction for
15 federal income tax purposes and for which the taxpayer
16 was allowed in any taxable year to make a subtraction
17 modification under subparagraph (T), then an amount
18 equal to that subtraction modification.

19 The taxpayer is required to make the addition
20 modification under this subparagraph only once with
21 respect to any one piece of property;

22 (E-12) An amount equal to the amount otherwise
23 allowed as a deduction in computing base income for
24 interest paid, accrued, or incurred, directly or
25 indirectly, (i) for taxable years ending on or after
26 December 31, 2004, to a foreign person who would be a

1 member of the same unitary business group but for the
2 fact the foreign person's business activity outside
3 the United States is 80% or more of the foreign
4 person's total business activity and (ii) for taxable
5 years ending on or after December 31, 2008, to a person
6 who would be a member of the same unitary business
7 group but for the fact that the person is prohibited
8 under Section 1501(a)(27) from being included in the
9 unitary business group because he or she is ordinarily
10 required to apportion business income under different
11 subsections of Section 304. The addition modification
12 required by this subparagraph shall be reduced to the
13 extent that dividends were included in base income of
14 the unitary group for the same taxable year and
15 received by the taxpayer or by a member of the
16 taxpayer's unitary business group (including amounts
17 included in gross income pursuant to Sections 951
18 through 964 of the Internal Revenue Code and amounts
19 included in gross income under Section 78 of the
20 Internal Revenue Code) with respect to the stock of the
21 same person to whom the interest was paid, accrued, or
22 incurred.

23 This paragraph shall not apply to the following:

24 (i) an item of interest paid, accrued, or
25 incurred, directly or indirectly, to a foreign
26 person who is subject in a foreign country or

1 state, other than a state which requires mandatory
2 unitary reporting, to a tax on or measured by net
3 income with respect to such interest; or

4 (ii) an item of interest paid, accrued, or
5 incurred, directly or indirectly, to a foreign
6 person if the taxpayer can establish, based on a
7 preponderance of the evidence, both of the
8 following:

9 (a) the foreign person, during the same
10 taxable year, paid, accrued, or incurred, the
11 interest to a person that is not a related
12 member, and

13 (b) the transaction giving rise to the
14 interest expense between the taxpayer and the
15 foreign person did not have as a principal
16 purpose the avoidance of Illinois income tax,
17 and is paid pursuant to a contract or agreement
18 that reflects an arm's-length interest rate
19 and terms; or

20 (iii) the taxpayer can establish, based on
21 clear and convincing evidence, that the interest
22 paid, accrued, or incurred relates to a contract or
23 agreement entered into at arm's-length rates and
24 terms and the principal purpose for the payment is
25 not federal or Illinois tax avoidance; or

26 (iv) an item of interest paid, accrued, or

1 incurred, directly or indirectly, to a foreign
2 person if the taxpayer establishes by clear and
3 convincing evidence that the adjustments are
4 unreasonable; or if the taxpayer and the Director
5 agree in writing to the application or use of an
6 alternative method of apportionment under Section
7 304(f).

8 Nothing in this subsection shall preclude the
9 Director from making any other adjustment
10 otherwise allowed under Section 404 of this Act for
11 any tax year beginning after the effective date of
12 this amendment provided such adjustment is made
13 pursuant to regulation adopted by the Department
14 and such regulations provide methods and standards
15 by which the Department will utilize its authority
16 under Section 404 of this Act;

17 (E-13) An amount equal to the amount of intangible
18 expenses and costs otherwise allowed as a deduction in
19 computing base income, and that were paid, accrued, or
20 incurred, directly or indirectly, (i) for taxable
21 years ending on or after December 31, 2004, to a
22 foreign person who would be a member of the same
23 unitary business group but for the fact that the
24 foreign person's business activity outside the United
25 States is 80% or more of that person's total business
26 activity and (ii) for taxable years ending on or after

1 December 31, 2008, to a person who would be a member of
2 the same unitary business group but for the fact that
3 the person is prohibited under Section 1501(a)(27)
4 from being included in the unitary business group
5 because he or she is ordinarily required to apportion
6 business income under different subsections of Section
7 304. The addition modification required by this
8 subparagraph shall be reduced to the extent that
9 dividends were included in base income of the unitary
10 group for the same taxable year and received by the
11 taxpayer or by a member of the taxpayer's unitary
12 business group (including amounts included in gross
13 income pursuant to Sections 951 through 964 of the
14 Internal Revenue Code and amounts included in gross
15 income under Section 78 of the Internal Revenue Code)
16 with respect to the stock of the same person to whom
17 the intangible expenses and costs were directly or
18 indirectly paid, incurred, or accrued. The preceding
19 sentence shall not apply to the extent that the same
20 dividends caused a reduction to the addition
21 modification required under Section 203(b)(2)(E-12) of
22 this Act. As used in this subparagraph, the term
23 "intangible expenses and costs" includes (1) expenses,
24 losses, and costs for, or related to, the direct or
25 indirect acquisition, use, maintenance or management,
26 ownership, sale, exchange, or any other disposition of

1 intangible property; (2) losses incurred, directly or
2 indirectly, from factoring transactions or discounting
3 transactions; (3) royalty, patent, technical, and
4 copyright fees; (4) licensing fees; and (5) other
5 similar expenses and costs. For purposes of this
6 subparagraph, "intangible property" includes patents,
7 patent applications, trade names, trademarks, service
8 marks, copyrights, mask works, trade secrets, and
9 similar types of intangible assets.

10 This paragraph shall not apply to the following:

11 (i) any item of intangible expenses or costs
12 paid, accrued, or incurred, directly or
13 indirectly, from a transaction with a foreign
14 person who is subject in a foreign country or
15 state, other than a state which requires mandatory
16 unitary reporting, to a tax on or measured by net
17 income with respect to such item; or

18 (ii) any item of intangible expense or cost
19 paid, accrued, or incurred, directly or
20 indirectly, if the taxpayer can establish, based
21 on a preponderance of the evidence, both of the
22 following:

23 (a) the foreign person during the same
24 taxable year paid, accrued, or incurred, the
25 intangible expense or cost to a person that is
26 not a related member, and

1 (b) the transaction giving rise to the
2 intangible expense or cost between the
3 taxpayer and the foreign person did not have as
4 a principal purpose the avoidance of Illinois
5 income tax, and is paid pursuant to a contract
6 or agreement that reflects arm's-length terms;
7 or

8 (iii) any item of intangible expense or cost
9 paid, accrued, or incurred, directly or
10 indirectly, from a transaction with a foreign
11 person if the taxpayer establishes by clear and
12 convincing evidence, that the adjustments are
13 unreasonable; or if the taxpayer and the Director
14 agree in writing to the application or use of an
15 alternative method of apportionment under Section
16 304(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 (E-14) 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 intangible expenses and
21 costs were directly or indirectly paid, incurred, or
22 accrued. The preceding sentence does not apply to the
23 extent that the same dividends caused a reduction to
24 the addition modification required under Section
25 203(a)(2)(D-17) of this Act;

26 (E-15) For taxable years beginning after December

1 31, 2008, any deduction for dividends paid to a
2 corporation by a captive real estate trust that is
3 allowed to a real estate investment trust under Section
4 857(b)(2)(B) of the Internal Revenue Code for
5 dividends paid;

6 and by deducting from the total so obtained the sum of the
7 following amounts:

8 (F) An amount equal to the amount of any tax
9 imposed by this Act which was refunded to the taxpayer
10 and included in such total for the taxable year;

11 (G) An amount equal to any amount included in such
12 total under Section 78 of the Internal Revenue Code;

13 (H) In the case of a regulated investment company,
14 an amount equal to the amount of exempt interest
15 dividends as defined in subsection (b) (5) of Section
16 852 of the Internal Revenue Code, paid to shareholders
17 for the taxable year;

18 (I) With the exception of any amounts subtracted
19 under subparagraph (J), an amount equal to the sum of
20 all amounts disallowed as deductions by (i) Sections
21 171(a) (2), and 265(a)(2) and amounts disallowed as
22 interest expense by Section 291(a)(3) of the Internal
23 Revenue Code, as now or hereafter amended, and all
24 amounts of expenses allocable to interest and
25 disallowed as deductions by Section 265(a)(1) of the
26 Internal Revenue Code, as now or hereafter amended; and

1 (ii) for taxable years ending on or after August 13,
2 1999, Sections 171(a)(2), 265, 280C, 291(a)(3), and
3 832(b)(5)(B)(i) of the Internal Revenue Code; the
4 provisions of this subparagraph are exempt from the
5 provisions of Section 250;

6 (J) An amount equal to all amounts included in such
7 total which are exempt from taxation by this State
8 either by reason of its statutes or Constitution or by
9 reason of the Constitution, treaties or statutes of the
10 United States; provided that, in the case of any
11 statute of this State or, for taxable years ending on
12 or after December 31, 2008, of the United States, any
13 treaty of the United States, the Illinois
14 Constitution, or the United States Constitution that
15 exempts income derived from bonds or other obligations
16 from the tax imposed under this Act, the amount
17 exempted shall be the income net of bond premium
18 amortization, and, for taxable years ending on or after
19 December 31, 2008, interest expense incurred on
20 indebtedness to carry the bond or other obligation,
21 expenses incurred in producing the income to be
22 deducted, and all other related expenses. The amount of
23 expenses to be taken into account under this provision
24 may not exceed the amount of income that is exempted;

25 (K) An amount equal to those dividends included in
26 such total which were paid by a corporation which

1 conducts business operations in an Enterprise Zone or
2 zones created under the Illinois Enterprise Zone Act or
3 a River Edge Redevelopment Zone or zones created under
4 the River Edge Redevelopment Zone Act and conducts
5 substantially all of its operations in an Enterprise
6 Zone or zones or a River Edge Redevelopment Zone or
7 zones. This subparagraph (K) is exempt from the
8 provisions of Section 250;

9 (L) An amount equal to those dividends included in
10 such total that were paid by a corporation that
11 conducts business operations in a federally designated
12 Foreign Trade Zone or Sub-Zone and that is designated a
13 High Impact Business located in Illinois; provided
14 that dividends eligible for the deduction provided in
15 subparagraph (K) of paragraph 2 of this subsection
16 shall not be eligible for the deduction provided under
17 this subparagraph (L);

18 (M) For any taxpayer that is a financial
19 organization within the meaning of Section 304(c) of
20 this Act, an amount included in such total as interest
21 income from a loan or loans made by such taxpayer to a
22 borrower, to the extent that such a loan is secured by
23 property which is eligible for the Enterprise Zone
24 Investment Credit or the River Edge Redevelopment Zone
25 Investment Credit. To determine the portion of a loan
26 or loans that is secured by property eligible for a

1 Section 201(f) investment credit to the borrower, the
2 entire principal amount of the loan or loans between
3 the taxpayer and the borrower should be divided into
4 the basis of the Section 201(f) investment credit
5 property which secures the loan or loans, using for
6 this purpose the original basis of such property on the
7 date that it was placed in service in the Enterprise
8 Zone or the River Edge Redevelopment Zone. The
9 subtraction modification available to taxpayer in any
10 year under this subsection shall be that portion of the
11 total interest paid by the borrower with respect to
12 such loan attributable to the eligible property as
13 calculated under the previous sentence. This
14 subparagraph (M) is exempt from the provisions of
15 Section 250;

16 (M-1) For any taxpayer that is a financial
17 organization within the meaning of Section 304(c) of
18 this Act, an amount included in such total as interest
19 income from a loan or loans made by such taxpayer to a
20 borrower, to the extent that such a loan is secured by
21 property which is eligible for the High Impact Business
22 Investment Credit. To determine the portion of a loan
23 or loans that is secured by property eligible for a
24 Section 201(h) investment credit to the borrower, the
25 entire principal amount of the loan or loans between
26 the taxpayer and the borrower should be divided into

1 the basis of the Section 201(h) investment credit
2 property which secures the loan or loans, using for
3 this purpose the original basis of such property on the
4 date that it was placed in service in a federally
5 designated Foreign Trade Zone or Sub-Zone located in
6 Illinois. No taxpayer that is eligible for the
7 deduction provided in subparagraph (M) of paragraph
8 (2) of this subsection shall be eligible for the
9 deduction provided under this subparagraph (M-1). The
10 subtraction modification available to taxpayers in any
11 year under this subsection shall be that portion of the
12 total interest paid by the borrower with respect to
13 such loan attributable to the eligible property as
14 calculated under the previous sentence;

15 (N) Two times any contribution made during the
16 taxable year to a designated zone organization to the
17 extent that the contribution (i) qualifies as a
18 charitable contribution under subsection (c) of
19 Section 170 of the Internal Revenue Code and (ii) must,
20 by its terms, be used for a project approved by the
21 Department of Commerce and Economic Opportunity under
22 Section 11 of the Illinois Enterprise Zone Act or under
23 Section 10-10 of the River Edge Redevelopment Zone Act.
24 This subparagraph (N) is exempt from the provisions of
25 Section 250;

26 (O) An amount equal to: (i) 85% for taxable years

1 ending on or before December 31, 1992, or, a percentage
2 equal to the percentage allowable under Section
3 243(a)(1) of the Internal Revenue Code of 1986 for
4 taxable years ending after December 31, 1992, of the
5 amount by which dividends included in taxable income
6 and received from a corporation that is not created or
7 organized under the laws of the United States or any
8 state or political subdivision thereof, including, for
9 taxable years ending on or after December 31, 1988,
10 dividends received or deemed received or paid or deemed
11 paid under Sections 951 through 964 of the Internal
12 Revenue Code, exceed the amount of the modification
13 provided under subparagraph (G) of paragraph (2) of
14 this subsection (b) which is related to such dividends,
15 and including, for taxable years ending on or after
16 December 31, 2008, dividends received from a real
17 estate investment trust; plus (ii) 100% of the amount
18 by which dividends, included in taxable income and
19 received, including, for taxable years ending on or
20 after December 31, 1988, dividends received or deemed
21 received or paid or deemed paid under Sections 951
22 through 964 of the Internal Revenue Code and including,
23 for taxable years ending on or after December 31, 2008,
24 dividends received from a real estate investment
25 trust, from any such corporation specified in clause
26 (i) that would but for the provisions of Section 1504

1 (b) (3) of the Internal Revenue Code be treated as a
2 member of the affiliated group which includes the
3 dividend recipient, exceed the amount of the
4 modification provided under subparagraph (G) of
5 paragraph (2) of this subsection (b) which is related
6 to such dividends;

7 (P) An amount equal to any contribution made to a
8 job training project established pursuant to the Tax
9 Increment Allocation Redevelopment Act;

10 (Q) An amount equal to the amount of the deduction
11 used to compute the federal income tax credit for
12 restoration of substantial amounts held under claim of
13 right for the taxable year pursuant to Section 1341 of
14 the Internal Revenue Code of 1986;

15 (R) On and after July 20, 1999, in the case of an
16 attorney-in-fact with respect to whom an interinsurer
17 or a reciprocal insurer has made the election under
18 Section 835 of the Internal Revenue Code, 26 U.S.C.
19 835, an amount equal to the excess, if any, of the
20 amounts paid or incurred by that interinsurer or
21 reciprocal insurer in the taxable year to the
22 attorney-in-fact over the deduction allowed to that
23 interinsurer or reciprocal insurer with respect to the
24 attorney-in-fact under Section 835(b) of the Internal
25 Revenue Code for the taxable year; the provisions of
26 this subparagraph are exempt from the provisions of

1 Section 250;

2 (S) For taxable years ending on or after December
3 31, 1997, in the case of a Subchapter S corporation, an
4 amount equal to all amounts of income allocable to a
5 shareholder subject to the Personal Property Tax
6 Replacement Income Tax imposed by subsections (c) and
7 (d) of Section 201 of this Act, including amounts
8 allocable to organizations exempt from federal income
9 tax by reason of Section 501(a) of the Internal Revenue
10 Code. This subparagraph (S) is exempt from the
11 provisions of Section 250;

12 (T) For taxable years 2001 and thereafter, for the
13 taxable year in which the bonus depreciation deduction
14 is taken on the taxpayer's federal income tax return
15 under subsection (k) of Section 168 of the Internal
16 Revenue Code and for each applicable taxable year
17 thereafter, an amount equal to "x", where:

18 (1) "y" equals the amount of the depreciation
19 deduction taken for the taxable year on the
20 taxpayer's federal income tax return on property
21 for which the bonus depreciation deduction was
22 taken in any year under subsection (k) of Section
23 168 of the Internal Revenue Code, but not including
24 the bonus depreciation deduction;

25 (2) for taxable years ending on or before
26 December 31, 2005, "x" equals "y" multiplied by 30

1 and then divided by 70 (or "y" multiplied by
2 0.429); and

3 (3) for taxable years ending after December
4 31, 2005:

5 (i) for property on which a bonus
6 depreciation deduction of 30% of the adjusted
7 basis was taken, "x" equals "y" multiplied by
8 30 and then divided by 70 (or "y" multiplied by
9 0.429); and

10 (ii) for property on which a bonus
11 depreciation deduction of 50% of the adjusted
12 basis was taken, "x" equals "y" multiplied by
13 1.0.

14 The aggregate amount deducted under this
15 subparagraph in all taxable years for any one piece of
16 property may not exceed the amount of the bonus
17 depreciation deduction taken on that property on the
18 taxpayer's federal income tax return under subsection
19 (k) of Section 168 of the Internal Revenue Code. This
20 subparagraph (T) is exempt from the provisions of
21 Section 250;

22 (U) If the taxpayer sells, transfers, abandons, or
23 otherwise disposes of property for which the taxpayer
24 was required in any taxable year to make an addition
25 modification under subparagraph (E-10), then an amount
26 equal to that addition modification.

1 If the taxpayer continues to own property through
2 the last day of the last tax year for which the
3 taxpayer may claim a depreciation deduction for
4 federal income tax purposes and for which the taxpayer
5 was required in any taxable year to make an addition
6 modification under subparagraph (E-10), then an amount
7 equal to that addition modification.

8 The taxpayer is allowed to take the deduction under
9 this subparagraph only once with respect to any one
10 piece of property.

11 This subparagraph (U) is exempt from the
12 provisions of Section 250;

13 (V) The amount of: (i) any interest income (net of
14 the deductions allocable thereto) taken into account
15 for the taxable year with respect to a transaction with
16 a taxpayer that is required to make an addition
17 modification with respect to such transaction under
18 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
19 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
20 the amount of such addition modification and (ii) any
21 income from intangible property (net of the deductions
22 allocable thereto) taken into account for the taxable
23 year with respect to a transaction with a taxpayer that
24 is required to make an addition modification with
25 respect to such transaction under Section
26 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or

1 203(d)(2)(D-8), but not to exceed the amount of such
2 addition modification;

3 (W) An amount equal to the interest income taken
4 into account for the taxable year (net of the
5 deductions allocable thereto) with respect to
6 transactions with (i) a foreign person who would be a
7 member of the taxpayer's unitary business group but for
8 the fact that the foreign person's business activity
9 outside the United States is 80% or more of that
10 person's total business activity and (ii) for taxable
11 years ending on or after December 31, 2008, to a person
12 who would be a member of the same unitary business
13 group but for the fact that the person is prohibited
14 under Section 1501(a)(27) from being included in the
15 unitary business group because he or she is ordinarily
16 required to apportion business income under different
17 subsections of Section 304, but not to exceed the
18 addition modification required to be made for the same
19 taxable year under Section 203(b)(2)(E-12) for
20 interest paid, accrued, or incurred, directly or
21 indirectly, to the same person;

22 (X) An amount equal to the income from intangible
23 property taken into account for the taxable year (net
24 of the deductions allocable thereto) with respect to
25 transactions with (i) a foreign person who would be a
26 member of the taxpayer's unitary business group but for

1 the fact that the foreign person's business activity
2 outside the United States is 80% or more of that
3 person's total business activity and (ii) for taxable
4 years ending on or after December 31, 2008, to a person
5 who would be a member of the same unitary business
6 group but for the fact that the person is prohibited
7 under Section 1501(a)(27) from being included in the
8 unitary business group because he or she is ordinarily
9 required to apportion business income under different
10 subsections of Section 304, but not to exceed the
11 addition modification required to be made for the same
12 taxable year under Section 203(b)(2)(E-13) for
13 intangible expenses and costs paid, accrued, or
14 incurred, directly or indirectly, to the same foreign
15 person; and

16 (Y) ~~(FF)~~ An amount equal to the income from
17 insurance premiums taken into account for the taxable
18 year (net of the deductions allocable thereto) with
19 respect to transactions with a person who would be a
20 member of the same unitary business group but for the
21 fact that the person is prohibited under Section
22 1501(a)(27) from being included in the unitary
23 business group because he or she is ordinarily required
24 to apportion business income under different
25 subsections of Section 304, but not to exceed the
26 addition modification required to be made for the same

1 taxable year under Section 203(a)(2)(D-18) for
2 intangible expenses and costs paid, accrued, or
3 incurred, directly or indirectly, to the same person.

4 (3) Special rule. For purposes of paragraph (2) (A),
5 "gross income" in the case of a life insurance company, for
6 tax years ending on and after December 31, 1994, shall mean
7 the gross investment income for the taxable year.

8 (c) Trusts and estates.

9 (1) In general. In the case of a trust or estate, 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. Subject to the provisions of
13 paragraph (3), the taxable income referred to in paragraph
14 (1) shall be modified by adding thereto the sum of the
15 following amounts:

16 (A) An amount equal to all amounts paid or accrued
17 to the taxpayer as interest or dividends during the
18 taxable year to the extent excluded from gross income
19 in the computation of taxable income;

20 (B) In the case of (i) an estate, \$600; (ii) a
21 trust which, under its governing instrument, is
22 required to distribute all of its income currently,
23 \$300; and (iii) any other trust, \$100, but in each such
24 case, only to the extent such amount was deducted in
25 the computation of taxable income;

1 (C) An amount equal to the amount of tax imposed by
2 this Act to the extent deducted from gross income in
3 the computation of taxable income for the taxable year;

4 (D) The amount of any net operating loss deduction
5 taken in arriving at taxable income, other than a net
6 operating loss carried forward from a taxable year
7 ending prior to December 31, 1986;

8 (E) For taxable years in which a net operating loss
9 carryback or carryforward from a taxable year ending
10 prior to December 31, 1986 is an element of taxable
11 income under paragraph (1) of subsection (e) or
12 subparagraph (E) of paragraph (2) of subsection (e),
13 the amount by which addition modifications other than
14 those provided by this subparagraph (E) exceeded
15 subtraction modifications in such taxable year, with
16 the following limitations applied in the order that
17 they are listed:

18 (i) the addition modification relating to the
19 net operating loss carried back or forward to the
20 taxable year from any taxable year ending prior to
21 December 31, 1986 shall be reduced by the amount of
22 addition modification under this subparagraph (E)
23 which related to that net operating loss and which
24 was taken into account in calculating the base
25 income of an earlier taxable year, and

26 (ii) the addition modification relating to the

1 net operating loss carried back or forward to the
2 taxable year from any taxable year ending prior to
3 December 31, 1986 shall not exceed the amount of
4 such carryback or carryforward;

5 For taxable years in which there is a net operating
6 loss carryback or carryforward from more than one other
7 taxable year ending prior to December 31, 1986, the
8 addition modification provided in this subparagraph
9 (E) shall be the sum of the amounts computed
10 independently under the preceding provisions of this
11 subparagraph (E) for each such taxable year;

12 (F) For taxable years ending on or after January 1,
13 1989, an amount equal to the tax deducted pursuant to
14 Section 164 of the Internal Revenue Code if the trust
15 or estate is claiming the same tax for purposes of the
16 Illinois foreign tax credit under Section 601 of this
17 Act;

18 (G) An amount equal to the amount of the capital
19 gain deduction allowable under the Internal Revenue
20 Code, to the extent deducted from gross income in the
21 computation of taxable income;

22 (G-5) For taxable years ending after December 31,
23 1997, an amount equal to any eligible remediation costs
24 that the trust or estate deducted in computing adjusted
25 gross income and for which the trust or estate claims a
26 credit under subsection (1) of Section 201;

1 (G-10) For taxable years 2001 and thereafter, an
2 amount equal to the bonus depreciation deduction taken
3 on the taxpayer's federal income tax return for the
4 taxable year under subsection (k) of Section 168 of the
5 Internal Revenue Code; and

6 (G-11) If the taxpayer sells, transfers, abandons,
7 or otherwise disposes of property for which the
8 taxpayer was required in any taxable year to make an
9 addition modification under subparagraph (G-10), then
10 an amount equal to the aggregate amount of the
11 deductions taken in all taxable years under
12 subparagraph (R) with respect to that property.

13 If the taxpayer continues to own property through
14 the last day of the last tax year for which the
15 taxpayer may claim a depreciation deduction for
16 federal income tax purposes and for which the taxpayer
17 was allowed in any taxable year to make a subtraction
18 modification under subparagraph (R), then an amount
19 equal to that subtraction modification.

20 The taxpayer is required to make the addition
21 modification under this subparagraph only once with
22 respect to any one piece of property;

23 (G-12) An amount equal to the amount otherwise
24 allowed as a deduction in computing base income for
25 interest paid, accrued, or incurred, directly or
26 indirectly, (i) for taxable years ending on or after

1 December 31, 2004, to a foreign person who would be a
2 member of the same unitary business group but for the
3 fact that the foreign person's business activity
4 outside the United States is 80% or more of the foreign
5 person's total business activity and (ii) for taxable
6 years ending on or after December 31, 2008, to a person
7 who would be a member of the same unitary business
8 group but for the fact that the person is prohibited
9 under Section 1501(a)(27) from being included in the
10 unitary business group because he or she is ordinarily
11 required to apportion business income under different
12 subsections of Section 304. The addition modification
13 required by this subparagraph shall be reduced to the
14 extent that dividends were included in base income of
15 the unitary group for the same taxable year and
16 received by the taxpayer or by a member of the
17 taxpayer's unitary business group (including amounts
18 included in gross income pursuant to Sections 951
19 through 964 of the Internal Revenue Code and amounts
20 included in gross income under Section 78 of the
21 Internal Revenue Code) with respect to the stock of the
22 same person to whom the interest was paid, accrued, or
23 incurred.

24 This paragraph shall not apply to the following:

25 (i) an item of interest paid, accrued, or
26 incurred, directly or indirectly, to a foreign

1 person who is subject in a foreign country or
2 state, other than a state which requires mandatory
3 unitary reporting, to a tax on or measured by net
4 income with respect to such interest; or

5 (ii) an item of interest paid, accrued, or
6 incurred, directly or indirectly, to a foreign
7 person if the taxpayer can establish, based on a
8 preponderance of the evidence, both of the
9 following:

10 (a) the foreign person, during the same
11 taxable year, paid, accrued, or incurred, the
12 interest to a person that is not a related
13 member, and

14 (b) the transaction giving rise to the
15 interest expense between the taxpayer and the
16 foreign person did not have as a principal
17 purpose the avoidance of Illinois income tax,
18 and is paid pursuant to a contract or agreement
19 that reflects an arm's-length interest rate
20 and terms; or

21 (iii) the taxpayer can establish, based on
22 clear and convincing evidence, that the interest
23 paid, accrued, or incurred relates to a contract or
24 agreement entered into at arm's-length rates and
25 terms and the principal purpose for the payment is
26 not federal or Illinois tax avoidance; or

1 (iv) an item of interest paid, accrued, or
2 incurred, directly or indirectly, to a foreign
3 person if the taxpayer establishes by clear and
4 convincing evidence that the adjustments are
5 unreasonable; or if the taxpayer and the Director
6 agree in writing to the application or use of an
7 alternative method of apportionment under Section
8 304(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 (G-13) 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 pursuant to Sections 951 through 964 of the
15 Internal Revenue Code and amounts included in gross
16 income under Section 78 of the Internal Revenue Code)
17 with respect to the stock of the same person to whom
18 the intangible expenses and costs were directly or
19 indirectly paid, incurred, or accrued. The preceding
20 sentence shall not apply to the extent that the same
21 dividends caused a reduction to the addition
22 modification required under Section 203(c)(2)(G-12) of
23 this Act. As used in this subparagraph, the term
24 "intangible expenses and costs" includes: (1)
25 expenses, losses, and costs for or related to the
26 direct or indirect acquisition, use, maintenance or

1 management, ownership, sale, exchange, or any other
2 disposition of intangible property; (2) losses
3 incurred, directly or indirectly, from factoring
4 transactions or discounting transactions; (3) royalty,
5 patent, technical, and copyright fees; (4) licensing
6 fees; and (5) other similar expenses and costs. For
7 purposes of this subparagraph, "intangible property"
8 includes patents, patent applications, trade names,
9 trademarks, service marks, copyrights, mask works,
10 trade secrets, and similar types of intangible 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 foreign
15 person who is subject in a foreign country or
16 state, other than a state which requires mandatory
17 unitary reporting, to a tax on or measured by net
18 income with respect 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 foreign person during the same
25 taxable 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 foreign person did not have as
5 a 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 foreign
12 person if the taxpayer establishes by clear and
13 convincing evidence, that the adjustments are
14 unreasonable; or if the taxpayer and the Director
15 agree in writing to the application or use of an
16 alternative method of apportionment under Section
17 304(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;

1 (G-14) For taxable years ending on or after
2 December 31, 2008, an amount equal to the amount of
3 insurance premium expenses and costs otherwise allowed
4 as a deduction in computing base income, and that were
5 paid, accrued, or incurred, directly or indirectly, to
6 a person who would be a member of the same unitary
7 business group but for the fact that the person is
8 prohibited under Section 1501(a)(27) from being
9 included in the unitary business group because he or
10 she is ordinarily required to apportion business
11 income under different subsections of Section 304. The
12 addition modification required by this subparagraph
13 shall be reduced to the extent that dividends were
14 included in base income of the unitary group for the
15 same taxable year and received by the taxpayer or by a
16 member of the taxpayer's unitary business group
17 (including amounts included in gross income under
18 Sections 951 through 964 of the Internal Revenue Code
19 and amounts included in gross income under Section 78
20 of the Internal Revenue Code) with respect to the stock
21 of the same person to whom the intangible expenses and
22 costs were directly or indirectly paid, incurred, or
23 accrued. The preceding sentence does not apply to the
24 extent that the same dividends caused a reduction to
25 the addition modification required under Section
26 203(a)(2)(D-17) of this Act.

1 and by deducting from the total so obtained the sum of the
2 following amounts:

3 (H) An amount equal to all amounts included in such
4 total pursuant to the provisions of Sections 402(a),
5 402(c), 403(a), 403(b), 406(a), 407(a) and 408 of the
6 Internal Revenue Code or included in such total as
7 distributions under the provisions of any retirement
8 or disability plan for employees of any governmental
9 agency or unit, or retirement payments to retired
10 partners, which payments are excluded in computing net
11 earnings from self employment by Section 1402 of the
12 Internal Revenue Code and regulations adopted pursuant
13 thereto;

14 (I) The valuation limitation amount;

15 (J) An amount equal to the amount of any tax
16 imposed by this Act which was refunded to the taxpayer
17 and included in such total for the taxable year;

18 (K) An amount equal to all amounts included in
19 taxable income as modified by subparagraphs (A), (B),
20 (C), (D), (E), (F) and (G) which are exempt from
21 taxation by this State either by reason of its statutes
22 or Constitution or by reason of the Constitution,
23 treaties or statutes of the United States; provided
24 that, in the case of any statute of this State or, for
25 taxable years ending on or after December 31, 2008, of
26 the United States, any treaty of the United States, the

1 Illinois Constitution, or the United States
2 Constitution that exempts income derived from bonds or
3 other obligations from the tax imposed under this Act,
4 the amount exempted shall be the income net of bond
5 premium amortization, and, for taxable years ending on
6 or after December 31, 2008, interest expense incurred
7 on indebtedness to carry the bond or other obligation,
8 expenses incurred in producing the income to be
9 deducted, and all other related expenses. The amount of
10 expenses to be taken into account under this provision
11 may not exceed the amount of income that is exempted;

12 (L) With the exception of any amounts subtracted
13 under subparagraph (K), an amount equal to the sum of
14 all amounts disallowed as deductions by (i) Sections
15 171(a) (2) and 265(a) (2) of the Internal Revenue Code,
16 as now or hereafter amended, and all amounts of
17 expenses allocable to interest and disallowed as
18 deductions by Section 265(1) of the Internal Revenue
19 Code of 1954, as now or hereafter amended; and (ii) for
20 taxable years ending on or after August 13, 1999,
21 Sections 171(a) (2), 265, 280C, and 832(b) (5) (B) (i) of
22 the Internal Revenue Code; the provisions of this
23 subparagraph are exempt from the provisions of Section
24 250;

25 (M) An amount equal to those dividends included in
26 such total which were paid by a corporation which

1 conducts business operations in an Enterprise Zone or
2 zones created under the Illinois Enterprise Zone Act or
3 a River Edge Redevelopment Zone or zones created under
4 the River Edge Redevelopment Zone Act and conducts
5 substantially all of its operations in an Enterprise
6 Zone or Zones or a River Edge Redevelopment Zone or
7 zones. This subparagraph (M) is exempt from the
8 provisions of Section 250;

9 (N) An amount equal to any contribution made to a
10 job training project established pursuant to the Tax
11 Increment Allocation Redevelopment Act;

12 (O) An amount equal to those dividends included in
13 such total that were paid by a corporation that
14 conducts business operations in a federally designated
15 Foreign Trade Zone or Sub-Zone and that is designated a
16 High Impact Business located in Illinois; provided
17 that dividends eligible for the deduction provided in
18 subparagraph (M) of paragraph (2) of this subsection
19 shall not be eligible for the deduction provided under
20 this subparagraph (O);

21 (P) An amount equal to the amount of the deduction
22 used to compute the federal income tax credit for
23 restoration of substantial amounts held under claim of
24 right for the taxable year pursuant to Section 1341 of
25 the Internal Revenue Code of 1986;

26 (Q) For taxable year 1999 and thereafter, an amount

1 equal to the amount of any (i) distributions, to the
2 extent includible in gross income for federal income
3 tax purposes, made to the taxpayer because of his or
4 her status as a victim of persecution for racial or
5 religious reasons by Nazi Germany or any other Axis
6 regime or as an heir of the victim and (ii) items of
7 income, to the extent includible in gross income for
8 federal income tax purposes, attributable to, derived
9 from or in any way related to assets stolen from,
10 hidden from, or otherwise lost to a victim of
11 persecution for racial or religious reasons by Nazi
12 Germany or any other Axis regime immediately prior to,
13 during, and immediately after World War II, including,
14 but not limited to, interest on the proceeds receivable
15 as insurance under policies issued to a victim of
16 persecution for racial or religious reasons by Nazi
17 Germany or any other Axis regime by European insurance
18 companies immediately prior to and during World War II;
19 provided, however, this subtraction from federal
20 adjusted gross income does not apply to assets acquired
21 with such assets or with the proceeds from the sale of
22 such assets; provided, further, this paragraph shall
23 only apply to a taxpayer who was the first recipient of
24 such assets after their recovery and who is a victim of
25 persecution for racial or religious reasons by Nazi
26 Germany or any other Axis regime or as an heir of the

1 victim. The amount of and the eligibility for any
2 public assistance, benefit, or similar entitlement is
3 not affected by the inclusion of items (i) and (ii) of
4 this paragraph in gross income for federal income tax
5 purposes. This paragraph is exempt from the provisions
6 of Section 250;

7 (R) For taxable years 2001 and thereafter, for the
8 taxable year in which the bonus depreciation deduction
9 is taken on the taxpayer's federal income tax return
10 under subsection (k) of Section 168 of the Internal
11 Revenue Code and for each applicable taxable year
12 thereafter, an amount equal to "x", where:

13 (1) "y" equals the amount of the depreciation
14 deduction taken for the taxable year on the
15 taxpayer's federal income tax return on property
16 for which the bonus depreciation deduction was
17 taken in any year under subsection (k) of Section
18 168 of the Internal Revenue Code, but not including
19 the bonus depreciation deduction;

20 (2) for taxable years ending on or before
21 December 31, 2005, "x" equals "y" multiplied by 30
22 and then divided by 70 (or "y" multiplied by
23 0.429); and

24 (3) for taxable years ending after December
25 31, 2005:

26 (i) for property on which a bonus

1 depreciation deduction of 30% of the adjusted
2 basis was taken, "x" equals "y" multiplied by
3 30 and then divided by 70 (or "y" multiplied by
4 0.429); and

5 (ii) for property on which a bonus
6 depreciation deduction of 50% of the adjusted
7 basis was taken, "x" equals "y" multiplied by
8 1.0.

9 The aggregate amount deducted under this
10 subparagraph in all taxable years for any one piece of
11 property may not exceed the amount of the bonus
12 depreciation deduction taken on that property on the
13 taxpayer's federal income tax return under subsection
14 (k) of Section 168 of the Internal Revenue Code. This
15 subparagraph (R) is exempt from the provisions of
16 Section 250;

17 (S) If the taxpayer sells, transfers, abandons, or
18 otherwise disposes of property for which the taxpayer
19 was required in any taxable year to make an addition
20 modification under subparagraph (G-10), then an amount
21 equal to that addition modification.

22 If the taxpayer continues to own property through
23 the last day of the last tax year for which the
24 taxpayer may claim a depreciation deduction for
25 federal income tax purposes and for which the taxpayer
26 was required in any taxable year to make an addition

1 modification under subparagraph (G-10), then an amount
2 equal to that addition modification.

3 The taxpayer is allowed to take the deduction under
4 this subparagraph only once with respect to any one
5 piece of property.

6 This subparagraph (S) is exempt from the
7 provisions of Section 250;

8 (T) The amount of (i) any interest income (net of
9 the deductions allocable thereto) taken into account
10 for the taxable year with respect to a transaction with
11 a taxpayer that is required to make an addition
12 modification with respect to such transaction under
13 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
14 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
15 the amount of such addition modification and (ii) any
16 income from intangible property (net of the deductions
17 allocable thereto) taken into account for the taxable
18 year with respect to a transaction with a taxpayer that
19 is required to make an addition modification with
20 respect to such transaction under Section
21 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
22 203(d)(2)(D-8), but not to exceed the amount of such
23 addition modification;

24 (U) An amount equal to the interest income taken
25 into account for the taxable year (net of the
26 deductions allocable thereto) with respect to

1 transactions with (i) a foreign person who would be a
2 member of the taxpayer's unitary business group but for
3 the fact the foreign person's business activity
4 outside the United States is 80% or more of that
5 person's total business activity and (ii) for taxable
6 years ending on or after December 31, 2008, to a person
7 who would be a member of the same unitary business
8 group but for the fact that the person is prohibited
9 under Section 1501(a)(27) from being included in the
10 unitary business group because he or she is ordinarily
11 required to apportion business income under different
12 subsections of Section 304, but not to exceed the
13 addition modification required to be made for the same
14 taxable year under Section 203(c)(2)(G-12) for
15 interest paid, accrued, or incurred, directly or
16 indirectly, to the same person;

17 (V) An amount equal to the income from intangible
18 property taken into account for the taxable year (net
19 of the deductions allocable thereto) with respect to
20 transactions with a foreign person who would be a
21 member of the taxpayer's unitary business group but for
22 the fact that the foreign person's business activity
23 outside the United States is 80% or more of that
24 person's total business activity, but not to exceed the
25 addition modification required to be made for the same
26 taxable year under Section 203(c)(2)(G-13) for

1 intangible expenses and costs paid, accrued, or
2 incurred, directly or indirectly, to the same foreign
3 person; and

4 (W) ~~(FF)~~ An amount equal to the income from
5 insurance premiums taken into account for the taxable
6 year (net of the deductions allocable thereto) with
7 respect to transactions with a person who would be a
8 member of the same unitary business group but for the
9 fact that the person is prohibited under Section
10 1501(a)(27) from being included in the unitary
11 business group because he or she is ordinarily required
12 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(a)(2)(D-18) for
16 intangible expenses and costs paid, accrued, or
17 incurred, directly or indirectly, to the same person.

18 (3) Limitation. The amount of any modification
19 otherwise required under this subsection shall, under
20 regulations prescribed by the Department, be adjusted by
21 any amounts included therein which were properly paid,
22 credited, or required to be distributed, or permanently set
23 aside for charitable purposes pursuant to Internal Revenue
24 Code Section 642(c) during the taxable year.

25 (d) Partnerships.

1 (1) In general. In the case of a partnership, base
2 income means an amount equal to the taxpayer's taxable
3 income for the taxable year as modified by paragraph (2).

4 (2) Modifications. The taxable income referred to in
5 paragraph (1) shall be modified by adding thereto the sum
6 of the following amounts:

7 (A) An amount equal to all amounts paid or accrued
8 to the taxpayer as interest or dividends during the
9 taxable year to the extent excluded from gross income
10 in the computation of taxable income;

11 (B) An amount equal to the amount of tax imposed by
12 this Act to the extent deducted from gross income for
13 the taxable year;

14 (C) The amount of deductions allowed to the
15 partnership pursuant to Section 707 (c) of the Internal
16 Revenue Code in calculating its taxable income;

17 (D) An amount equal to the amount of the capital
18 gain deduction allowable under the Internal Revenue
19 Code, to the extent deducted from gross income in the
20 computation of taxable income;

21 (D-5) 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 (D-6) 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 (D-5), then
4 an amount equal to the aggregate amount of the
5 deductions taken in all taxable years under
6 subparagraph (O) 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 (O), 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 (D-7) 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 foreign
21 person who is subject in a foreign country or
22 state, other than a state which requires mandatory
23 unitary reporting, to a tax on or measured by net
24 income with respect to such interest; or

25 (ii) an item of interest paid, accrued, or
26 incurred, directly or indirectly, to a foreign

1 person if the taxpayer can establish, based on a
2 preponderance of the evidence, both of the
3 following:

4 (a) the foreign person, during the same
5 taxable year, paid, accrued, or incurred, the
6 interest to a person that is not a related
7 member, and

8 (b) the transaction giving rise to the
9 interest expense between the taxpayer and the
10 foreign person did not have as a principal
11 purpose the avoidance of Illinois income tax,
12 and is paid pursuant to a contract or agreement
13 that reflects an arm's-length interest rate
14 and terms; or

15 (iii) the taxpayer can establish, based on
16 clear and convincing evidence, that the interest
17 paid, accrued, or incurred relates to a contract or
18 agreement entered into at arm's-length rates and
19 terms and the principal purpose for the payment is
20 not federal or Illinois tax avoidance; or

21 (iv) an item of interest paid, accrued, or
22 incurred, directly or indirectly, to a foreign
23 person if the taxpayer establishes by clear and
24 convincing evidence that the adjustments are
25 unreasonable; or if the taxpayer and the Director
26 agree in writing to the application or use of an

1 alternative method of apportionment under Section
2 304(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; and

12 (D-8) 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(d)(2)(D-7) of
17 this Act. As used in this subparagraph, the term
18 "intangible expenses and costs" includes (1) expenses,
19 losses, and costs for, or related to, the direct or
20 indirect acquisition, use, maintenance or management,
21 ownership, sale, exchange, or any other disposition of
22 intangible property; (2) losses incurred, directly or
23 indirectly, from factoring transactions or discounting
24 transactions; (3) royalty, patent, technical, and
25 copyright fees; (4) licensing fees; and (5) other
26 similar expenses and costs. For purposes of this

1 subparagraph, "intangible property" includes patents,
2 patent applications, trade names, trademarks, service
3 marks, copyrights, mask works, trade secrets, and
4 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 foreign
9 person who is subject in a foreign country or
10 state, other than a state which requires mandatory
11 unitary reporting, to a tax on or measured by net
12 income with respect 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 foreign person during the same
19 taxable 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 foreign person did not have as
25 a 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 foreign
6 person if the taxpayer establishes by clear and
7 convincing evidence, that the adjustments are
8 unreasonable; or if the taxpayer and the Director
9 agree in writing to the application or use of an
10 alternative method of apportionment under Section
11 304(f);

12 Nothing in this subsection shall preclude the
13 Director from making any other adjustment
14 otherwise allowed under Section 404 of this Act for
15 any tax year beginning after the effective date of
16 this amendment provided such adjustment is made
17 pursuant to regulation adopted by the Department
18 and such regulations provide methods and standards
19 by which the Department will utilize its authority
20 under Section 404 of this Act;

21 (D-9) For taxable years ending on or after December
22 31, 2008, an amount equal to the amount of insurance
23 premium expenses and costs otherwise allowed as a
24 deduction in computing base income, and that were paid,
25 accrued, or incurred, directly or indirectly, to a
26 person who would be a member of the same unitary

1 business group but for the fact that the person is
2 prohibited under Section 1501(a)(27) from being
3 included in the unitary business group because he or
4 she is ordinarily required to apportion business
5 income under different subsections of Section 304. The
6 addition modification required by this subparagraph
7 shall be reduced to the extent that dividends were
8 included in base income of the unitary group for the
9 same taxable year and received by the taxpayer or by a
10 member of the taxpayer's unitary business group
11 (including amounts included in gross income under
12 Sections 951 through 964 of the Internal Revenue Code
13 and amounts included in gross income under Section 78
14 of the Internal Revenue Code) with respect to the stock
15 of the same person to whom the intangible expenses and
16 costs were directly or indirectly paid, incurred, or
17 accrued. The preceding sentence does not apply to the
18 extent that the same dividends caused a reduction to
19 the addition modification required under Section
20 203(a)(2)(D-17) of this Act.

21 and by deducting from the total so obtained the following
22 amounts:

23 (E) The valuation limitation amount;

24 (F) An amount equal to the amount of any tax
25 imposed by this Act which was refunded to the taxpayer
26 and included in such total for the taxable year;

1 (G) An amount equal to all amounts included in
2 taxable income as modified by subparagraphs (A), (B),
3 (C) and (D) which are exempt from taxation by this
4 State either by reason of its statutes or Constitution
5 or by reason of the Constitution, treaties or statutes
6 of the United States; provided that, in the case of any
7 statute of this State or, for taxable years ending on
8 or after December 31, 2008, of the United States, any
9 treaty of the United States, the Illinois
10 Constitution, or the United States Constitution that
11 exempts income derived from bonds or other obligations
12 from the tax imposed under this Act, the amount
13 exempted shall be the income net of bond premium
14 amortization, and, for taxable years ending on or after
15 December 31, 2008, interest expense incurred on
16 indebtedness to carry the bond or other obligation,
17 expenses incurred in producing the income to be
18 deducted, and all other related expenses. The amount of
19 expenses to be taken into account under this provision
20 may not exceed the amount of income that is exempted;

21 (H) Any income of the partnership which
22 constitutes personal service income as defined in
23 Section 1348 (b) (1) of the Internal Revenue Code (as
24 in effect December 31, 1981) or a reasonable allowance
25 for compensation paid or accrued for services rendered
26 by partners to the partnership, whichever is greater;

1 (I) An amount equal to all amounts of income
2 distributable to an entity subject to the Personal
3 Property Tax Replacement Income Tax imposed by
4 subsections (c) and (d) of Section 201 of this Act
5 including amounts distributable to organizations
6 exempt from federal income tax by reason of Section
7 501(a) of the Internal Revenue Code;

8 (J) With the exception of any amounts subtracted
9 under subparagraph (G), an amount equal to the sum of
10 all amounts disallowed as deductions by (i) Sections
11 171(a) (2), and 265(2) of the Internal Revenue Code of
12 1954, as now or hereafter amended, and all amounts of
13 expenses allocable to interest and disallowed as
14 deductions by Section 265(1) of the Internal Revenue
15 Code, as now or hereafter amended; and (ii) for taxable
16 years ending on or after August 13, 1999, Sections
17 171(a) (2), 265, 280C, and 832(b) (5) (B) (i) of the
18 Internal Revenue Code; the provisions of this
19 subparagraph are exempt from the provisions of Section
20 250;

21 (K) An amount equal to those dividends included in
22 such total which were paid by a corporation which
23 conducts business operations in an Enterprise Zone or
24 zones created under the Illinois Enterprise Zone Act,
25 enacted by the 82nd General Assembly, or a River Edge
26 Redevelopment Zone or zones created under the River

1 Edge Redevelopment Zone Act and conducts substantially
2 all of its operations in an Enterprise Zone or Zones or
3 from a River Edge Redevelopment Zone or zones. This
4 subparagraph (K) is exempt from the provisions of
5 Section 250;

6 (L) An amount equal to any contribution made to a
7 job training project established pursuant to the Real
8 Property Tax Increment Allocation Redevelopment Act;

9 (M) An amount equal to those dividends included in
10 such total that were paid by a corporation that
11 conducts business operations in a federally designated
12 Foreign Trade Zone or Sub-Zone and that is designated a
13 High Impact Business located in Illinois; provided
14 that dividends eligible for the deduction provided in
15 subparagraph (K) of paragraph (2) of this subsection
16 shall not be eligible for the deduction provided under
17 this subparagraph (M);

18 (N) An amount equal to the amount of the deduction
19 used to compute the federal income tax credit for
20 restoration of substantial amounts held under claim of
21 right for the taxable year pursuant to Section 1341 of
22 the Internal Revenue Code of 1986;

23 (O) For taxable years 2001 and thereafter, for the
24 taxable year in which the bonus depreciation deduction
25 is taken on the taxpayer's federal income tax return
26 under subsection (k) of Section 168 of the Internal

1 Revenue Code and for each applicable taxable year
2 thereafter, an amount equal to "x", where:

3 (1) "y" equals the amount of the depreciation
4 deduction taken for the taxable year on the
5 taxpayer's federal income tax return on property
6 for which the bonus depreciation deduction was
7 taken in any year under subsection (k) of Section
8 168 of the Internal Revenue Code, but not including
9 the bonus depreciation deduction;

10 (2) for taxable years ending on or before
11 December 31, 2005, "x" equals "y" multiplied by 30
12 and then divided by 70 (or "y" multiplied by
13 0.429); and

14 (3) for taxable years ending after December
15 31, 2005:

16 (i) for property on which a bonus
17 depreciation deduction of 30% of the adjusted
18 basis was taken, "x" equals "y" multiplied by
19 30 and then divided by 70 (or "y" multiplied by
20 0.429); and

21 (ii) for property on which a bonus
22 depreciation deduction of 50% of the adjusted
23 basis was taken, "x" equals "y" multiplied by
24 1.0.

25 The aggregate amount deducted under this
26 subparagraph in all taxable years for any one piece of

1 property may not exceed the amount of the bonus
2 depreciation deduction taken on that property on the
3 taxpayer's federal income tax return under subsection
4 (k) of Section 168 of the Internal Revenue Code. This
5 subparagraph (O) is exempt from the provisions of
6 Section 250;

7 (P) If the taxpayer sells, transfers, abandons, or
8 otherwise disposes of property for which the taxpayer
9 was required in any taxable year to make an addition
10 modification under subparagraph (D-5), then an amount
11 equal to that addition modification.

12 If the taxpayer continues to own property through
13 the last day of the last tax year for which the
14 taxpayer may claim a depreciation deduction for
15 federal income tax purposes and for which the taxpayer
16 was required in any taxable year to make an addition
17 modification under subparagraph (D-5), then an amount
18 equal to that addition modification.

19 The taxpayer is allowed to take the deduction under
20 this subparagraph only once with respect to any one
21 piece of property.

22 This subparagraph (P) is exempt from the
23 provisions of Section 250;

24 (Q) The amount of (i) any interest income (net of
25 the deductions allocable thereto) taken into account
26 for the taxable year with respect to a transaction with

1 a taxpayer that is required to make an addition
2 modification with respect to such transaction under
3 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
4 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
5 the amount of such addition modification and (ii) any
6 income from intangible property (net of the deductions
7 allocable thereto) taken into account for the taxable
8 year with respect to a transaction with a taxpayer that
9 is required to make an addition modification with
10 respect to such transaction under Section
11 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
12 203(d)(2)(D-8), but not to exceed the amount of such
13 addition modification;

14 (R) An amount equal to the interest income taken
15 into account for the taxable year (net of the
16 deductions allocable thereto) with respect to
17 transactions with (i) a foreign person who would be a
18 member of the taxpayer's unitary business group but for
19 the fact that the foreign person's business activity
20 outside the United States is 80% or more of that
21 person's total business activity and (ii) for taxable
22 years ending on or after December 31, 2008, to a person
23 who would be a member of the same unitary business
24 group but for the fact that the person is prohibited
25 under Section 1501(a)(27) from being included in the
26 unitary business group because he or she is ordinarily

1 required to apportion business income under different
2 subsections of Section 304, but not to exceed the
3 addition modification required to be made for the same
4 taxable year under Section 203(d)(2)(D-7) for interest
5 paid, accrued, or incurred, directly or indirectly, to
6 the same person;

7 (S) An amount equal to the income from intangible
8 property taken into account for the taxable year (net
9 of the deductions allocable thereto) with respect to
10 transactions with (i) a foreign person who would be a
11 member of the taxpayer's unitary business group but for
12 the fact that the foreign person's business activity
13 outside the United States is 80% or more of that
14 person's total business activity and (ii) for taxable
15 years ending on or after December 31, 2008, to a person
16 who would be a member of the same unitary business
17 group but for the fact that the person is prohibited
18 under Section 1501(a)(27) from being included in the
19 unitary business group because he or she is ordinarily
20 required to apportion business income under different
21 subsections of Section 304, but not to exceed the
22 addition modification required to be made for the same
23 taxable year under Section 203(d)(2)(D-8) for
24 intangible expenses and costs paid, accrued, or
25 incurred, directly or indirectly, to the same foreign
26 person; and

1 (T) ~~(FF)~~ An amount equal to the income from
2 insurance premiums taken into account for the taxable
3 year (net of the deductions allocable thereto) with
4 respect to transactions with a person who would be a
5 member of the same unitary business group but for the
6 fact that the person is prohibited under Section
7 1501(a)(27) from being included in the unitary
8 business group because he or she is ordinarily required
9 to apportion business income under different
10 subsections of Section 304, but not to exceed the
11 addition modification required to be made for the same
12 taxable year under Section 203(a)(2)(D-18) for
13 intangible expenses and costs paid, accrued, or
14 incurred, directly or indirectly, to the same person.

15 (e) Gross income; adjusted gross income; taxable income.

16 (1) In general. Subject to the provisions of paragraph
17 (2) and subsection (b) (3), for purposes of this Section
18 and Section 803(e), a taxpayer's gross income, adjusted
19 gross income, or taxable income for the taxable year shall
20 mean the amount of gross income, adjusted gross income or
21 taxable income properly reportable for federal income tax
22 purposes for the taxable year under the provisions of the
23 Internal Revenue Code. Taxable income may be less than
24 zero. However, for taxable years ending on or after
25 December 31, 1986, net operating loss carryforwards from

1 taxable years ending prior to December 31, 1986, may not
2 exceed the sum of federal taxable income for the taxable
3 year before net operating loss deduction, plus the excess
4 of addition modifications over subtraction modifications
5 for the taxable year. For taxable years ending prior to
6 December 31, 1986, taxable income may never be an amount in
7 excess of the net operating loss for the taxable year as
8 defined in subsections (c) and (d) of Section 172 of the
9 Internal Revenue Code, provided that when taxable income of
10 a corporation (other than a Subchapter S corporation),
11 trust, or estate is less than zero and addition
12 modifications, other than those provided by subparagraph
13 (E) of paragraph (2) of subsection (b) for corporations or
14 subparagraph (E) of paragraph (2) of subsection (c) for
15 trusts and estates, exceed subtraction modifications, an
16 addition modification must be made under those
17 subparagraphs for any other taxable year to which the
18 taxable income less than zero (net operating loss) is
19 applied under Section 172 of the Internal Revenue Code or
20 under subparagraph (E) of paragraph (2) of this subsection
21 (e) applied in conjunction with Section 172 of the Internal
22 Revenue Code.

23 (2) Special rule. For purposes of paragraph (1) of this
24 subsection, the taxable income properly reportable for
25 federal income tax purposes shall mean:

26 (A) Certain life insurance companies. In the case

1 of a life insurance company subject to the tax imposed
2 by Section 801 of the Internal Revenue Code, life
3 insurance company taxable income, plus the amount of
4 distribution from pre-1984 policyholder surplus
5 accounts as calculated under Section 815a of the
6 Internal Revenue Code;

7 (B) Certain other insurance companies. In the case
8 of mutual insurance companies subject to the tax
9 imposed by Section 831 of the Internal Revenue Code,
10 insurance company taxable income;

11 (C) Regulated investment companies. In the case of
12 a regulated investment company subject to the tax
13 imposed by Section 852 of the Internal Revenue Code,
14 investment company taxable income;

15 (D) Real estate investment trusts. In the case of a
16 real estate investment trust subject to the tax imposed
17 by Section 857 of the Internal Revenue Code, real
18 estate investment trust taxable income;

19 (E) Consolidated corporations. In the case of a
20 corporation which is a member of an affiliated group of
21 corporations filing a consolidated income tax return
22 for the taxable year for federal income tax purposes,
23 taxable income determined as if such corporation had
24 filed a separate return for federal income tax purposes
25 for the taxable year and each preceding taxable year
26 for which it was a member of an affiliated group. For

1 purposes of this subparagraph, the taxpayer's separate
2 taxable income shall be determined as if the election
3 provided by Section 243(b) (2) of the Internal Revenue
4 Code had been in effect for all such years;

5 (F) Cooperatives. In the case of a cooperative
6 corporation or association, the taxable income of such
7 organization determined in accordance with the
8 provisions of Section 1381 through 1388 of the Internal
9 Revenue Code;

10 (G) Subchapter S corporations. In the case of: (i)
11 a Subchapter S corporation for which there is in effect
12 an election for the taxable year under Section 1362 of
13 the Internal Revenue Code, the taxable income of such
14 corporation determined in accordance with Section
15 1363(b) of the Internal Revenue Code, except that
16 taxable income shall take into account those items
17 which are required by Section 1363(b)(1) of the
18 Internal Revenue Code to be separately stated; and (ii)
19 a Subchapter S corporation for which there is in effect
20 a federal election to opt out of the provisions of the
21 Subchapter S Revision Act of 1982 and have applied
22 instead the prior federal Subchapter S rules as in
23 effect on July 1, 1982, the taxable income of such
24 corporation determined in accordance with the federal
25 Subchapter S rules as in effect on July 1, 1982; and

26 (H) Partnerships. In the case of a partnership,

1 taxable income determined in accordance with Section
2 703 of the Internal Revenue Code, except that taxable
3 income shall take into account those items which are
4 required by Section 703(a)(1) to be separately stated
5 but which would be taken into account by an individual
6 in calculating his taxable income.

7 (3) Recapture of business expenses on disposition of
8 asset or business. Notwithstanding any other law to the
9 contrary, if in prior years income from an asset or
10 business has been classified as business income and in a
11 later year is demonstrated to be non-business income, then
12 all expenses, without limitation, deducted in such later
13 year and in the 2 immediately preceding taxable years
14 related to that asset or business that generated the
15 non-business income shall be added back and recaptured as
16 business income in the year of the disposition of the asset
17 or business. Such amount shall be apportioned to Illinois
18 using the greater of the apportionment fraction computed
19 for the business under Section 304 of this Act for the
20 taxable year or the average of the apportionment fractions
21 computed for the business under Section 304 of this Act for
22 the taxable year and for the 2 immediately preceding
23 taxable years.

24 (f) Valuation limitation amount.

25 (1) In general. The valuation limitation amount
26 referred to in subsections (a) (2) (G), (c) (2) (I) and

1 (d) (2) (E) is an amount equal to:

2 (A) The sum of the pre-August 1, 1969 appreciation
3 amounts (to the extent consisting of gain reportable
4 under the provisions of Section 1245 or 1250 of the
5 Internal Revenue Code) for all property in respect of
6 which such gain was reported for the taxable year; plus

7 (B) The lesser of (i) the sum of the pre-August 1,
8 1969 appreciation amounts (to the extent consisting of
9 capital gain) for all property in respect of which such
10 gain was reported for federal income tax purposes for
11 the taxable year, or (ii) the net capital gain for the
12 taxable year, reduced in either case by any amount of
13 such gain included in the amount determined under
14 subsection (a) (2) (F) or (c) (2) (H).

15 (2) Pre-August 1, 1969 appreciation amount.

16 (A) If the fair market value of property referred
17 to in paragraph (1) was readily ascertainable on August
18 1, 1969, the pre-August 1, 1969 appreciation amount for
19 such property is the lesser of (i) the excess of such
20 fair market value over the taxpayer's basis (for
21 determining gain) for such property on that date
22 (determined under the Internal Revenue Code as in
23 effect on that date), or (ii) the total gain realized
24 and reportable for federal income tax purposes in
25 respect of the sale, exchange or other disposition of
26 such property.

1 (B) If the fair market value of property referred
2 to in paragraph (1) was not readily ascertainable on
3 August 1, 1969, the pre-August 1, 1969 appreciation
4 amount for such property is that amount which bears the
5 same ratio to the total gain reported in respect of the
6 property for federal income tax purposes for the
7 taxable year, as the number of full calendar months in
8 that part of the taxpayer's holding period for the
9 property ending July 31, 1969 bears to the number of
10 full calendar months in the taxpayer's entire holding
11 period for the property.

12 (C) The Department shall prescribe such
13 regulations as may be necessary to carry out the
14 purposes of this paragraph.

15 (g) Double deductions. Unless specifically provided
16 otherwise, nothing in this Section shall permit the same item
17 to be deducted more than once.

18 (h) Legislative intention. Except as expressly provided by
19 this Section there shall be no modifications or limitations on
20 the amounts of income, gain, loss or deduction taken into
21 account in determining gross income, adjusted gross income or
22 taxable income for federal income tax purposes for the taxable
23 year, or in the amount of such items entering into the
24 computation of base income and net income under this Act for

1 such taxable year, whether in respect of property values as of
2 August 1, 1969 or otherwise.

3 (Source: P.A. 94-776, eff. 5-19-06; 94-789, eff. 5-19-06;
4 94-1021, eff. 7-12-06; 94-1074, eff. 12-26-06; 95-23, eff.
5 8-3-07; 95-233, eff. 8-16-07; 95-286, eff. 8-20-07; 95-331,
6 eff. 8-21-07; revised 10-31-07.)

7 (35 ILCS 5/507PP)

8 Sec. 507PP ~~50700~~. The lung cancer research checkoff. For
9 taxable years ending on or after December 31, 2007, the
10 Department shall print, on its standard individual income tax
11 form, a provision indicating that, if the taxpayer wishes to
12 contribute to the Lung Cancer Research Fund, as authorized by
13 this amendatory Act of the 95th General Assembly, then he or
14 she may do so by stating the amount of the contribution (not
15 less than \$1) on the return and indicating that the
16 contribution will reduce the taxpayer's refund or increase the
17 amount of payment to accompany the return. The taxpayer's
18 failure to remit any amount of the increased payment reduces
19 the contribution accordingly. This Section does not apply to
20 any amended return.

21 (Source: P.A. 95-434, eff. 8-27-07; revised 12-6-07.)

22 (35 ILCS 5/507QQ)

23 Sec. 507QQ ~~50700~~. The autoimmune disease research
24 checkoff. For taxable years ending on or after December 31,

1 2007, the Department shall print, on its standard individual
2 income tax form, a provision indicating that, if the taxpayer
3 wishes to contribute to the Autoimmune Disease Research Fund,
4 as authorized by this amendatory Act of the 95th General
5 Assembly, then he or she may do so by stating the amount of the
6 contribution (not less than \$1) on the return and indicating
7 that the contribution will reduce the taxpayer's refund or
8 increase the amount of payment to accompany the return. The
9 taxpayer's failure to remit any amount of the increased payment
10 reduces the contribution accordingly. This Section does not
11 apply to any amended return.

12 (Source: P.A. 95-435, eff. 8-27-07; revised 12-6-07.)

13 Section 120. The Use Tax Act is amended by changing Section
14 3-5 as follows:

15 (35 ILCS 105/3-5) (from Ch. 120, par. 439.3-5)

16 Sec. 3-5. Exemptions. Use of the following tangible
17 personal property is exempt from the tax imposed by this Act:

18 (1) Personal property purchased from a corporation,
19 society, association, foundation, institution, or
20 organization, other than a limited liability company, that is
21 organized and operated as a not-for-profit service enterprise
22 for the benefit of persons 65 years of age or older if the
23 personal property was not purchased by the enterprise for the
24 purpose of resale by the enterprise.

1 (2) Personal property purchased by a not-for-profit
2 Illinois county fair association for use in conducting,
3 operating, or promoting the county fair.

4 (3) Personal property purchased by a not-for-profit arts or
5 cultural organization that establishes, by proof required by
6 the Department by rule, that it has received an exemption under
7 Section 501(c)(3) of the Internal Revenue Code and that is
8 organized and operated primarily for the presentation or
9 support of arts or cultural programming, activities, or
10 services. These organizations include, but are not limited to,
11 music and dramatic arts organizations such as symphony
12 orchestras and theatrical groups, arts and cultural service
13 organizations, local arts councils, visual arts organizations,
14 and media arts organizations. On and after the effective date
15 of this amendatory Act of the 92nd General Assembly, however,
16 an entity otherwise eligible for this exemption shall not make
17 tax-free purchases unless it has an active identification
18 number issued by the Department.

19 (4) Personal property purchased by a governmental body, by
20 a corporation, society, association, foundation, or
21 institution organized and operated exclusively for charitable,
22 religious, or educational purposes, or by a not-for-profit
23 corporation, society, association, foundation, institution, or
24 organization that has no compensated officers or employees and
25 that is organized and operated primarily for the recreation of
26 persons 55 years of age or older. A limited liability company

1 may qualify for the exemption under this paragraph only if the
2 limited liability company is organized and operated
3 exclusively for educational purposes. On and after July 1,
4 1987, however, no entity otherwise eligible for this exemption
5 shall make tax-free purchases unless it has an active exemption
6 identification number issued by the Department.

7 (5) Until July 1, 2003, a passenger car that is a
8 replacement vehicle to the extent that the purchase price of
9 the car is subject to the Replacement Vehicle Tax.

10 (6) Until July 1, 2003 and beginning again on September 1,
11 2004, graphic arts machinery and equipment, including repair
12 and replacement parts, both new and used, and including that
13 manufactured on special order, certified by the purchaser to be
14 used primarily for graphic arts production, and including
15 machinery and equipment purchased for lease. Equipment
16 includes chemicals or chemicals acting as catalysts but only if
17 the chemicals or chemicals acting as catalysts effect a direct
18 and immediate change upon a graphic arts product.

19 (7) Farm chemicals.

20 (8) 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 (9) Personal property purchased from a teacher-sponsored
25 student organization affiliated with an elementary or
26 secondary school located in Illinois.

1 (10) A motor vehicle of the first division, a motor vehicle
2 of the second division that is a self-contained motor vehicle
3 designed or permanently converted to provide living quarters
4 for recreational, camping, or travel use, with direct walk
5 through to the living quarters from the driver's seat, or a
6 motor vehicle of the second division that is of the van
7 configuration designed for the transportation of not less than
8 7 nor more than 16 passengers, as defined in Section 1-146 of
9 the Illinois Vehicle Code, that is used for automobile renting,
10 as defined in the Automobile Renting Occupation and Use Tax
11 Act.

12 (11) Farm machinery and equipment, both new and used,
13 including that manufactured on special order, certified by the
14 purchaser to be used primarily for production agriculture or
15 State or federal agricultural programs, including individual
16 replacement parts for the machinery and equipment, including
17 machinery and equipment purchased for lease, and including
18 implements of husbandry defined in Section 1-130 of the
19 Illinois Vehicle Code, farm machinery and agricultural
20 chemical and fertilizer spreaders, and nurse wagons required to
21 be registered under Section 3-809 of the Illinois Vehicle Code,
22 but excluding other motor vehicles required to be registered
23 under the Illinois Vehicle Code. Horticultural polyhouses or
24 hoop houses used for propagating, growing, or overwintering
25 plants shall be considered farm machinery and equipment under
26 this item (11). Agricultural chemical tender tanks and dry

1 boxes shall include units sold separately from a motor vehicle
2 required to be licensed and units sold mounted on a motor
3 vehicle required to be licensed if the selling price of the
4 tender is separately stated.

5 Farm machinery and equipment shall include precision
6 farming equipment that is installed or purchased to be
7 installed on farm machinery and equipment including, but not
8 limited to, tractors, harvesters, sprayers, planters, seeders,
9 or spreaders. Precision farming equipment includes, but is not
10 limited to, soil testing sensors, computers, monitors,
11 software, global positioning and mapping systems, and other
12 such equipment.

13 Farm machinery and equipment also includes computers,
14 sensors, software, and related equipment used primarily in the
15 computer-assisted operation of production agriculture
16 facilities, equipment, and activities such as, but not limited
17 to, the collection, monitoring, and correlation of animal and
18 crop data for the purpose of formulating animal diets and
19 agricultural chemicals. This item (11) is exempt from the
20 provisions of Section 3-90.

21 (12) Fuel and petroleum products sold to or used by an air
22 common carrier, certified by the carrier to be used for
23 consumption, shipment, or storage in the conduct of its
24 business as an air common carrier, for a flight destined for or
25 returning from a location or locations outside the United
26 States without regard to previous or subsequent domestic

1 stopovers.

2 (13) Proceeds of mandatory service charges separately
3 stated on customers' bills for the purchase and consumption of
4 food and beverages purchased at retail from a retailer, to the
5 extent that the proceeds of the service charge are in fact
6 turned over as tips or as a substitute for tips to the
7 employees who participate directly in preparing, serving,
8 hosting or cleaning up the food or beverage function with
9 respect to which the service charge is imposed.

10 (14) Until July 1, 2003, oil field exploration, drilling,
11 and production equipment, including (i) rigs and parts of rigs,
12 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and
13 tubular goods, including casing and drill strings, (iii) pumps
14 and pump-jack units, (iv) storage tanks and flow lines, (v) any
15 individual replacement part for oil field exploration,
16 drilling, and production equipment, and (vi) machinery and
17 equipment purchased for lease; but excluding motor vehicles
18 required to be registered under the Illinois Vehicle Code.

19 (15) Photoprocessing machinery and equipment, including
20 repair and replacement parts, both new and used, including that
21 manufactured on special order, certified by the purchaser to be
22 used primarily for photoprocessing, and including
23 photoprocessing machinery and equipment purchased for lease.

24 (16) Until July 1, 2003, coal exploration, mining,
25 offhighway hauling, processing, maintenance, and reclamation
26 equipment, including replacement parts and equipment, and

1 including equipment purchased for lease, but excluding motor
2 vehicles required to be registered under the Illinois Vehicle
3 Code.

4 (17) Until July 1, 2003, distillation machinery and
5 equipment, sold as a unit or kit, assembled or installed by the
6 retailer, certified by the user to be used only for the
7 production of ethyl alcohol that will be used for consumption
8 as motor fuel or as a component of motor fuel for the personal
9 use of the user, and not subject to sale or resale.

10 (18) Manufacturing and assembling machinery and equipment
11 used primarily in the process of manufacturing or assembling
12 tangible personal property for wholesale or retail sale or
13 lease, whether that sale or lease is made directly by the
14 manufacturer or by some other person, whether the materials
15 used in the process are owned by the manufacturer or some other
16 person, or whether that sale or lease is made apart from or as
17 an incident to the seller's engaging in the service occupation
18 of producing machines, tools, dies, jigs, patterns, gauges, or
19 other similar items of no commercial value on special order for
20 a particular purchaser.

21 (19) Personal property delivered to a purchaser or
22 purchaser's donee inside Illinois when the purchase order for
23 that personal property was received by a florist located
24 outside Illinois who has a florist located inside Illinois
25 deliver the personal property.

26 (20) Semen used for artificial insemination of livestock

1 for direct agricultural production.

2 (21) 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 (21) is exempt from the provisions
8 of Section 3-90, and the exemption provided for under this item
9 (21) 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 this amendatory Act of the 95th~~
12 ~~General Assembly~~ for such taxes paid during the period
13 beginning May 30, 2000 and ending on January 1, 2008 ~~the~~
14 ~~effective date of this amendatory Act of the 95th General~~
15 ~~Assembly.~~

16 (22) Computers and communications equipment utilized for
17 any hospital purpose and equipment used in the diagnosis,
18 analysis, or treatment of hospital patients purchased by a
19 lessor who leases the equipment, under a lease of one year or
20 longer executed or in effect at the time the lessor would
21 otherwise be subject to the tax imposed by this Act, to a
22 hospital that has been issued an active tax exemption
23 identification number by the Department under Section 1g of the
24 Retailers' Occupation Tax Act. If the equipment is leased in a
25 manner that does not qualify for this exemption or is used in
26 any other non-exempt manner, the lessor shall be liable for the

1 tax imposed under this Act or the Service Use Tax Act, as the
2 case may be, based on the fair market value of the property at
3 the time the non-qualifying use occurs. No lessor shall collect
4 or attempt to collect an amount (however designated) that
5 purports to reimburse that lessor for the tax imposed by this
6 Act or the Service Use Tax Act, as the case may be, if the tax
7 has not been paid by the lessor. If a lessor improperly
8 collects any such amount from the lessee, the lessee shall have
9 a legal right to claim a refund of that amount from the lessor.
10 If, however, that amount is not refunded to the lessee for any
11 reason, the lessor is liable to pay that amount to the
12 Department.

13 (23) Personal property purchased by a lessor who leases the
14 property, under a lease of one year or longer executed or in
15 effect at the time the lessor would otherwise be subject to the
16 tax imposed by this Act, to a governmental body that has been
17 issued an active sales tax exemption identification number by
18 the Department under Section 1g of the Retailers' Occupation
19 Tax Act. If the property is leased in a manner that does not
20 qualify for this exemption or used in any other non-exempt
21 manner, the lessor shall be liable for the tax imposed under
22 this Act or the Service Use Tax Act, as the case may be, based
23 on the fair market value of the property at the time the
24 non-qualifying use occurs. No lessor shall collect or attempt
25 to collect an amount (however designated) that purports to
26 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.

7 (24) Beginning with taxable years ending on or after
8 December 31, 1995 and ending with taxable years ending on or
9 before December 31, 2004, personal property that is donated for
10 disaster relief to be used in a State or federally declared
11 disaster area in Illinois or bordering Illinois by a
12 manufacturer or retailer that is registered in this State to a
13 corporation, society, association, foundation, or institution
14 that has been issued a sales tax exemption identification
15 number by the Department that assists victims of the disaster
16 who reside within the declared disaster area.

17 (25) Beginning with taxable years ending on or after
18 December 31, 1995 and ending with taxable years ending on or
19 before December 31, 2004, personal property that is used in the
20 performance of infrastructure repairs in this State, including
21 but not limited to municipal roads and streets, access roads,
22 bridges, sidewalks, waste disposal systems, water and sewer
23 line extensions, water distribution and purification
24 facilities, storm water drainage and retention facilities, and
25 sewage treatment facilities, resulting from a State or
26 federally declared disaster in Illinois or bordering Illinois

1 when such repairs are initiated on facilities located in the
2 declared disaster area within 6 months after the disaster.

3 (26) Beginning July 1, 1999, game or game birds purchased
4 at a "game breeding and hunting preserve area" or an "exotic
5 game hunting area" as those terms are used in the Wildlife Code
6 or at a hunting enclosure approved through rules adopted by the
7 Department of Natural Resources. This paragraph is exempt from
8 the provisions of Section 3-90.

9 (27) A motor vehicle, as that term is defined in Section
10 1-146 of the Illinois Vehicle Code, that is donated to a
11 corporation, limited liability company, society, association,
12 foundation, or institution that is determined by the Department
13 to be organized and operated exclusively for educational
14 purposes. For purposes of this exemption, "a corporation,
15 limited liability company, society, association, foundation,
16 or institution organized and operated exclusively for
17 educational purposes" means all tax-supported public schools,
18 private schools that offer systematic instruction in useful
19 branches of learning by methods common to public schools and
20 that compare favorably in their scope and intensity with the
21 course of study presented in tax-supported schools, and
22 vocational or technical schools or institutes organized and
23 operated exclusively to provide a course of study of not less
24 than 6 weeks duration and designed to prepare individuals to
25 follow a trade or to pursue a manual, technical, mechanical,
26 industrial, business, or commercial occupation.

1 (28) Beginning January 1, 2000, personal property,
2 including food, purchased through fundraising events for the
3 benefit of a public or private elementary or secondary school,
4 a group of those schools, or one or more school districts if
5 the events are sponsored by an entity recognized by the school
6 district that consists primarily of volunteers and includes
7 parents and teachers of the school children. This paragraph
8 does not apply to fundraising events (i) for the benefit of
9 private home instruction or (ii) for which the fundraising
10 entity purchases the personal property sold at the events from
11 another individual or entity that sold the property for the
12 purpose of resale by the fundraising entity and that profits
13 from the sale to the fundraising entity. This paragraph is
14 exempt from the provisions of Section 3-90.

15 (29) Beginning January 1, 2000 and through December 31,
16 2001, new or used automatic vending machines that prepare and
17 serve hot food and beverages, including coffee, soup, and other
18 items, and replacement parts for these machines. Beginning
19 January 1, 2002 and through June 30, 2003, machines and parts
20 for machines used in commercial, coin-operated amusement and
21 vending business if a use or occupation tax is paid on the
22 gross receipts derived from the use of the commercial,
23 coin-operated amusement and vending machines. This paragraph
24 is exempt from the provisions of Section 3-90.

25 (30) Beginning January 1, 2001 and through June 30, 2011,
26 food for human consumption that is to be consumed off the

1 premises where it is sold (other than alcoholic beverages, soft
2 drinks, and food that has been prepared for immediate
3 consumption) and prescription and nonprescription medicines,
4 drugs, medical appliances, and insulin, urine testing
5 materials, syringes, and needles used by diabetics, for human
6 use, when purchased for use by a person receiving medical
7 assistance under Article 5 of the Illinois Public Aid Code who
8 resides in a licensed long-term care facility, as defined in
9 the Nursing Home Care Act.

10 (31) Beginning on the effective date of this amendatory Act
11 of the 92nd General Assembly, computers and communications
12 equipment utilized for any hospital purpose and equipment used
13 in the diagnosis, analysis, or treatment of hospital patients
14 purchased by a lessor who leases the equipment, under a lease
15 of one year or longer executed or in effect at the time the
16 lessor would otherwise be subject to the tax imposed by this
17 Act, to a hospital that has been issued an active tax exemption
18 identification number by the Department under Section 1g of the
19 Retailers' Occupation Tax Act. If the equipment is leased in a
20 manner that does not qualify for this exemption or is used in
21 any other nonexempt manner, the lessor shall be liable for the
22 tax imposed under this Act or the Service Use Tax Act, as the
23 case may be, based on the fair market value of the property at
24 the time the nonqualifying use occurs. No lessor shall collect
25 or attempt to collect an amount (however designated) that
26 purports to reimburse that lessor for the tax imposed by this

1 Act or the Service Use Tax Act, as the case may be, if the tax
2 has not been paid by the lessor. If a lessor improperly
3 collects any such amount from the lessee, the lessee shall have
4 a legal right to claim a refund of that amount from the lessor.
5 If, however, that amount is not refunded to the lessee for any
6 reason, the lessor is liable to pay that amount to the
7 Department. This paragraph is exempt from the provisions of
8 Section 3-90.

9 (32) Beginning on the effective date of this amendatory Act
10 of the 92nd General Assembly, personal property purchased by a
11 lessor who leases the property, under a lease of one year or
12 longer executed or in effect at the time the lessor would
13 otherwise be subject to the tax imposed by this Act, to a
14 governmental body that has been issued an active sales tax
15 exemption identification number by the Department under
16 Section 1g of the Retailers' Occupation Tax Act. If the
17 property is leased in a manner that does not qualify for this
18 exemption or used in any other nonexempt manner, the lessor
19 shall be liable for the tax imposed under this Act or the
20 Service Use Tax Act, as the case may be, based on the fair
21 market value of the property at the time the nonqualifying use
22 occurs. No lessor shall collect or attempt to collect an amount
23 (however designated) that purports to reimburse that lessor for
24 the tax imposed by this Act or the Service Use Tax Act, as the
25 case may be, if the tax has not been paid by the lessor. If a
26 lessor improperly collects any such amount from the lessee, the

1 lessee shall have a legal right to claim a refund of that
2 amount from the lessor. If, however, that amount is not
3 refunded to the lessee for any reason, the lessor is liable to
4 pay that amount to the Department. This paragraph is exempt
5 from the provisions of Section 3-90.

6 (33) On and after July 1, 2003 and through June 30, 2004,
7 the use in this State of motor vehicles of the second division
8 with a gross vehicle weight in excess of 8,000 pounds and that
9 are subject to the commercial distribution fee imposed under
10 Section 3-815.1 of the Illinois Vehicle Code. Beginning on July
11 1, 2004 and through June 30, 2005, the use in this State of
12 motor vehicles of the second division: (i) with a gross vehicle
13 weight rating in excess of 8,000 pounds; (ii) that are subject
14 to the commercial distribution fee imposed under Section
15 3-815.1 of the Illinois Vehicle Code; and (iii) that are
16 primarily used for commercial purposes. Through June 30, 2005,
17 this exemption applies to repair and replacement parts added
18 after the initial purchase of such a motor vehicle if that
19 motor vehicle is used in a manner that would qualify for the
20 rolling stock exemption otherwise provided for in this Act. For
21 purposes of this paragraph, the term "used for commercial
22 purposes" means the transportation of persons or property in
23 furtherance of any commercial or industrial enterprise,
24 whether for-hire or not.

25 (34) Beginning January 1, 2008, tangible personal property
26 used in the construction or maintenance of a community water

1 supply, as defined under Section 3.145 of the Environmental
2 Protection Act, that is operated by a not-for-profit
3 corporation that holds a valid water supply permit issued under
4 Title IV of the Environmental Protection Act. This paragraph is
5 exempt from the provisions of Section 3-90.

6 (Source: P.A. 94-1002, eff. 7-3-06; 95-88, eff. 1-1-08; 95-538,
7 eff. 1-1-08; revised 10-31-07.)

8 Section 125. The Service Use Tax Act is amended by changing
9 Section 3-5 as follows:

10 (35 ILCS 110/3-5) (from Ch. 120, par. 439.33-5)

11 Sec. 3-5. Exemptions. Use of the following tangible
12 personal property is exempt from the tax imposed by this Act:

13 (1) Personal property purchased from a corporation,
14 society, association, foundation, institution, or
15 organization, other than a limited liability company, that is
16 organized and operated as a not-for-profit service enterprise
17 for the benefit of persons 65 years of age or older if the
18 personal property was not purchased by the enterprise for the
19 purpose of resale by the enterprise.

20 (2) Personal property purchased by a non-profit Illinois
21 county fair association for use in conducting, operating, or
22 promoting the county fair.

23 (3) Personal property purchased by a not-for-profit arts or
24 cultural organization that establishes, by proof required by

1 the Department by rule, that it has received an exemption under
2 Section 501(c)(3) of the Internal Revenue Code and that is
3 organized and operated primarily for the presentation or
4 support of arts or cultural programming, activities, or
5 services. These organizations include, but are not limited to,
6 music and dramatic arts organizations such as symphony
7 orchestras and theatrical groups, arts and cultural service
8 organizations, local arts councils, visual arts organizations,
9 and media arts organizations. On and after the effective date
10 of this amendatory Act of the 92nd General Assembly, however,
11 an entity otherwise eligible for this exemption shall not make
12 tax-free purchases unless it has an active identification
13 number issued by the Department.

14 (4) Legal tender, currency, medallions, or gold or silver
15 coinage issued by the State of Illinois, the government of the
16 United States of America, or the government of any foreign
17 country, and bullion.

18 (5) Until July 1, 2003 and beginning again on September 1,
19 2004, graphic arts machinery and equipment, including repair
20 and replacement parts, both new and used, and including that
21 manufactured on special order or purchased for lease, certified
22 by the purchaser to be used primarily for graphic arts
23 production. Equipment includes chemicals or chemicals acting
24 as catalysts but only if the chemicals or chemicals acting as
25 catalysts effect a direct and immediate change upon a graphic
26 arts product.

1 (6) Personal property purchased from a teacher-sponsored
2 student organization affiliated with an elementary or
3 secondary school located in Illinois.

4 (7) Farm machinery and equipment, both new and used,
5 including that manufactured on special order, certified by the
6 purchaser to be used primarily for production agriculture or
7 State or federal agricultural programs, including individual
8 replacement parts for the machinery and equipment, including
9 machinery and equipment purchased for lease, and including
10 implements of husbandry defined in Section 1-130 of the
11 Illinois Vehicle Code, farm machinery and agricultural
12 chemical and fertilizer spreaders, and nurse wagons required to
13 be registered under Section 3-809 of the Illinois Vehicle Code,
14 but excluding other motor vehicles required to be registered
15 under the Illinois Vehicle Code. Horticultural polyhouses or
16 hoop houses used for propagating, growing, or overwintering
17 plants shall be considered farm machinery and equipment under
18 this item (7). Agricultural chemical tender tanks and dry boxes
19 shall include units sold separately from a motor vehicle
20 required to be licensed and units sold mounted on a motor
21 vehicle required to be licensed if the selling price of the
22 tender is separately stated.

23 Farm machinery and equipment shall include precision
24 farming equipment that is installed or purchased to be
25 installed on farm machinery and equipment including, but not
26 limited to, tractors, harvesters, sprayers, planters, seeders,

1 or spreaders. Precision farming equipment includes, but is not
2 limited to, soil testing sensors, computers, monitors,
3 software, global positioning and mapping systems, and other
4 such equipment.

5 Farm machinery and equipment also includes computers,
6 sensors, software, and related equipment used primarily in the
7 computer-assisted operation of production agriculture
8 facilities, equipment, and activities such as, but not limited
9 to, the collection, monitoring, and correlation of animal and
10 crop data for the purpose of formulating animal diets and
11 agricultural chemicals. This item (7) is exempt from the
12 provisions of Section 3-75.

13 (8) Fuel and petroleum products sold to or used by an air
14 common carrier, certified by the carrier to be used for
15 consumption, shipment, or storage in the conduct of its
16 business as an air common carrier, for a flight destined for or
17 returning from a location or locations outside the United
18 States without regard to previous or subsequent domestic
19 stopovers.

20 (9) Proceeds of mandatory service charges separately
21 stated on customers' bills for the purchase and consumption of
22 food and beverages acquired as an incident to the purchase of a
23 service from a serviceman, to the extent that the proceeds of
24 the service charge are in fact turned over as tips or as a
25 substitute for tips to the employees who participate directly
26 in preparing, serving, hosting or cleaning up the food or

1 beverage function with respect to which the service charge is
2 imposed.

3 (10) Until July 1, 2003, oil field exploration, drilling,
4 and production equipment, including (i) rigs and parts of rigs,
5 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and
6 tubular goods, including casing and drill strings, (iii) pumps
7 and pump-jack units, (iv) storage tanks and flow lines, (v) any
8 individual replacement part for oil field exploration,
9 drilling, and production equipment, and (vi) machinery and
10 equipment purchased for lease; but excluding motor vehicles
11 required to be registered under the Illinois Vehicle Code.

12 (11) Proceeds from the sale of photoprocessing machinery
13 and equipment, including repair and replacement parts, both new
14 and used, including that manufactured on special order,
15 certified by the purchaser to be used primarily for
16 photoprocessing, and including photoprocessing machinery and
17 equipment purchased for lease.

18 (12) Until July 1, 2003, coal exploration, mining,
19 offhighway hauling, processing, maintenance, and reclamation
20 equipment, including replacement parts and equipment, and
21 including equipment purchased for lease, but excluding motor
22 vehicles required to be registered under the Illinois Vehicle
23 Code.

24 (13) Semen used for artificial insemination of livestock
25 for direct agricultural production.

26 (14) Horses, or interests in horses, registered with and

1 meeting the requirements of any of the Arabian Horse Club
2 Registry of America, Appaloosa Horse Club, American Quarter
3 Horse Association, United States Trotting Association, or
4 Jockey Club, as appropriate, used for purposes of breeding or
5 racing for prizes. This item (14) is exempt from the provisions
6 of Section 3-75, and the exemption provided for under this item
7 (14) applies for all periods beginning May 30, 1995, but no
8 claim for credit or refund is allowed on or after the effective
9 date of this amendatory Act of the 95th General Assembly for
10 such taxes paid during the period beginning May 30, 2000 and
11 ending on the effective date of this amendatory Act of the 95th
12 General Assembly.

13 (15) Computers and communications equipment utilized for
14 any hospital purpose and equipment used in the diagnosis,
15 analysis, or treatment of hospital patients purchased by a
16 lessor who leases the equipment, under a lease of one year or
17 longer executed or in effect at the time the lessor would
18 otherwise be subject to the tax imposed by this Act, 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. If the equipment is leased in a
22 manner that does not qualify for this exemption or is used in
23 any other non-exempt manner, the lessor shall be liable for the
24 tax imposed under this Act or the Use Tax Act, as the case may
25 be, based on the fair market value of the property at the time
26 the non-qualifying use occurs. No lessor shall collect or

1 attempt to collect an amount (however designated) that purports
2 to reimburse that lessor for the tax imposed by this Act or the
3 Use Tax Act, as the case may be, if the tax has not been paid by
4 the lessor. If a lessor improperly collects any such amount
5 from the lessee, the lessee shall have a legal right to claim a
6 refund of that amount from the lessor. If, however, that amount
7 is not refunded to the lessee for any reason, the lessor is
8 liable to pay that amount to the Department.

9 (16) Personal property purchased by a lessor who leases the
10 property, under a lease of one year or longer executed or in
11 effect at the time the lessor would otherwise be subject to the
12 tax imposed by this Act, to a governmental body that has been
13 issued an active tax exemption identification number by the
14 Department under Section 1g of the Retailers' Occupation Tax
15 Act. If the property is leased in a manner that does not
16 qualify for this exemption or is used in any other non-exempt
17 manner, the lessor shall be liable for the tax imposed under
18 this Act or the Use Tax Act, as the case may be, based on the
19 fair market value of the property at the time the
20 non-qualifying use occurs. No lessor shall collect or attempt
21 to collect an amount (however designated) that purports to
22 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.

3 (17) Beginning with taxable years ending on or after
4 December 31, 1995 and ending with taxable years ending on or
5 before December 31, 2004, personal property that is donated for
6 disaster relief to be used in a State or federally declared
7 disaster area in Illinois or bordering Illinois by a
8 manufacturer or retailer that is registered in this State to a
9 corporation, society, association, foundation, or institution
10 that has been issued a sales tax exemption identification
11 number by the Department that assists victims of the disaster
12 who reside within the declared disaster area.

13 (18) Beginning with taxable years ending on or after
14 December 31, 1995 and ending with taxable years ending on or
15 before December 31, 2004, personal property that is used in the
16 performance of infrastructure repairs in this State, including
17 but not limited to municipal roads and streets, access roads,
18 bridges, sidewalks, waste disposal systems, water and sewer
19 line extensions, water distribution and purification
20 facilities, storm water drainage and retention facilities, and
21 sewage treatment facilities, resulting from a State or
22 federally declared disaster in Illinois or bordering Illinois
23 when such repairs are initiated on facilities located in the
24 declared disaster area within 6 months after the disaster.

25 (19) Beginning July 1, 1999, game or game birds purchased
26 at a "game breeding and hunting preserve area" or an "exotic

1 game hunting area" as those terms are used in the Wildlife Code
2 or at a hunting enclosure approved through rules adopted by the
3 Department of Natural Resources. This paragraph is exempt from
4 the provisions of Section 3-75.

5 (20) A motor vehicle, as that term is defined in Section
6 1-146 of the Illinois Vehicle Code, that is donated to a
7 corporation, limited liability company, society, association,
8 foundation, or institution that is determined by the Department
9 to be organized and operated exclusively for educational
10 purposes. For purposes of this exemption, "a corporation,
11 limited liability company, society, association, foundation,
12 or institution organized and operated exclusively for
13 educational purposes" means all tax-supported public schools,
14 private schools that offer systematic instruction in useful
15 branches of learning by methods common to public schools and
16 that compare favorably in their scope and intensity with the
17 course of study presented in tax-supported schools, and
18 vocational or technical schools or institutes organized and
19 operated exclusively to provide a course of study of not less
20 than 6 weeks duration and designed to prepare individuals to
21 follow a trade or to pursue a manual, technical, mechanical,
22 industrial, business, or commercial occupation.

23 (21) Beginning January 1, 2000, personal property,
24 including food, purchased through fundraising events for the
25 benefit of a public or private elementary or secondary school,
26 a group of those schools, or one or more school districts if

1 the events are sponsored by an entity recognized by the school
2 district that consists primarily of volunteers and includes
3 parents and teachers of the school children. This paragraph
4 does not apply to fundraising events (i) for the benefit of
5 private home instruction or (ii) for which the fundraising
6 entity purchases the personal property sold at the events from
7 another individual or entity that sold the property for the
8 purpose of resale by the fundraising entity and that profits
9 from the sale to the fundraising entity. This paragraph is
10 exempt from the provisions of Section 3-75.

11 (22) Beginning January 1, 2000 and through December 31,
12 2001, new or used automatic vending machines that prepare and
13 serve hot food and beverages, including coffee, soup, and other
14 items, and replacement parts for these machines. Beginning
15 January 1, 2002 and through June 30, 2003, machines and parts
16 for machines used in commercial, coin-operated amusement and
17 vending business if a use or occupation tax is paid on the
18 gross receipts derived from the use of the commercial,
19 coin-operated amusement and vending machines. This paragraph
20 is exempt from the provisions of Section 3-75.

21 (23) Beginning August 23, 2001 and through June 30, 2011,
22 food for human consumption that is to be consumed off the
23 premises where it is sold (other than alcoholic beverages, soft
24 drinks, and food that has been prepared for immediate
25 consumption) and prescription and nonprescription medicines,
26 drugs, medical appliances, and insulin, urine testing

1 materials, syringes, and needles used by diabetics, for human
2 use, when purchased for use by a person receiving medical
3 assistance under Article 5 of the Illinois Public Aid Code who
4 resides in a licensed long-term care facility, as defined in
5 the Nursing Home Care Act.

6 (24) Beginning on the effective date of this amendatory Act
7 of the 92nd General Assembly, computers and communications
8 equipment utilized for any hospital purpose and equipment used
9 in the diagnosis, analysis, or treatment of hospital patients
10 purchased by a lessor who leases the equipment, under a lease
11 of one year or longer executed or in effect at the time the
12 lessor would otherwise be subject to the tax imposed by this
13 Act, to a 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 the effective date of this amendatory Act
5 of the 92nd General Assembly, personal property purchased by a
6 lessor who leases the property, under a lease of one year or
7 longer executed or in effect at the time the lessor would
8 otherwise be subject to the tax imposed by this Act, to a
9 governmental body that has been issued an active tax exemption
10 identification number by the Department under Section 1g of the
11 Retailers' Occupation Tax Act. If the property is leased in a
12 manner that does not qualify for this exemption or is used in
13 any other nonexempt manner, the lessor shall be liable for the
14 tax imposed under this Act or the Use Tax Act, as the case may
15 be, based on the fair market value of the property at the time
16 the nonqualifying use occurs. No lessor shall collect or
17 attempt to collect an amount (however designated) that purports
18 to reimburse that lessor for the tax imposed by this Act or the
19 Use Tax Act, as the case may be, if the tax has not been paid by
20 the lessor. If a lessor improperly collects any such amount
21 from the lessee, the lessee shall have a legal right to claim a
22 refund of that amount from the lessor. If, however, that amount
23 is not refunded to the lessee for any reason, the lessor is
24 liable to pay that amount to the Department. This paragraph is
25 exempt from the provisions of Section 3-75.

26 (26) Beginning January 1, 2008, tangible personal property

1 used in the construction or maintenance of a community water
2 supply, as defined under Section 3.145 of the Environmental
3 Protection Act, that is operated by a not-for-profit
4 corporation that holds a valid water supply permit issued under
5 Title IV of the Environmental Protection Act. This paragraph is
6 exempt from the provisions of Section 3-75.

7 (Source: P.A. 94-1002, eff. 7-3-06; 95-88, eff. 1-1-08; 95-538,
8 eff. 1-1-08; revised 11-2-07.)

9 Section 130. The Service Occupation Tax Act is amended by
10 changing Section 3-5 as follows:

11 (35 ILCS 115/3-5) (from Ch. 120, par. 439.103-5)

12 Sec. 3-5. Exemptions. The following tangible personal
13 property is exempt from the tax imposed by this Act:

14 (1) Personal property sold by a corporation, society,
15 association, foundation, institution, or organization, other
16 than a limited liability company, that is organized and
17 operated as a not-for-profit service enterprise for the benefit
18 of persons 65 years of age or older if the personal property
19 was not purchased by the enterprise for the purpose of resale
20 by the enterprise.

21 (2) Personal property purchased by a not-for-profit
22 Illinois county fair association for use in conducting,
23 operating, or promoting the county fair.

24 (3) Personal property purchased by any not-for-profit arts

1 or cultural organization that establishes, by proof required by
2 the Department by rule, that it has received an exemption under
3 Section 501(c)(3) of the Internal Revenue Code and that is
4 organized and operated primarily for the presentation or
5 support of arts or cultural programming, activities, or
6 services. These organizations include, but are not limited to,
7 music and dramatic arts organizations such as symphony
8 orchestras and theatrical groups, arts and cultural service
9 organizations, local arts councils, visual arts organizations,
10 and media arts organizations. On and after the effective date
11 of this amendatory Act of the 92nd General Assembly, however,
12 an entity otherwise eligible for this exemption shall not make
13 tax-free purchases unless it has an active identification
14 number issued by the Department.

15 (4) Legal tender, currency, medallions, or gold or silver
16 coinage issued by the State of Illinois, the government of the
17 United States of America, or the government of any foreign
18 country, and bullion.

19 (5) Until July 1, 2003 and beginning again on September 1,
20 2004, graphic arts machinery and equipment, including repair
21 and replacement parts, both new and used, and including that
22 manufactured on special order or purchased for lease, certified
23 by the purchaser to be used primarily for graphic arts
24 production. Equipment includes chemicals or chemicals acting
25 as catalysts but only if the chemicals or chemicals acting as
26 catalysts effect a direct and immediate change upon a graphic

1 arts product.

2 (6) Personal property sold by a teacher-sponsored student
3 organization affiliated with an elementary or secondary school
4 located in Illinois.

5 (7) Farm machinery and equipment, both new and used,
6 including that manufactured on special order, certified by the
7 purchaser to be used primarily for production agriculture or
8 State or federal agricultural programs, including individual
9 replacement parts for the machinery and equipment, including
10 machinery and equipment purchased for lease, and including
11 implements of husbandry defined in Section 1-130 of the
12 Illinois Vehicle Code, farm machinery and agricultural
13 chemical and fertilizer spreaders, and nurse wagons required to
14 be registered under Section 3-809 of the Illinois Vehicle Code,
15 but excluding other motor vehicles required to be registered
16 under the Illinois Vehicle Code. Horticultural polyhouses or
17 hoop houses used for propagating, growing, or overwintering
18 plants shall be considered farm machinery and equipment under
19 this item (7). Agricultural chemical tender tanks and dry boxes
20 shall include units sold separately from a motor vehicle
21 required to be licensed and units sold mounted on a motor
22 vehicle required to be licensed if the selling price of the
23 tender is separately stated.

24 Farm machinery and equipment shall include precision
25 farming equipment that is installed or purchased to be
26 installed on farm machinery and equipment including, but not

1 limited to, tractors, harvesters, sprayers, planters, seeders,
2 or spreaders. Precision farming equipment includes, but is not
3 limited to, soil testing sensors, computers, monitors,
4 software, global positioning and mapping systems, and other
5 such equipment.

6 Farm machinery and equipment also includes computers,
7 sensors, software, and related equipment used primarily in the
8 computer-assisted operation of production agriculture
9 facilities, equipment, and activities such as, but not limited
10 to, the collection, monitoring, and correlation of animal and
11 crop data for the purpose of formulating animal diets and
12 agricultural chemicals. This item (7) is exempt from the
13 provisions of Section 3-55.

14 (8) Fuel and petroleum products sold to or used by an air
15 common carrier, certified by the carrier to be used for
16 consumption, shipment, or storage in the conduct of its
17 business as an air common carrier, for a flight destined for or
18 returning from a location or locations outside the United
19 States without regard to previous or subsequent domestic
20 stopovers.

21 (9) Proceeds of mandatory service charges separately
22 stated on customers' bills for the purchase and consumption of
23 food and beverages, to the extent that the proceeds of the
24 service charge are in fact turned over as tips or as a
25 substitute for tips to the employees who participate directly
26 in preparing, serving, hosting or cleaning up the food or

1 beverage function with respect to which the service charge is
2 imposed.

3 (10) Until July 1, 2003, oil field exploration, drilling,
4 and production equipment, including (i) rigs and parts of rigs,
5 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and
6 tubular goods, including casing and drill strings, (iii) pumps
7 and pump-jack units, (iv) storage tanks and flow lines, (v) any
8 individual replacement part for oil field exploration,
9 drilling, and production equipment, and (vi) machinery and
10 equipment purchased for lease; but excluding motor vehicles
11 required to be registered under the Illinois Vehicle Code.

12 (11) Photoprocessing machinery and equipment, including
13 repair and replacement parts, both new and used, including that
14 manufactured on special order, certified by the purchaser to be
15 used primarily for photoprocessing, and including
16 photoprocessing machinery and equipment purchased for lease.

17 (12) Until July 1, 2003, coal exploration, mining,
18 offhighway hauling, processing, maintenance, and reclamation
19 equipment, including replacement parts and equipment, and
20 including equipment purchased for lease, but excluding motor
21 vehicles required to be registered under the Illinois Vehicle
22 Code.

23 (13) Beginning January 1, 1992 and through June 30, 2011,
24 food for human consumption that is to be consumed off the
25 premises where it is sold (other than alcoholic beverages, soft
26 drinks and food that has been prepared for immediate

1 consumption) and prescription and non-prescription medicines,
2 drugs, medical appliances, and insulin, urine testing
3 materials, syringes, and needles used by diabetics, for human
4 use, when purchased for use by a person receiving medical
5 assistance under Article 5 of the Illinois Public Aid Code who
6 resides in a licensed long-term care facility, as defined in
7 the Nursing Home Care Act.

8 (14) Semen used for artificial insemination of livestock
9 for direct agricultural production.

10 (15) Horses, or interests in horses, registered with and
11 meeting the requirements of any of the Arabian Horse Club
12 Registry of America, Appaloosa Horse Club, American Quarter
13 Horse Association, United States Trotting Association, or
14 Jockey Club, as appropriate, used for purposes of breeding or
15 racing for prizes. This item (15) is exempt from the provisions
16 of Section 3-55, and the exemption provided for under this item
17 (15) applies for all periods beginning May 30, 1995, but no
18 claim for credit or refund is allowed on or after January 1,
19 2008 (the effective date of Public Act 95-88) ~~this amendatory~~
20 ~~Act of the 95th General Assembly~~ for such taxes paid during the
21 period beginning May 30, 2000 and ending on January 1, 2008
22 (the effective date of Public Act 95-88) ~~this amendatory Act of~~
23 ~~the 95th General Assembly~~.

24 (16) Computers and communications equipment utilized for
25 any hospital purpose and equipment used in the diagnosis,
26 analysis, or treatment of hospital patients sold to a lessor

1 who leases the equipment, under a lease of one year or longer
2 executed or in effect at the time of the purchase, to a
3 hospital that has been issued an active tax exemption
4 identification number by the Department under Section 1g of the
5 Retailers' Occupation Tax Act.

6 (17) Personal property sold to a lessor who leases the
7 property, under a lease of one year or longer executed or in
8 effect at the time of the purchase, to a governmental body that
9 has been issued an active tax exemption identification number
10 by the Department under Section 1g of the Retailers' Occupation
11 Tax Act.

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 donated for
15 disaster relief to be used in a State or federally declared
16 disaster area in Illinois or bordering Illinois by a
17 manufacturer or retailer that is registered in this State to a
18 corporation, society, association, foundation, or institution
19 that has been issued a sales tax exemption identification
20 number by the Department that assists victims of the disaster
21 who reside within the declared disaster area.

22 (19) Beginning with taxable years ending on or after
23 December 31, 1995 and ending with taxable years ending on or
24 before December 31, 2004, personal property that is used in the
25 performance of infrastructure repairs in this State, including
26 but not limited to municipal roads and streets, access roads,

1 bridges, sidewalks, waste disposal systems, water and sewer
2 line extensions, water distribution and purification
3 facilities, storm water drainage and retention facilities, and
4 sewage treatment facilities, resulting from a State or
5 federally declared disaster in Illinois or bordering Illinois
6 when such repairs are initiated on facilities located in the
7 declared disaster area within 6 months after the disaster.

8 (20) Beginning July 1, 1999, game or game birds sold at a
9 "game breeding and hunting preserve area" or an "exotic game
10 hunting area" as those terms are used in the Wildlife Code or
11 at a hunting enclosure approved through rules adopted by the
12 Department of Natural Resources. This paragraph is exempt from
13 the provisions of Section 3-55.

14 (21) A motor vehicle, as that term is defined in Section
15 1-146 of the Illinois Vehicle Code, that is donated to a
16 corporation, limited liability company, society, association,
17 foundation, or institution that is determined by the Department
18 to be organized and operated exclusively for educational
19 purposes. For purposes of this exemption, "a corporation,
20 limited liability company, society, association, foundation,
21 or institution organized and operated exclusively for
22 educational purposes" means all tax-supported public schools,
23 private schools that offer systematic instruction in useful
24 branches of learning by methods common to public schools and
25 that compare favorably in their scope and intensity with the
26 course of study presented in tax-supported schools, and

1 vocational or technical schools or institutes organized and
2 operated exclusively to provide a course of study of not less
3 than 6 weeks duration and designed to prepare individuals to
4 follow a trade or to pursue a manual, technical, mechanical,
5 industrial, business, or commercial occupation.

6 (22) Beginning January 1, 2000, personal property,
7 including food, purchased through fundraising events for the
8 benefit of a public or private elementary or secondary school,
9 a group of those schools, or one or more school districts if
10 the events are sponsored by an entity recognized by the school
11 district that consists primarily of volunteers and includes
12 parents and teachers of the school children. This paragraph
13 does not apply to fundraising events (i) for the benefit of
14 private home instruction or (ii) for which the fundraising
15 entity purchases the personal property sold at the events from
16 another individual or entity that sold the property for the
17 purpose of resale by the fundraising entity and that profits
18 from the sale to the fundraising entity. This paragraph is
19 exempt from the provisions of Section 3-55.

20 (23) Beginning January 1, 2000 and through December 31,
21 2001, new or used automatic vending machines that prepare and
22 serve hot food and beverages, including coffee, soup, and other
23 items, and replacement parts for these machines. Beginning
24 January 1, 2002 and through June 30, 2003, machines and parts
25 for machines used in commercial, coin-operated amusement and
26 vending business if a use or occupation tax is paid on the

1 gross receipts derived from the use of the commercial,
2 coin-operated amusement and vending machines. This paragraph
3 is exempt from the provisions of Section 3-55.

4 (24) Beginning on the effective date of this amendatory Act
5 of the 92nd General Assembly, computers and communications
6 equipment utilized for any hospital purpose and equipment used
7 in the diagnosis, analysis, or treatment of hospital patients
8 sold to a lessor who leases the equipment, under a lease of one
9 year or longer executed or in effect at the time of the
10 purchase, to a hospital that has been issued an active tax
11 exemption identification number by the Department under
12 Section 1g of the Retailers' Occupation Tax Act. This paragraph
13 is exempt from the provisions of Section 3-55.

14 (25) Beginning on the effective date of this amendatory Act
15 of the 92nd General Assembly, personal property sold to a
16 lessor who leases the property, under a lease of one year or
17 longer executed or in effect at the time of the purchase, to a
18 governmental body that has been issued an active tax exemption
19 identification number by the Department under Section 1g of the
20 Retailers' Occupation Tax Act. This paragraph is exempt from
21 the provisions of Section 3-55.

22 (26) Beginning on January 1, 2002 and through June 30,
23 2011, tangible personal property purchased from an Illinois
24 retailer by a taxpayer engaged in centralized purchasing
25 activities in Illinois who will, upon receipt of the property
26 in Illinois, temporarily store the property in Illinois (i) for

1 the purpose of subsequently transporting it outside this State
2 for use or consumption thereafter solely outside this State or
3 (ii) for the purpose of being processed, fabricated, or
4 manufactured into, attached to, or incorporated into other
5 tangible personal property to be transported outside this State
6 and thereafter used or consumed solely outside this State. The
7 Director of Revenue shall, pursuant to rules adopted in
8 accordance with the Illinois Administrative Procedure Act,
9 issue a permit to any taxpayer in good standing with the
10 Department who is eligible for the exemption under this
11 paragraph (26). The permit issued under this paragraph (26)
12 shall authorize the holder, to the extent and in the manner
13 specified in the rules adopted under this Act, to purchase
14 tangible personal property from a retailer exempt from the
15 taxes imposed by this Act. Taxpayers shall maintain all
16 necessary books and records to substantiate the use and
17 consumption of all such tangible personal property outside of
18 the State of Illinois.

19 (27) Beginning January 1, 2008, tangible personal property
20 used in the construction or maintenance of a community water
21 supply, as defined under Section 3.145 of the Environmental
22 Protection Act, that is operated by a not-for-profit
23 corporation that holds a valid water supply permit issued under
24 Title IV of the Environmental Protection Act. This paragraph is
25 exempt from the provisions of Section 3-55.

26 (Source: P.A. 94-1002, eff. 7-3-06; 95-88, eff. 1-1-08; 95-538,

1 eff. 1-1-08; revised 11-2-07.)

2 Section 135. The Retailers' Occupation Tax Act is amended
3 by changing Section 2-5 as follows:

4 (35 ILCS 120/2-5) (from Ch. 120, par. 441-5)

5 Sec. 2-5. Exemptions. Gross receipts from proceeds from the
6 sale of the following tangible personal property are exempt
7 from the tax imposed by this Act:

8 (1) Farm chemicals.

9 (2) Farm machinery and equipment, both new and used,
10 including that manufactured on special order, certified by the
11 purchaser to be used primarily for production agriculture or
12 State or federal agricultural programs, including individual
13 replacement parts for the machinery and equipment, including
14 machinery and equipment purchased for lease, and including
15 implements of husbandry defined in Section 1-130 of the
16 Illinois Vehicle Code, farm machinery and agricultural
17 chemical and fertilizer spreaders, and nurse wagons required to
18 be registered under Section 3-809 of the Illinois Vehicle Code,
19 but excluding other motor vehicles required to be registered
20 under the Illinois Vehicle Code. Horticultural polyhouses or
21 hoop houses used for propagating, growing, or overwintering
22 plants shall be considered farm machinery and equipment under
23 this item (2). Agricultural chemical tender tanks and dry boxes
24 shall include units sold separately from a motor vehicle

1 required to be licensed and units sold mounted on a motor
2 vehicle required to be licensed, if the selling price of the
3 tender is separately stated.

4 Farm machinery and equipment shall include precision
5 farming equipment that is installed or purchased to be
6 installed on farm machinery and equipment including, but not
7 limited to, tractors, harvesters, sprayers, planters, seeders,
8 or spreaders. Precision farming equipment includes, but is not
9 limited to, soil testing sensors, computers, monitors,
10 software, global positioning and mapping systems, and other
11 such equipment.

12 Farm machinery and equipment also includes computers,
13 sensors, software, and related equipment used primarily in the
14 computer-assisted operation of production agriculture
15 facilities, equipment, and activities such as, but not limited
16 to, the collection, monitoring, and correlation of animal and
17 crop data for the purpose of formulating animal diets and
18 agricultural chemicals. This item (7) is exempt from the
19 provisions of Section 2-70.

20 (3) Until July 1, 2003, distillation machinery and
21 equipment, sold as a unit or kit, assembled or installed by the
22 retailer, certified by the user to be used only for the
23 production of ethyl alcohol that will be used for consumption
24 as motor fuel or as a component of motor fuel for the personal
25 use of the user, and not subject to sale or resale.

26 (4) Until July 1, 2003 and beginning again September 1,

1 2004, graphic arts machinery and equipment, including repair
2 and replacement parts, both new and used, and including that
3 manufactured on special order or purchased for lease, certified
4 by the purchaser to be used primarily for graphic arts
5 production. Equipment includes chemicals or chemicals acting
6 as catalysts but only if the chemicals or chemicals acting as
7 catalysts effect a direct and immediate change upon a graphic
8 arts product.

9 (5) (Blank).

10 (6) Personal property sold by a teacher-sponsored student
11 organization affiliated with an elementary or secondary school
12 located in Illinois.

13 (7) Until July 1, 2003, proceeds of that portion of the
14 selling price of a passenger car the sale of which is subject
15 to the Replacement Vehicle Tax.

16 (8) Personal property sold to an Illinois county fair
17 association for use in conducting, operating, or promoting the
18 county fair.

19 (9) Personal property sold to a not-for-profit arts or
20 cultural organization that establishes, by proof required by
21 the Department by rule, that it has received an exemption under
22 Section 501(c)(3) of the Internal Revenue Code and that is
23 organized and operated primarily for the presentation or
24 support of arts or cultural programming, activities, or
25 services. These organizations include, but are not limited to,
26 music and dramatic arts organizations such as symphony

1 orchestras and theatrical groups, arts and cultural service
2 organizations, local arts councils, visual arts organizations,
3 and media arts organizations. On and after the effective date
4 of this amendatory Act of the 92nd General Assembly, however,
5 an entity otherwise eligible for this exemption shall not make
6 tax-free purchases unless it has an active identification
7 number issued by the Department.

8 (10) Personal property sold by a corporation, society,
9 association, foundation, institution, or organization, other
10 than a limited liability company, that is organized and
11 operated as a not-for-profit service enterprise for the benefit
12 of persons 65 years of age or older if the personal property
13 was not purchased by the enterprise for the purpose of resale
14 by the enterprise.

15 (11) Personal property sold to a governmental body, to a
16 corporation, society, association, foundation, or institution
17 organized and operated exclusively for charitable, religious,
18 or educational purposes, or to a not-for-profit corporation,
19 society, association, foundation, institution, or organization
20 that has no compensated officers or employees and that is
21 organized and operated primarily for the recreation of persons
22 55 years of age or older. A limited liability company may
23 qualify for the exemption under this paragraph only if the
24 limited liability company is organized and operated
25 exclusively for educational purposes. On and after July 1,
26 1987, however, no entity otherwise eligible for this exemption

1 shall make tax-free purchases unless it has an active
2 identification number issued by the Department.

3 (12) Tangible personal property sold to interstate
4 carriers for hire for use as rolling stock moving in interstate
5 commerce or to lessors under leases of one year or longer
6 executed or in effect at the time of purchase by interstate
7 carriers for hire for use as rolling stock moving in interstate
8 commerce and equipment operated by a telecommunications
9 provider, licensed as a common carrier by the Federal
10 Communications Commission, which is permanently installed in
11 or affixed to aircraft moving in interstate commerce.

12 (12-5) On and after July 1, 2003 and through June 30, 2004,
13 motor vehicles of the second division with a gross vehicle
14 weight in excess of 8,000 pounds that are subject to the
15 commercial distribution fee imposed under Section 3-815.1 of
16 the Illinois Vehicle Code. Beginning on July 1, 2004 and
17 through June 30, 2005, the use in this State of motor vehicles
18 of the second division: (i) with a gross vehicle weight rating
19 in excess of 8,000 pounds; (ii) that are subject to the
20 commercial distribution fee imposed under Section 3-815.1 of
21 the Illinois Vehicle Code; and (iii) that are primarily used
22 for commercial purposes. Through June 30, 2005, this exemption
23 applies to repair and replacement parts added after the initial
24 purchase of such a motor vehicle if that motor vehicle is used
25 in a manner that would qualify for the rolling stock exemption
26 otherwise provided for in this Act. For purposes of this

1 paragraph, "used for commercial purposes" means the
2 transportation of persons or property in furtherance of any
3 commercial or industrial enterprise whether for-hire or not.

4 (13) Proceeds from sales to owners, lessors, or shippers of
5 tangible personal property that is utilized by interstate
6 carriers for hire for use as rolling stock moving in interstate
7 commerce and equipment operated by a telecommunications
8 provider, licensed as a common carrier by the Federal
9 Communications Commission, which is permanently installed in
10 or affixed to aircraft moving in interstate commerce.

11 (14) Machinery and equipment that will be used by the
12 purchaser, or a lessee of the purchaser, primarily in the
13 process of manufacturing or assembling tangible personal
14 property for wholesale or retail sale or lease, whether the
15 sale or lease is made directly by the manufacturer or by some
16 other person, whether the materials used in the process are
17 owned by the manufacturer or some other person, or whether the
18 sale or lease is made apart from or as an incident to the
19 seller's engaging in the service occupation of producing
20 machines, tools, dies, jigs, patterns, gauges, or other similar
21 items of no commercial value on special order for a particular
22 purchaser.

23 (15) Proceeds of mandatory service charges separately
24 stated on customers' bills for purchase and consumption of food
25 and beverages, to the extent that the proceeds of the service
26 charge are in fact turned over as tips or as a substitute for

1 tips to the employees who participate directly in preparing,
2 serving, hosting or cleaning up the food or beverage function
3 with respect to which the service charge is imposed.

4 (16) Petroleum products sold to a purchaser if the seller
5 is prohibited by federal law from charging tax to the
6 purchaser.

7 (17) Tangible personal property sold to a common carrier by
8 rail or motor that receives the physical possession of the
9 property in Illinois and that transports the property, or
10 shares with another common carrier in the transportation of the
11 property, out of Illinois on a standard uniform bill of lading
12 showing the seller of the property as the shipper or consignor
13 of the property to a destination outside Illinois, for use
14 outside Illinois.

15 (18) Legal tender, currency, medallions, or gold or silver
16 coinage issued by the State of Illinois, the government of the
17 United States of America, or the government of any foreign
18 country, and bullion.

19 (19) Until July 1 2003, oil field exploration, drilling,
20 and production equipment, including (i) rigs and parts of rigs,
21 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and
22 tubular goods, including casing and drill strings, (iii) pumps
23 and pump-jack units, (iv) storage tanks and flow lines, (v) any
24 individual replacement part for oil field exploration,
25 drilling, and production equipment, and (vi) machinery and
26 equipment purchased for lease; but excluding motor vehicles

1 required to be registered under the Illinois Vehicle Code.

2 (20) Photoprocessing machinery and equipment, including
3 repair and replacement parts, both new and used, including that
4 manufactured on special order, certified by the purchaser to be
5 used primarily for photoprocessing, and including
6 photoprocessing machinery and equipment purchased for lease.

7 (21) Until July 1, 2003, coal exploration, mining,
8 offhighway hauling, processing, maintenance, and reclamation
9 equipment, including replacement parts and equipment, and
10 including equipment purchased for lease, but excluding motor
11 vehicles required to be registered under the Illinois Vehicle
12 Code.

13 (22) Fuel and petroleum products sold to or used by an air
14 carrier, certified by the carrier to be used for consumption,
15 shipment, or storage in the conduct of its business as an air
16 common carrier, for a flight destined for or returning from a
17 location or locations outside the United States without regard
18 to previous or subsequent domestic stopovers.

19 (23) A transaction in which the purchase order is received
20 by a florist who is located outside Illinois, but who has a
21 florist located in Illinois deliver the property to the
22 purchaser or the purchaser's donee in Illinois.

23 (24) Fuel consumed or used in the operation of ships,
24 barges, or vessels that are used primarily in or for the
25 transportation of property or the conveyance of persons for
26 hire on rivers bordering on this State if the fuel is delivered

1 by the seller to the purchaser's barge, ship, or vessel while
2 it is afloat upon that bordering river.

3 (25) Except as provided in item (25-5) of this Section, a
4 motor vehicle sold in this State to a nonresident even though
5 the motor vehicle is delivered to the nonresident in this
6 State, if the motor vehicle is not to be titled in this State,
7 and if a drive-away permit is issued to the motor vehicle as
8 provided in Section 3-603 of the Illinois Vehicle Code or if
9 the nonresident purchaser has vehicle registration plates to
10 transfer to the motor vehicle upon returning to his or her home
11 state. The issuance of the drive-away permit or having the
12 out-of-state registration plates to be transferred is prima
13 facie evidence that the motor vehicle will not be titled in
14 this State.

15 (25-5) The exemption under item (25) does not apply if the
16 state in which the motor vehicle will be titled does not allow
17 a reciprocal exemption for a motor vehicle sold and delivered
18 in that state to an Illinois resident but titled in Illinois.
19 The tax collected under this Act on the sale of a motor vehicle
20 in this State to a resident of another state that does not
21 allow a reciprocal exemption shall be imposed at a rate equal
22 to the state's rate of tax on taxable property in the state in
23 which the purchaser is a resident, except that the tax shall
24 not exceed the tax that would otherwise be imposed under this
25 Act. At the time of the sale, the purchaser shall execute a
26 statement, signed under penalty of perjury, of his or her

1 intent to title the vehicle in the state in which the purchaser
2 is a 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 in
5 his or her state of residence and shall submit the statement to
6 the appropriate tax collection agency in his or her state of
7 residence. In addition, the retailer must retain a signed copy
8 of the statement in his or her records. Nothing in this item
9 shall be construed to require the removal of the vehicle from
10 this state following the filing of an intent to title the
11 vehicle in the purchaser's state of residence if the purchaser
12 titles the vehicle in his or her state of residence within 30
13 days after the date of sale. The tax collected under this Act
14 in accordance with this item (25-5) shall be proportionately
15 distributed as if the tax were collected at the 6.25% general
16 rate imposed under this Act.

17 (25-7) Beginning on July 1, 2007, no tax is imposed under
18 this Act on the sale of an aircraft, as defined in Section 3 of
19 the Illinois Aeronautics Act, if all of the following
20 conditions are met:

21 (1) the aircraft leaves this State within 15 days after
22 the later of either the issuance of the final billing for
23 the sale of the aircraft, or the authorized approval for
24 return to service, completion of the maintenance record
25 entry, and completion of the test flight and ground test
26 for inspection, as required by 14 C.F.R. 91.407;

1 (2) the aircraft is not based or registered in this
2 State after the sale of the aircraft; and

3 (3) the seller retains in his or her books and records
4 and provides to the Department a signed and dated
5 certification from the purchaser, on a form prescribed by
6 the Department, certifying that the requirements of this
7 item (25-7) are met. The certificate must also include the
8 name and address of the purchaser, the address of the
9 location where the aircraft is to be titled or registered,
10 the address of the primary physical location of the
11 aircraft, and other information that the Department may
12 reasonably require.

13 For purposes of this item (25-7):

14 "Based in this State" means hangared, stored, or otherwise
15 used, excluding post-sale customizations as defined in this
16 Section, for 10 or more days in each 12-month period
17 immediately following the date of the sale of the aircraft.

18 "Registered in this State" means an aircraft registered
19 with the Department of Transportation, Aeronautics Division,
20 or titled or registered with the Federal Aviation
21 Administration to an address located in this State.

22 This paragraph (25-7) is exempt from the provisions of
23 Section 2-70.

24 (26) Semen used for artificial insemination of livestock
25 for direct agricultural production.

26 (27) Horses, or interests in horses, registered with and

1 meeting the requirements of any of the Arabian Horse Club
2 Registry of America, Appaloosa Horse Club, American Quarter
3 Horse Association, United States Trotting Association, or
4 Jockey Club, as appropriate, used for purposes of breeding or
5 racing for prizes. This item (27) is exempt from the provisions
6 of Section 2-70, and the exemption provided for under this item
7 (27) applies for all periods beginning May 30, 1995, but no
8 claim for credit or refund is allowed on or after January 1,
9 2008 (the effective date of Public Act 95-88) ~~this amendatory~~
10 ~~Act of the 95th General Assembly~~ for such taxes paid during the
11 period beginning May 30, 2000 and ending on January 1, 2008
12 (the effective date of Public Act 95-88) ~~this amendatory Act of~~
13 ~~the 95th General Assembly.~~

14 (28) 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
21 this Act.

22 (29) 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 this Act.

1 (30) Beginning with taxable years ending on or after
2 December 31, 1995 and ending with taxable years ending on or
3 before December 31, 2004, personal property that is donated for
4 disaster relief to be used in a State or federally declared
5 disaster area in Illinois or bordering Illinois by a
6 manufacturer or retailer that is registered in this State to a
7 corporation, society, association, foundation, or institution
8 that has been issued a sales tax exemption identification
9 number by the Department that assists victims of the disaster
10 who reside within the declared disaster area.

11 (31) Beginning with taxable years ending on or after
12 December 31, 1995 and ending with taxable years ending on or
13 before December 31, 2004, personal property that is used in the
14 performance of infrastructure repairs in this State, including
15 but not limited to municipal roads and streets, access roads,
16 bridges, sidewalks, waste disposal systems, water and sewer
17 line extensions, water distribution and purification
18 facilities, storm water drainage and retention facilities, and
19 sewage treatment facilities, resulting from a State or
20 federally declared disaster in Illinois or bordering Illinois
21 when such repairs are initiated on facilities located in the
22 declared disaster area within 6 months after the disaster.

23 (32) Beginning July 1, 1999, game or game birds sold at a
24 "game breeding and hunting preserve area" or an "exotic game
25 hunting area" as those terms are used in the Wildlife Code or
26 at a hunting enclosure approved through rules adopted by the

1 Department of Natural Resources. This paragraph is exempt from
2 the provisions of Section 2-70.

3 (33) A motor vehicle, as that term is defined in Section
4 1-146 of the Illinois Vehicle Code, that is donated to a
5 corporation, limited liability company, society, association,
6 foundation, or institution that is determined by the Department
7 to be organized and operated exclusively for educational
8 purposes. For purposes of this exemption, "a corporation,
9 limited liability company, society, association, foundation,
10 or institution organized and operated exclusively for
11 educational purposes" means all tax-supported public schools,
12 private schools that offer systematic instruction in useful
13 branches of learning by methods common to public schools and
14 that compare favorably in their scope and intensity with the
15 course of study presented in tax-supported schools, and
16 vocational or technical schools or institutes organized and
17 operated exclusively to provide a course of study of not less
18 than 6 weeks duration and designed to prepare individuals to
19 follow a trade or to pursue a manual, technical, mechanical,
20 industrial, business, or commercial occupation.

21 (34) Beginning January 1, 2000, personal property,
22 including food, purchased through fundraising events for the
23 benefit of a public or private elementary or secondary school,
24 a group of those schools, or one or more school districts if
25 the events are sponsored by an entity recognized by the school
26 district that consists primarily of volunteers and includes

1 parents and teachers of the school children. This paragraph
2 does not apply to fundraising events (i) for the benefit of
3 private home instruction or (ii) for which the fundraising
4 entity purchases the personal property sold at the events from
5 another individual or entity that sold the property for the
6 purpose of resale by the fundraising entity and that profits
7 from the sale to the fundraising entity. This paragraph is
8 exempt from the provisions of Section 2-70.

9 (35) Beginning January 1, 2000 and through December 31,
10 2001, new or used automatic vending machines that prepare and
11 serve hot food and beverages, including coffee, soup, and other
12 items, and replacement parts for these machines. Beginning
13 January 1, 2002 and through June 30, 2003, machines and parts
14 for machines used in commercial, coin-operated amusement and
15 vending business if a use or occupation tax is paid on the
16 gross receipts derived from the use of the commercial,
17 coin-operated amusement and vending machines. This paragraph
18 is exempt from the provisions of Section 2-70.

19 (35-5) Beginning August 23, 2001 and through June 30, 2011,
20 food for human consumption that is to be consumed off the
21 premises where it is sold (other than alcoholic beverages, soft
22 drinks, and food that has been prepared for immediate
23 consumption) and prescription and nonprescription medicines,
24 drugs, medical appliances, and insulin, urine testing
25 materials, syringes, and needles used by diabetics, for human
26 use, when purchased for use by a person receiving medical

1 assistance under Article 5 of the Illinois Public Aid Code who
2 resides in a licensed long-term care facility, as defined in
3 the Nursing Home Care Act.

4 (36) Beginning August 2, 2001, computers and
5 communications equipment utilized for any hospital purpose and
6 equipment used in the diagnosis, analysis, or treatment of
7 hospital patients sold to a lessor who leases the equipment,
8 under a lease of one year or longer executed or in effect at
9 the time of the purchase, to a hospital that has been issued an
10 active tax exemption identification number by the Department
11 under Section 1g of this Act. This paragraph is exempt from the
12 provisions of Section 2-70.

13 (37) Beginning August 2, 2001, personal property sold to a
14 lessor who leases the property, under a lease of one year or
15 longer executed or in effect at the time of the purchase, to a
16 governmental body that has been issued an active tax exemption
17 identification number by the Department under Section 1g of
18 this Act. This paragraph is exempt from the provisions of
19 Section 2-70.

20 (38) Beginning on January 1, 2002 and through June 30,
21 2011, tangible personal property purchased from an Illinois
22 retailer by a taxpayer engaged in centralized purchasing
23 activities in Illinois who will, upon receipt of the property
24 in Illinois, temporarily store the property in Illinois (i) for
25 the purpose of subsequently transporting it outside this State
26 for use or consumption thereafter solely outside this State or

1 (ii) for the purpose of being processed, fabricated, or
2 manufactured into, attached to, or incorporated into other
3 tangible personal property to be transported outside this State
4 and thereafter used or consumed solely outside this State. The
5 Director of Revenue shall, pursuant to rules adopted in
6 accordance with the Illinois Administrative Procedure Act,
7 issue a permit to any taxpayer in good standing with the
8 Department who is eligible for the exemption under this
9 paragraph (38). The permit issued under this paragraph (38)
10 shall authorize the holder, to the extent and in the manner
11 specified in the rules adopted under this Act, to purchase
12 tangible personal property from a retailer exempt from the
13 taxes imposed by this Act. Taxpayers shall maintain all
14 necessary books and records to substantiate the use and
15 consumption of all such tangible personal property outside of
16 the State of Illinois.

17 (39) Beginning January 1, 2008, tangible personal property
18 used in the construction or maintenance of a community water
19 supply, as defined under Section 3.145 of the Environmental
20 Protection Act, that is operated by a not-for-profit
21 corporation that holds a valid water supply permit issued under
22 Title IV of the Environmental Protection Act. This paragraph is
23 exempt from the provisions of Section 2-70.

24 (Source: P.A. 94-1002, eff. 7-3-06; 95-88, eff. 1-1-08; 95-233,
25 eff. 8-16-07; 95-304, eff. 8-20-07; 95-538, eff. 1-1-08;
26 revised 9-11-07.)

1 Section 140. The Property Tax Code is amended by changing
2 the heading of Division 18 of Article 10 and Sections 15-170,
3 18-185, 22-15, and 22-20 as follows:

4 (35 ILCS 200/Art. 10 Div. 18 heading)

5 DIVISION 18. ~~ARTICLE 10 Div. 18.~~ WIND ENERGY PROPERTY
6 ASSESSMENT

7 (Source: P.A. 95-644, eff. 10-12-07; revised 12-10-07.)

8 (35 ILCS 200/15-170)

9 Sec. 15-170. Senior Citizens Homestead Exemption. An
10 annual homestead exemption limited, except as described here
11 with relation to cooperatives or life care facilities, to a
12 maximum reduction set forth below from the property's value, as
13 equalized or assessed by the Department, is granted for
14 property that is occupied as a residence by a person 65 years
15 of age or older who is liable for paying real estate taxes on
16 the property and is an owner of record of the property or has a
17 legal or equitable interest therein as evidenced by a written
18 instrument, except for a leasehold interest, other than a
19 leasehold interest of land on which a single family residence
20 is located, which is occupied as a residence by a person 65
21 years or older who has an ownership interest therein, legal,
22 equitable or as a lessee, and on which he or she is liable for
23 the payment of property taxes. Before taxable year 2004, the

1 maximum reduction shall be \$2,500 in counties with 3,000,000 or
2 more inhabitants and \$2,000 in all other counties. For taxable
3 years 2004 through 2005, the maximum reduction shall be \$3,000
4 in all counties. For taxable years 2006 and 2007, the maximum
5 reduction shall be \$3,500 and, for taxable years 2008 and
6 thereafter, the maximum reduction is \$4,000 in all counties.

7 For land improved with an apartment building owned and
8 operated as a cooperative, the maximum reduction from the value
9 of the property, as equalized by the Department, shall be
10 multiplied by the number of apartments or units occupied by a
11 person 65 years of age or older who is liable, by contract with
12 the owner or owners of record, for paying property taxes on the
13 property and is an owner of record of a legal or equitable
14 interest in the cooperative apartment building, other than a
15 leasehold interest. For land improved with a life care
16 facility, the maximum reduction from the value of the property,
17 as equalized by the Department, shall be multiplied by the
18 number of apartments or units occupied by persons 65 years of
19 age or older, irrespective of any legal, equitable, or
20 leasehold interest in the facility, who are liable, under a
21 contract with the owner or owners of record of the facility,
22 for paying property taxes on the property. In a cooperative or
23 a life care facility where a homestead exemption has been
24 granted, the cooperative association or the management firm of
25 the cooperative or facility shall credit the savings resulting
26 from that exemption only to the apportioned tax liability of

1 the owner or resident who qualified for the exemption. Any
2 person who willfully refuses to so credit the savings shall be
3 guilty of a Class B misdemeanor. Under this Section and
4 Sections 15-175, 15-176, and 15-177, "life care facility" means
5 a facility, as defined in Section 2 of the Life Care Facilities
6 Act, with which the applicant for the homestead exemption has a
7 life care contract as defined in that Act.

8 When a homestead exemption has been granted under this
9 Section and the person qualifying subsequently becomes a
10 resident of a facility licensed under the Nursing Home Care
11 Act, the exemption shall continue so long as the residence
12 continues to be occupied by the qualifying person's spouse if
13 the spouse is 65 years of age or older, or if the residence
14 remains unoccupied but is still owned by the person qualified
15 for the homestead exemption.

16 A person who will be 65 years of age during the current
17 assessment year shall be eligible to apply for the homestead
18 exemption during that assessment year. Application shall be
19 made during the application period in effect for the county of
20 his residence.

21 Beginning with assessment year 2003, for taxes payable in
22 2004, property that is first occupied as a residence after
23 January 1 of any assessment year by a person who is eligible
24 for the senior citizens homestead exemption under this Section
25 must be granted a pro-rata exemption for the assessment year.
26 The amount of the pro-rata exemption is the exemption allowed

1 in the county under this Section divided by 365 and multiplied
2 by the number of days during the assessment year the property
3 is occupied as a residence by a person eligible for the
4 exemption under this Section. The chief county assessment
5 officer must adopt reasonable procedures to establish
6 eligibility for this pro-rata exemption.

7 The assessor or chief county assessment officer may
8 determine the eligibility of a life care facility to receive
9 the benefits provided by this Section, by affidavit,
10 application, visual inspection, questionnaire or other
11 reasonable methods in order to insure that the tax savings
12 resulting from the exemption are credited by the management
13 firm to the apportioned tax liability of each qualifying
14 resident. The assessor may request reasonable proof that the
15 management firm has so credited the exemption.

16 The chief county assessment officer of each county with
17 less than 3,000,000 inhabitants shall provide to each person
18 allowed a homestead exemption under this Section a form to
19 designate any other person to receive a duplicate of any notice
20 of delinquency in the payment of taxes assessed and levied
21 under this Code on the property of the person receiving the
22 exemption. The duplicate notice shall be in addition to the
23 notice required to be provided to the person receiving the
24 exemption, and shall be given in the manner required by this
25 Code. The person filing the request for the duplicate notice
26 shall pay a fee of \$5 to cover administrative costs to the

1 supervisor of assessments, who shall then file the executed
2 designation with the county collector. Notwithstanding any
3 other provision of this Code to the contrary, the filing of
4 such an executed designation requires the county collector to
5 provide duplicate notices as indicated by the designation. A
6 designation may be rescinded by the person who executed such
7 designation at any time, in the manner and form required by the
8 chief county assessment officer.

9 The assessor or chief county assessment officer may
10 determine the eligibility of residential property to receive
11 the homestead exemption provided by this Section by
12 application, visual inspection, questionnaire or other
13 reasonable methods. The determination shall be made in
14 accordance with guidelines established by the Department.

15 In counties with less than 3,000,000 inhabitants, the
16 county board may by resolution provide that if a person has
17 been granted a homestead exemption under this Section, the
18 person qualifying need not reapply for the exemption.

19 In counties with less than 3,000,000 inhabitants, if the
20 assessor or chief county assessment officer requires annual
21 application for verification of eligibility for an exemption
22 once granted under this Section, the application shall be
23 mailed to the taxpayer.

24 The assessor or chief county assessment officer shall
25 notify each person who qualifies for an exemption under this
26 Section that the person may also qualify for deferral of real

1 estate taxes under the Senior Citizens Real Estate Tax Deferral
2 Act. The notice shall set forth the qualifications needed for
3 deferral of real estate taxes, the address and telephone number
4 of county collector, and a statement that applications for
5 deferral of real estate taxes may be obtained from the county
6 collector.

7 Notwithstanding Sections 6 and 8 of the State Mandates Act,
8 no reimbursement by the State is required for the
9 implementation of any mandate created by this Section.

10 (Source: P.A. 94-794, eff. 5-22-06; 95-644, eff. 10-12-07;
11 revised 11-2-07.)

12 (35 ILCS 200/18-185)

13 Sec. 18-185. Short title; definitions. This Division 5 may
14 be cited as the Property Tax Extension Limitation Law. As used
15 in this Division 5:

16 "Consumer Price Index" means the Consumer Price Index for
17 All Urban Consumers for all items published by the United
18 States Department of Labor.

19 "Extension limitation" means (a) the lesser of 5% or the
20 percentage increase in the Consumer Price Index during the
21 12-month calendar year preceding the levy year or (b) the rate
22 of increase approved by voters under Section 18-205.

23 "Affected county" means a county of 3,000,000 or more
24 inhabitants or a county contiguous to a county of 3,000,000 or
25 more inhabitants.

1 "Taxing district" has the same meaning provided in Section
2 1-150, except as otherwise provided in this Section. For the
3 1991 through 1994 levy years only, "taxing district" includes
4 only each non-home rule taxing district having the majority of
5 its 1990 equalized assessed value within any county or counties
6 contiguous to a county with 3,000,000 or more inhabitants.
7 Beginning with the 1995 levy year, "taxing district" includes
8 only each non-home rule taxing district subject to this Law
9 before the 1995 levy year and each non-home rule taxing
10 district not subject to this Law before the 1995 levy year
11 having the majority of its 1994 equalized assessed value in an
12 affected county or counties. Beginning with the levy year in
13 which this Law becomes applicable to a taxing district as
14 provided in Section 18-213, "taxing district" also includes
15 those taxing districts made subject to this Law as provided in
16 Section 18-213.

17 "Aggregate extension" for taxing districts to which this
18 Law applied before the 1995 levy year means the annual
19 corporate extension for the taxing district and those special
20 purpose extensions that are made annually for the taxing
21 district, excluding special purpose extensions: (a) made for
22 the taxing district to pay interest or principal on general
23 obligation bonds that were approved by referendum; (b) made for
24 any taxing district to pay interest or principal on general
25 obligation bonds issued before October 1, 1991; (c) made for
26 any taxing district to pay interest or principal on bonds

1 issued to refund or continue to refund those bonds issued
2 before October 1, 1991; (d) made for any taxing district to pay
3 interest or principal on bonds issued to refund or continue to
4 refund bonds issued after October 1, 1991 that were approved by
5 referendum; (e) made for any taxing district to pay interest or
6 principal on revenue bonds issued before October 1, 1991 for
7 payment of which a property tax levy or the full faith and
8 credit of the unit of local government is pledged; however, a
9 tax for the payment of interest or principal on those bonds
10 shall be made only after the governing body of the unit of
11 local government finds that all other sources for payment are
12 insufficient to make those payments; (f) made for payments
13 under a building commission lease when the lease payments are
14 for the retirement of bonds issued by the commission before
15 October 1, 1991, to pay for the building project; (g) made for
16 payments due under installment contracts entered into before
17 October 1, 1991; (h) made for payments of principal and
18 interest on bonds issued under the Metropolitan Water
19 Reclamation District Act to finance construction projects
20 initiated before October 1, 1991; (i) made for payments of
21 principal and interest on limited bonds, as defined in Section
22 3 of the Local Government Debt Reform Act, in an amount not to
23 exceed the debt service extension base less the amount in items
24 (b), (c), (e), and (h) of this definition for non-referendum
25 obligations, except obligations initially issued pursuant to
26 referendum; (j) made for payments of principal and interest on

1 bonds issued under Section 15 of the Local Government Debt
2 Reform Act; (k) made by a school district that participates in
3 the Special Education District of Lake County, created by
4 special education joint agreement under Section 10-22.31 of the
5 School Code, for payment of the school district's share of the
6 amounts required to be contributed by the Special Education
7 District of Lake County to the Illinois Municipal Retirement
8 Fund under Article 7 of the Illinois Pension Code; the amount
9 of any extension under this item (k) shall be certified by the
10 school district to the county clerk; (l) made to fund expenses
11 of providing joint recreational programs for the handicapped
12 under Section 5-8 of the Park District Code or Section 11-95-14
13 of the Illinois Municipal Code; (m) made for temporary
14 relocation loan repayment purposes pursuant to Sections 2-3.77
15 and 17-2.2d of the School Code; (n) made for payment of
16 principal and interest on any bonds issued under the authority
17 of Section 17-2.2d of the School Code; and (o) made for
18 contributions to a firefighter's pension fund created under
19 Article 4 of the Illinois Pension Code, to the extent of the
20 amount certified under item (5) of Section 4-134 of the
21 Illinois Pension Code.

22 "Aggregate extension" for the taxing districts to which
23 this Law did not apply before the 1995 levy year (except taxing
24 districts subject to this Law in accordance with Section
25 18-213) means the annual corporate extension for the taxing
26 district and those special purpose extensions that are made

1 annually for the taxing district, excluding special purpose
2 extensions: (a) made for the taxing district to pay interest or
3 principal on general obligation bonds that were approved by
4 referendum; (b) made for any taxing district to pay interest or
5 principal on general obligation bonds issued before March 1,
6 1995; (c) made for any taxing district to pay interest or
7 principal on bonds issued to refund or continue to refund those
8 bonds issued before March 1, 1995; (d) made for any taxing
9 district to pay interest or principal on bonds issued to refund
10 or continue to refund bonds issued after March 1, 1995 that
11 were approved by referendum; (e) made for any taxing district
12 to pay interest or principal on revenue bonds issued before
13 March 1, 1995 for payment of which a property tax levy or the
14 full faith and credit of the unit of local government is
15 pledged; however, a tax for the payment of interest or
16 principal on those bonds shall be made only after the governing
17 body of the unit of local government finds that all other
18 sources for payment are insufficient to make those payments;
19 (f) made for payments under a building commission lease when
20 the lease payments are for the retirement of bonds issued by
21 the commission before March 1, 1995 to pay for the building
22 project; (g) made for payments due under installment contracts
23 entered into before March 1, 1995; (h) made for payments of
24 principal and interest on bonds issued under the Metropolitan
25 Water Reclamation District Act to finance construction
26 projects initiated before October 1, 1991; (h-4) made for

1 stormwater management purposes by the Metropolitan Water
2 Reclamation District of Greater Chicago under Section 12 of the
3 Metropolitan Water Reclamation District Act; (i) made for
4 payments of principal and interest on limited bonds, as defined
5 in Section 3 of the Local Government Debt Reform Act, in an
6 amount not to exceed the debt service extension base less the
7 amount in items (b), (c), and (e) of this definition for
8 non-referendum obligations, except obligations initially
9 issued pursuant to referendum and bonds described in subsection
10 (h) of this definition; (j) made for payments of principal and
11 interest on bonds issued under Section 15 of the Local
12 Government Debt Reform Act; (k) made for payments of principal
13 and interest on bonds authorized by Public Act 88-503 and
14 issued under Section 20a of the Chicago Park District Act for
15 aquarium or museum projects; (l) made for payments of principal
16 and interest on bonds authorized by Public Act 87-1191 or
17 93-601 and (i) issued pursuant to Section 21.2 of the Cook
18 County Forest Preserve District Act, (ii) issued under Section
19 42 of the Cook County Forest Preserve District Act for
20 zoological park projects, or (iii) issued under Section 44.1 of
21 the Cook County Forest Preserve District Act for botanical
22 gardens projects; (m) made pursuant to Section 34-53.5 of the
23 School Code, whether levied annually or not; (n) made to fund
24 expenses of providing joint recreational programs for the
25 handicapped under Section 5-8 of the Park District Code or
26 Section 11-95-14 of the Illinois Municipal Code; (o) made by

1 the Chicago Park District for recreational programs for the
2 handicapped under subsection (c) of Section 7.06 of the Chicago
3 Park District Act; (p) made for contributions to a
4 firefighter's pension fund created under Article 4 of the
5 Illinois Pension Code, to the extent of the amount certified
6 under item (5) of Section 4-134 of the Illinois Pension Code;
7 and (q) made by Ford Heights School District 169 under Section
8 17-9.02 of the School Code.

9 "Aggregate extension" for all taxing districts to which
10 this Law applies in accordance with Section 18-213, except for
11 those taxing districts subject to paragraph (2) of subsection
12 (e) of Section 18-213, means the annual corporate extension for
13 the taxing district and those special purpose extensions that
14 are made annually for the taxing district, excluding special
15 purpose extensions: (a) made for the taxing district to pay
16 interest or principal on general obligation bonds that were
17 approved by referendum; (b) made for any taxing district to pay
18 interest or principal on general obligation bonds issued before
19 the date on which the referendum making this Law applicable to
20 the taxing district is held; (c) made for any taxing district
21 to pay interest or principal on bonds issued to refund or
22 continue to refund those bonds issued before the date on which
23 the referendum making this Law applicable to the taxing
24 district is held; (d) made for any taxing district to pay
25 interest or principal on bonds issued to refund or continue to
26 refund bonds issued after the date on which the referendum

1 making this Law applicable to the taxing district is held if
2 the bonds were approved by referendum after the date on which
3 the referendum making this Law applicable to the taxing
4 district is held; (e) made for any taxing district to pay
5 interest or principal on revenue bonds issued before the date
6 on which the referendum making this Law applicable to the
7 taxing district is held for payment of which a property tax
8 levy or the full faith and credit of the unit of local
9 government is pledged; however, a tax for the payment of
10 interest or principal on those bonds shall be made only after
11 the governing body of the unit of local government finds that
12 all other sources for payment are insufficient to make those
13 payments; (f) made for payments under a building commission
14 lease when the lease payments are for the retirement of bonds
15 issued by the commission before the date on which the
16 referendum making this Law applicable to the taxing district is
17 held to pay for the building project; (g) made for payments due
18 under installment contracts entered into before the date on
19 which the referendum making this Law applicable to the taxing
20 district is held; (h) made for payments of principal and
21 interest on limited bonds, as defined in Section 3 of the Local
22 Government Debt Reform Act, in an amount not to exceed the debt
23 service extension base less the amount in items (b), (c), and
24 (e) of this definition for non-referendum obligations, except
25 obligations initially issued pursuant to referendum; (i) made
26 for payments of principal and interest on bonds issued under

1 Section 15 of the Local Government Debt Reform Act; (j) made
2 for a qualified airport authority to pay interest or principal
3 on general obligation bonds issued for the purpose of paying
4 obligations due under, or financing airport facilities
5 required to be acquired, constructed, installed or equipped
6 pursuant to, contracts entered into before March 1, 1996 (but
7 not including any amendments to such a contract taking effect
8 on or after that date); (k) made to fund expenses of providing
9 joint recreational programs for the handicapped under Section
10 5-8 of the Park District Code or Section 11-95-14 of the
11 Illinois Municipal Code; and (l) made for contributions to a
12 firefighter's pension fund created under Article 4 of the
13 Illinois Pension Code, to the extent of the amount certified
14 under item (5) of Section 4-134 of the Illinois Pension Code.

15 "Aggregate extension" for all taxing districts to which
16 this Law applies in accordance with paragraph (2) of subsection
17 (e) of Section 18-213 means the annual corporate extension for
18 the taxing district and those special purpose extensions that
19 are made annually for the taxing district, excluding special
20 purpose extensions: (a) made for the taxing district to pay
21 interest or principal on general obligation bonds that were
22 approved by referendum; (b) made for any taxing district to pay
23 interest or principal on general obligation bonds issued before
24 the effective date of this amendatory Act of 1997; (c) made for
25 any taxing district to pay interest or principal on bonds
26 issued to refund or continue to refund those bonds issued

1 before the effective date of this amendatory Act of 1997; (d)
2 made for any taxing district to pay interest or principal on
3 bonds issued to refund or continue to refund bonds issued after
4 the effective date of this amendatory Act of 1997 if the bonds
5 were approved by referendum after the effective date of this
6 amendatory Act of 1997; (e) made for any taxing district to pay
7 interest or principal on revenue bonds issued before the
8 effective date of this amendatory Act of 1997 for payment of
9 which a property tax levy or the full faith and credit of the
10 unit of local government is pledged; however, a tax for the
11 payment of interest or principal on those bonds shall be made
12 only after the governing body of the unit of local government
13 finds that all other sources for payment are insufficient to
14 make those payments; (f) made for payments under a building
15 commission lease when the lease payments are for the retirement
16 of bonds issued by the commission before the effective date of
17 this amendatory Act of 1997 to pay for the building project;
18 (g) made for payments due under installment contracts entered
19 into before the effective date of this amendatory Act of 1997;
20 (h) made for payments of principal and interest on limited
21 bonds, as defined in Section 3 of the Local Government Debt
22 Reform Act, in an amount not to exceed the debt service
23 extension base less the amount in items (b), (c), and (e) of
24 this definition for non-referendum obligations, except
25 obligations initially issued pursuant to referendum; (i) made
26 for payments of principal and interest on bonds issued under

1 Section 15 of the Local Government Debt Reform Act; (j) made
2 for a qualified airport authority to pay interest or principal
3 on general obligation bonds issued for the purpose of paying
4 obligations due under, or financing airport facilities
5 required to be acquired, constructed, installed or equipped
6 pursuant to, contracts entered into before March 1, 1996 (but
7 not including any amendments to such a contract taking effect
8 on or after that date); (k) made to fund expenses of providing
9 joint recreational programs for the handicapped under Section
10 5-8 of the Park District Code or Section 11-95-14 of the
11 Illinois Municipal Code; and (l) made for contributions to a
12 firefighter's pension fund created under Article 4 of the
13 Illinois Pension Code, to the extent of the amount certified
14 under item (5) of Section 4-134 of the Illinois Pension Code.

15 "Debt service extension base" means an amount equal to that
16 portion of the extension for a taxing district for the 1994
17 levy year, or for those taxing districts subject to this Law in
18 accordance with Section 18-213, except for those subject to
19 paragraph (2) of subsection (e) of Section 18-213, for the levy
20 year in which the referendum making this Law applicable to the
21 taxing district is held, or for those taxing districts subject
22 to this Law in accordance with paragraph (2) of subsection (e)
23 of Section 18-213 for the 1996 levy year, constituting an
24 extension for payment of principal and interest on bonds issued
25 by the taxing district without referendum, but not including
26 excluded non-referendum bonds. For park districts (i) that were

1 first subject to this Law in 1991 or 1995 and (ii) whose
2 extension for the 1994 levy year for the payment of principal
3 and interest on bonds issued by the park district without
4 referendum (but not including excluded non-referendum bonds)
5 was less than 51% of the amount for the 1991 levy year
6 constituting an extension for payment of principal and interest
7 on bonds issued by the park district without referendum (but
8 not including excluded non-referendum bonds), "debt service
9 extension base" means an amount equal to that portion of the
10 extension for the 1991 levy year constituting an extension for
11 payment of principal and interest on bonds issued by the park
12 district without referendum (but not including excluded
13 non-referendum bonds). The debt service extension base may be
14 established or increased as provided under Section 18-212.
15 "Excluded non-referendum bonds" means (i) bonds authorized by
16 Public Act 88-503 and issued under Section 20a of the Chicago
17 Park District Act for aquarium and museum projects; (ii) bonds
18 issued under Section 15 of the Local Government Debt Reform
19 Act; or (iii) refunding obligations issued to refund or to
20 continue to refund obligations initially issued pursuant to
21 referendum.

22 "Special purpose extensions" include, but are not limited
23 to, extensions for levies made on an annual basis for
24 unemployment and workers' compensation, self-insurance,
25 contributions to pension plans, and extensions made pursuant to
26 Section 6-601 of the Illinois Highway Code for a road

1 district's permanent road fund whether levied annually or not.
2 The extension for a special service area is not included in the
3 aggregate extension.

4 "Aggregate extension base" means the taxing district's
5 last preceding aggregate extension as adjusted under Sections
6 18-135, 18-215, and 18-230. An adjustment under Section 18-135
7 shall be made for the 2007 levy year and all subsequent levy
8 years whenever one or more counties within which a taxing
9 district is located (i) used estimated valuations or rates when
10 extending taxes in the taxing district for the last preceding
11 levy year that resulted in the over or under extension of
12 taxes, or (ii) increased or decreased the tax extension for the
13 last preceding levy year as required by Section 18-135(c).
14 Whenever an adjustment is required under Section 18-135, the
15 aggregate extension base of the taxing district shall be equal
16 to the amount that the aggregate extension of the taxing
17 district would have been for the last preceding levy year if
18 either or both (i) actual, rather than estimated, valuations or
19 rates had been used to calculate the extension of taxes for the
20 last levy year, or (ii) the tax extension for the last
21 preceding levy year had not been adjusted as required by
22 subsection (c) of Section 18-135.

23 "Levy year" has the same meaning as "year" under Section
24 1-155.

25 "New property" means (i) the assessed value, after final
26 board of review or board of appeals action, of new improvements

1 or additions to existing improvements on any parcel of real
2 property that increase the assessed value of that real property
3 during the levy year multiplied by the equalization factor
4 issued by the Department under Section 17-30, (ii) the assessed
5 value, after final board of review or board of appeals action,
6 of real property not exempt from real estate taxation, which
7 real property was exempt from real estate taxation for any
8 portion of the immediately preceding levy year, multiplied by
9 the equalization factor issued by the Department under Section
10 17-30, including the assessed value, upon final stabilization
11 of occupancy after new construction is complete, of any real
12 property located within the boundaries of an otherwise or
13 previously exempt military reservation that is intended for
14 residential use and owned by or leased to a private corporation
15 or other entity, and (iii) in counties that classify in
16 accordance with Section 4 of Article IX of the Illinois
17 Constitution, an incentive property's additional assessed
18 value resulting from a scheduled increase in the level of
19 assessment as applied to the first year final board of review
20 market value. In addition, the county clerk in a county
21 containing a population of 3,000,000 or more shall include in
22 the 1997 recovered tax increment value for any school district,
23 any recovered tax increment value that was applicable to the
24 1995 tax year calculations.

25 "Qualified airport authority" means an airport authority
26 organized under the Airport Authorities Act and located in a

1 county bordering on the State of Wisconsin and having a
2 population in excess of 200,000 and not greater than 500,000.

3 "Recovered tax increment value" means, except as otherwise
4 provided in this paragraph, the amount of the current year's
5 equalized assessed value, in the first year after a
6 municipality terminates the designation of an area as a
7 redevelopment project area previously established under the
8 Tax Increment Allocation Development Act in the Illinois
9 Municipal Code, previously established under the Industrial
10 Jobs Recovery Law in the Illinois Municipal Code, previously
11 established under the Economic Development Project Area Tax
12 Increment Act of 1995, or previously established under the
13 Economic Development Area Tax Increment Allocation Act, of each
14 taxable lot, block, tract, or parcel of real property in the
15 redevelopment project area over and above the initial equalized
16 assessed value of each property in the redevelopment project
17 area. For the taxes which are extended for the 1997 levy year,
18 the recovered tax increment value for a non-home rule taxing
19 district that first became subject to this Law for the 1995
20 levy year because a majority of its 1994 equalized assessed
21 value was in an affected county or counties shall be increased
22 if a municipality terminated the designation of an area in 1993
23 as a redevelopment project area previously established under
24 the Tax Increment Allocation Development Act in the Illinois
25 Municipal Code, previously established under the Industrial
26 Jobs Recovery Law in the Illinois Municipal Code, or previously

1 established under the Economic Development Area Tax Increment
2 Allocation Act, by an amount equal to the 1994 equalized
3 assessed value of each taxable lot, block, tract, or parcel of
4 real property in the redevelopment project area over and above
5 the initial equalized assessed value of each property in the
6 redevelopment project area. In the first year after a
7 municipality removes a taxable lot, block, tract, or parcel of
8 real property from a redevelopment project area established
9 under the Tax Increment Allocation Development Act in the
10 Illinois Municipal Code, the Industrial Jobs Recovery Law in
11 the Illinois Municipal Code, or the Economic Development Area
12 Tax Increment Allocation Act, "recovered tax increment value"
13 means the amount of the current year's equalized assessed value
14 of each taxable lot, block, tract, or parcel of real property
15 removed from the redevelopment project area over and above the
16 initial equalized assessed value of that real property before
17 removal from the redevelopment project area.

18 Except as otherwise provided in this Section, "limiting
19 rate" means a fraction the numerator of which is the last
20 preceding aggregate extension base times an amount equal to one
21 plus the extension limitation defined in this Section and the
22 denominator of which is the current year's equalized assessed
23 value of all real property in the territory under the
24 jurisdiction of the taxing district during the prior levy year.
25 For those taxing districts that reduced their aggregate
26 extension for the last preceding levy year, the highest

1 aggregate extension in any of the last 3 preceding levy years
2 shall be used for the purpose of computing the limiting rate.
3 The denominator shall not include new property or the recovered
4 tax increment value. If a new rate, a rate decrease, or a
5 limiting rate increase has been approved at an election held
6 after March 21, 2006, then (i) the otherwise applicable
7 limiting rate shall be increased by the amount of the new rate
8 or shall be reduced by the amount of the rate decrease, as the
9 case may be, or (ii) in the case of a limiting rate increase,
10 the limiting rate shall be equal to the rate set forth in the
11 proposition approved by the voters for each of the years
12 specified in the proposition, after which the limiting rate of
13 the taxing district shall be calculated as otherwise provided.

14 (Source: P.A. 94-974, eff. 6-30-06; 94-976, eff. 6-30-06;
15 94-1078, eff. 1-9-07; 95-90, eff. 1-1-08; 95-331, eff. 8-21-07;
16 95-404, eff. 1-1-08; revised 11-2-07.)

17 (35 ILCS 200/22-15)

18 (Text of Section before amendment by P.A. 95-477)

19 Sec. 22-15. Service of notice. The purchaser or his or her
20 assignee shall give the notice required by Section 22-10 by
21 causing it to be published in a newspaper as set forth in
22 Section 22-20. In addition, the notice shall be served by a
23 sheriff (or if he or she is disqualified, by a coroner) of the
24 county in which the property, or any part thereof, is located
25 or, except in Cook County, by a person who is licensed or

1 registered as a private detective under the Private Detective,
2 Private Alarm, Private Security, Fingerprint Vendor, and
3 Locksmith Act of 2004 upon owners who reside on any part of the
4 property sold by leaving a copy of the notice with those owners
5 personally.

6 In counties of 3,000,000 or more inhabitants where a taxing
7 district is a petitioner for tax deed pursuant to Section
8 21-90, in lieu of service by the sheriff or coroner the notice
9 may be served by a special process server appointed by the
10 circuit court as provided in this Section. The taxing district
11 may move prior to filing one or more petitions for tax deed for
12 appointment of such a special process server. The court, upon
13 being satisfied that the person named in the motion is at least
14 18 years of age and is capable of serving notice as required
15 under this Code, shall enter an order appointing such person as
16 a special process server for a period of one year. The
17 appointment may be renewed for successive periods of one year
18 each by motion and order, and a copy of the original and any
19 subsequent order shall be filed in each tax deed case in which
20 a notice is served by the appointed person. Delivery of the
21 notice to and service of the notice by the special process
22 server shall have the same force and effect as its delivery to
23 and service by the sheriff or coroner.

24 The same form of notice shall also be served upon all other
25 owners and parties interested in the property, if upon diligent
26 inquiry they can be found in the county, and upon the occupants

1 of the property in the following manner:

2 (a) as to individuals, by (1) leaving a copy of the
3 notice with the person personally or (2) by leaving a copy
4 at his or her usual place of residence with a person of the
5 family, of the age of 13 years or more, and informing that
6 person of its contents. The person making the service shall
7 cause a copy of the notice to be sent by registered or
8 certified mail, return receipt requested, to that party at
9 his or her usual place of residence;

10 (b) as to public and private corporations, municipal,
11 governmental and quasi-municipal corporations,
12 partnerships, receivers and trustees of corporations, by
13 leaving a copy of the notice with the person designated by
14 the Civil Practice Law.

15 If the property sold has more than 4 dwellings or other
16 rental units, and has a managing agent or party who collects
17 rents, that person shall be deemed the occupant and shall be
18 served with notice instead of the occupants of the individual
19 units. If the property has no dwellings or rental units, but
20 economic or recreational activities are carried on therein, the
21 person directing such activities shall be deemed the occupant.
22 Holders of rights of entry and possibilities of reverter shall
23 not be deemed parties interested in the property.

24 When a party interested in the property is a trustee,
25 notice served upon the trustee shall be deemed to have been
26 served upon any beneficiary or note holder thereunder unless

1 the holder of the note is disclosed of record.

2 When a judgment is a lien upon the property sold, the
3 holder of the lien shall be served with notice if the name of
4 the judgment debtor as shown in the transcript, certified copy
5 or memorandum of judgment filed of record is identical, as to
6 given name and surname, with the name of the party interested
7 as it appears of record.

8 If any owner or party interested, upon diligent inquiry and
9 effort, cannot be found or served with notice in the county as
10 provided in this Section, and the person in actual occupancy
11 and possession is tenant to, or in possession under the owners
12 or the parties interested in the property, then service of
13 notice upon the tenant, occupant or person in possession shall
14 be deemed service upon the owners or parties interested.

15 If any owner or party interested, upon diligent inquiry and
16 effort cannot be found or served with notice in the county,
17 then the person making the service shall cause a copy of the
18 notice to be sent by registered or certified mail, return
19 receipt requested, to that party at his or her residence, if
20 ascertainable.

21 (Source: P.A. 95-195, eff. 1-1-08.)

22 (Text of Section after amendment by P.A. 95-477)

23 Sec. 22-15. Service of notice. The purchaser or his or her
24 assignee shall give the notice required by Section 22-10 by
25 causing it to be published in a newspaper as set forth in

1 Section 22-20. In addition, the notice shall be served by a
2 sheriff (or if he or she is disqualified, by a coroner) of the
3 county in which the property, or any part thereof, is located
4 or, except in Cook County, by a person who is licensed or
5 registered as a private detective under the Private Detective,
6 Private Alarm, Private Security, Fingerprint Vendor, and
7 Locksmith Act of 2004 upon owners who reside on any part of the
8 property sold by leaving a copy of the notice with those owners
9 personally.

10 In counties of 3,000,000 or more inhabitants where a taxing
11 district is a petitioner for tax deed pursuant to Section
12 21-90, in lieu of service by the sheriff or coroner the notice
13 may be served by a special process server appointed by the
14 circuit court as provided in this Section. The taxing district
15 may move prior to filing one or more petitions for tax deed for
16 appointment of such a special process server. The court, upon
17 being satisfied that the person named in the motion is at least
18 18 years of age and is capable of serving notice as required
19 under this Code, shall enter an order appointing such person as
20 a special process server for a period of one year. The
21 appointment may be renewed for successive periods of one year
22 each by motion and order, and a copy of the original and any
23 subsequent order shall be filed in each tax deed case in which
24 a notice is served by the appointed person. Delivery of the
25 notice to and service of the notice by the special process
26 server shall have the same force and effect as its delivery to

1 and service by the sheriff or coroner.

2 The same form of notice shall also be served, in the manner
3 set forth under Sections 2-203, 2-204, 2-205, 2-205.1, and
4 2-211 of the Code of Civil Procedure, upon all other owners and
5 parties interested in the property, if upon diligent inquiry
6 they can be found in the county, and upon the occupants of the
7 property.

8 If the property sold has more than 4 dwellings or other
9 rental units, and has a managing agent or party who collects
10 rents, that person shall be deemed the occupant and shall be
11 served with notice instead of the occupants of the individual
12 units. If the property has no dwellings or rental units, but
13 economic or recreational activities are carried on therein, the
14 person directing such activities shall be deemed the occupant.
15 Holders of rights of entry and possibilities of reverter shall
16 not be deemed parties interested in the property.

17 When a party interested in the property is a trustee,
18 notice served upon the trustee shall be deemed to have been
19 served upon any beneficiary or note holder thereunder unless
20 the holder of the note is disclosed of record.

21 When a judgment is a lien upon the property sold, the
22 holder of the lien shall be served with notice if the name of
23 the judgment debtor as shown in the transcript, certified copy
24 or memorandum of judgment filed of record is identical, as to
25 given name and surname, with the name of the party interested
26 as it appears of record.

1 If any owner or party interested, upon diligent inquiry and
2 effort, cannot be found or served with notice in the county as
3 provided in this Section, and the person in actual occupancy
4 and possession is tenant to, or in possession under the owners
5 or the parties interested in the property, then service of
6 notice upon the tenant, occupant or person in possession shall
7 be deemed service upon the owners or parties interested.

8 If any owner or party interested, upon diligent inquiry and
9 effort cannot be found or served with notice in the county,
10 then the person making the service shall cause a copy of the
11 notice to be sent by registered or certified mail, return
12 receipt requested, to that party at his or her residence, if
13 ascertainable.

14 The changes to this Section made by Public Act 95-477 ~~this~~
15 ~~amendatory Act of the 95th General Assembly~~ apply only to
16 matters in which a petition for tax deed is filed on or after
17 June 1, 2008 (the effective date of Public Act 95-477) ~~this~~
18 ~~amendatory Act of the 95th General Assembly~~.

19 (Source: P.A. 95-195, eff. 1-1-08; 95-477, eff. 6-1-08; revised
20 11-2-07.)

21 (35 ILCS 200/22-20)

22 (Text of Section before amendment by P.A. 95-477)

23 Sec. 22-20. Proof of service of notice; publication of
24 notice. The sheriff or coroner serving notice under Section
25 22-15 shall endorse his or her return thereon and file it with

1 the Clerk of the Circuit Court and it shall be a part of the
2 court record. A private detective or a special process server
3 appointed under Section 22-15 shall make his or her return by
4 affidavit and shall file it with the Clerk of the Circuit
5 Court, where it shall be a part of the court record. If a
6 sheriff, private detective, special process server, or coroner
7 to whom any notice is delivered for service, neglects or
8 refuses to make the return, the purchaser or his or her
9 assignee may petition the court to enter a rule requiring the
10 sheriff, private detective, special process server, or coroner
11 to make return of the notice on a day to be fixed by the court,
12 or to show cause on that day why he or she should not be
13 attached for contempt of the court. The purchaser or assignee
14 shall cause a written notice of the rule to be served upon the
15 sheriff, private detective, special process server, or
16 coroner. If good and sufficient cause to excuse the sheriff,
17 private detective, special process server, or coroner is not
18 shown, the court shall adjudge him or her guilty of a contempt,
19 and shall proceed to punish him as in other cases of contempt.

20 If the property is located in a municipality in a county
21 with less than 3,000,000 inhabitants, the purchaser or his or
22 her assignee shall also publish a notice as to the owner or
23 party interested, in some newspaper published in the
24 municipality. If the property is not in a municipality in a
25 county with less than 3,000,000 inhabitants, or if no newspaper
26 is published therein, or if the property is in a county with

1 3,000,000 or more inhabitants, the notice shall be published in
2 some newspaper in the county. If no newspaper is published in
3 the county, then the notice shall be published in the newspaper
4 that is published nearest the county seat of the county in
5 which the property is located. If the owners and parties
6 interested in the property upon diligent inquiry are unknown to
7 the purchaser or his or her assignee, the publication as to
8 such owner or party interested, may be made to unknown owners
9 or parties interested. Any notice by publication given under
10 this Section shall be given 3 times at any time after filing a
11 petition for tax deed, but not less than 3 months nor more than
12 5 months prior to the expiration of the period of redemption.
13 The publication shall contain (a) notice of the filing of the
14 petition for tax deed, (b) the date on which the petitioner
15 intends to make application for an order on the petition that a
16 tax deed issue, (c) a description of the property, (d) the date
17 upon which the property was sold, (e) the taxes or special
18 assessments for which it was sold and (f) the date on which the
19 period of redemption will expire. The publication shall not
20 include more than one property listed and sold in one
21 description, except as provided in Section 21-90, and except
22 that when more than one property is owned by one person, all of
23 the parcels owned by that person may be included in one notice.
24 (Source: P.A. 95-195, eff. 1-1-08.)

25 (Text of Section after amendment by P.A. 95-477)

1 Sec. 22-20. Proof of service of notice; publication of
2 notice. The sheriff or coroner serving notice under Section
3 22-15 shall endorse his or her return thereon and file it with
4 the Clerk of the Circuit Court and it shall be a part of the
5 court record. A private detective or a special process server
6 appointed under Section 22-15 shall make his or her return by
7 affidavit and shall file it with the Clerk of the Circuit
8 Court, where it shall be a part of the court record. If a
9 sheriff, private detective, special process server, or coroner
10 to whom any notice is delivered for service, neglects or
11 refuses to make the return, the purchaser or his or her
12 assignee may petition the court to enter a rule requiring the
13 sheriff, private detective, special process server, or coroner
14 to make return of the notice on a day to be fixed by the court,
15 or to show cause on that day why he or she should not be
16 attached for contempt of the court. The purchaser or assignee
17 shall cause a written notice of the rule to be served upon the
18 sheriff, private detective, special process server, or
19 coroner. If good and sufficient cause to excuse the sheriff,
20 private detective, special process server, or coroner is not
21 shown, the court shall adjudge him or her guilty of a contempt,
22 and shall proceed to punish him as in other cases of contempt.

23 If the property is located in a municipality in a county
24 with less than 3,000,000 inhabitants, the purchaser or his or
25 her assignee shall also publish a notice as to the owner or
26 party interested, in some newspaper published in the

1 municipality. If the property is not in a municipality in a
2 county with less than 3,000,000 inhabitants, or if no newspaper
3 is published therein, or if the property is in a county with
4 3,000,000 or more inhabitants, the notice shall be published in
5 some newspaper in the county. If no newspaper is published in
6 the county, then the notice shall be published in the newspaper
7 that is published nearest the county seat of the county in
8 which the property is located. If the owners and parties
9 interested in the property upon diligent inquiry are unknown to
10 the purchaser or his or her assignee, the publication as to
11 such owner or party interested, may be made to unknown owners
12 or parties interested. Any notice by publication given under
13 this Section shall be given 3 times at any time after filing a
14 petition for tax deed, but not less than 3 months nor more than
15 6 months prior to the expiration of the period of redemption.
16 The publication shall contain (a) notice of the filing of the
17 petition for tax deed, (b) the date on which the petitioner
18 intends to make application for an order on the petition that a
19 tax deed issue, (c) a description of the property, (d) the date
20 upon which the property was sold, (e) the taxes or special
21 assessments for which it was sold and (f) the date on which the
22 period of redemption will expire. The publication shall not
23 include more than one property listed and sold in one
24 description, except as provided in Section 21-90, and except
25 that when more than one property is owned by one person, all of
26 the parcels owned by that person may be included in one notice.

1 The changes to this Section made by Public Act 95-477 ~~this~~
2 ~~amendatory Act of the 95th General Assembly~~ apply only to
3 matters in which a petition for tax deed is filed on or after
4 June 1, 2008 (the effective date of Public Act 95-477) ~~this~~
5 ~~amendatory Act of the 95th General Assembly~~.

6 (Source: P.A. 95-195, eff. 1-1-08; 95-477, eff. 6-1-08; revised
7 11-2-07.)

8 Section 145. The Illinois Pension Code is amended by
9 changing Sections 5-152, 7-139, 9-121.6, 9-134.5, 10-104.5,
10 and 14-104 and by setting forth and renumbering multiple
11 versions of Sections 1-110.10, 3-110.9, and 7-139.12 as
12 follows:

13 (40 ILCS 5/1-110.10)

14 Sec. 1-110.10. Servicer certification.

15 (a) For the purposes of this Section:

16 "Illinois finance entity" means any entity chartered under
17 the Illinois Banking Act, the Savings Bank Act, the Illinois
18 Credit Union Act, or the Illinois Savings and Loan Act of 1985
19 and any person or entity licensed under the Residential
20 Mortgage License Act of 1987, the Consumer Installment Loan
21 Act, or the Sales Finance Agency Act.

22 "Retirement system or pension fund" means a retirement
23 system or pension fund established under this Code.

24 (b) In order for an Illinois finance entity to be eligible

1 for investment or deposit of retirement system or pension fund
2 assets, the Illinois finance entity must annually certify that
3 it complies with the requirements of the High Risk Home Loan
4 Act and the rules adopted pursuant to that Act that are
5 applicable to that Illinois finance entity. For Illinois
6 finance entities with whom the retirement system or pension
7 fund is investing or depositing assets on the effective date of
8 this Section, the initial certification required under this
9 Section shall be completed within 6 months after the effective
10 date of this Section. For Illinois finance entities with whom
11 the retirement system or pension fund is not investing or
12 depositing assets on the effective date of this Section, the
13 initial certification required under this Section must be
14 completed before the retirement system or pension fund may
15 invest or deposit assets with the Illinois finance entity.

16 (c) A retirement system or pension fund shall submit the
17 certifications to the Public Pension Division of the Department
18 of Financial and Professional Regulation, and the Division
19 shall notify the Secretary of Financial and Professional
20 Regulation if a retirement system or pension fund fails to do
21 so.

22 (d) If an Illinois finance entity fails to provide an
23 initial certification within 6 months after the effective date
24 of this Section or fails to submit an annual certification,
25 then the retirement system or pension fund shall notify the
26 Illinois finance entity. The Illinois finance entity shall,

1 within 30 days after the date of notification, either (i)
2 notify the retirement system or pension fund of its intention
3 to certify and complete certification or (ii) notify the
4 retirement system or pension fund of its intention to not
5 complete certification. If an Illinois finance entity fails to
6 provide certification, then the retirement system or pension
7 fund shall, within 90 days, divest, or attempt in good faith to
8 divest, the retirement system's or pension fund's assets with
9 that Illinois finance entity. The retirement system or pension
10 fund shall immediately notify the Department of the Illinois
11 finance entity's failure to provide certification.

12 (e) If any provision of this Section or its application to
13 any person or circumstance is held invalid, the invalidity of
14 that provision or application does not affect other provisions
15 or applications of this Section that can be given effect
16 without the invalid provision or application.

17 (Source: P.A. 95-521, eff. 8-28-07.)

18 (40 ILCS 5/1-110.15)

19 Sec. 1-110.15 ~~1-110.10~~. Transactions prohibited by
20 retirement systems; Iran.

21 (a) As used in this Section:

22 "Active business operations" means all business operations
23 that are not inactive business operations.

24 "Business operations" means engaging in commerce in any
25 form in Iran, including, but not limited to, acquiring,

1 developing, maintaining, owning, selling, possessing, leasing,
2 or operating equipment, facilities, personnel, products,
3 services, personal property, real property, or any other
4 apparatus of business or commerce.

5 "Company" means any sole proprietorship, organization,
6 association, corporation, partnership, joint venture, limited
7 partnership, limited liability partnership, limited liability
8 company, or other entity or business association, including all
9 wholly owned subsidiaries, majority-owned subsidiaries, parent
10 companies, or affiliates of those entities or business
11 associations, that exists for the purpose of making profit.

12 "Direct holdings" in a company means all securities of that
13 company that are held directly by the retirement system or in
14 an account or fund in which the retirement system owns all
15 shares or interests.

16 "Inactive business operations" means the mere continued
17 holding or renewal of rights to property previously operated
18 for the purpose of generating revenues but not presently
19 deployed for that purpose.

20 "Indirect holdings" in a company means all securities of
21 that company which are held in an account or fund, such as a
22 mutual fund, managed by one or more persons not employed by the
23 retirement system, in which the retirement system owns shares
24 or interests together with other investors not subject to the
25 provisions of this Section.

26 "Mineral-extraction activities" include exploring,

1 extracting, processing, transporting, or wholesale selling or
2 trading of elemental minerals or associated metal alloys or
3 oxides (ore), including gold, copper, chromium, chromite,
4 diamonds, iron, iron ore, silver, tungsten, uranium, and zinc.

5 "Oil-related activities" include, but are not limited to,
6 owning rights to oil blocks; exporting, extracting, producing,
7 refining, processing, exploring for, transporting, selling, or
8 trading of oil; and constructing, maintaining, or operating a
9 pipeline, refinery, or other oil-field infrastructure. The
10 mere retail sale of gasoline and related consumer products is
11 not considered an oil-related activity.

12 "Petroleum resources" means petroleum, petroleum
13 byproducts, or natural gas.

14 "Private market fund" means any private equity fund,
15 private equity fund of funds, venture capital fund, hedge fund,
16 hedge fund of funds, real estate fund, or other investment
17 vehicle that is not publicly traded.

18 "Retirement system" means the State Employees' Retirement
19 System of Illinois, the Judges Retirement System of Illinois,
20 the General Assembly Retirement System, the State Universities
21 Retirement System, and the Teachers' Retirement System of the
22 State of Illinois.

23 "Scrutinized business operations" means business
24 operations that have caused a company to become a scrutinized
25 company.

26 "Scrutinized company" means the company has business

1 operations that involve contracts with or provision of supplies
2 or services to the Government of Iran, companies in which the
3 Government of Iran has any direct or indirect equity share,
4 consortiums or projects commissioned by the Government of Iran,
5 or companies involved in consortiums or projects commissioned
6 by the Government of Iran and:

7 (1) more than 10% of the company's revenues produced in
8 or assets located in Iran involve oil-related activities or
9 mineral-extraction activities; less than 75% of the
10 company's revenues produced in or assets located in Iran
11 involve contracts with or provision of oil-related or
12 mineral-extraction products or services to the Government
13 of Iran or a project or consortium created exclusively by
14 that government; and the company has failed to take
15 substantial action; or

16 (2) the company has, on or after August 5, 1996, made
17 an investment of \$20 million or more, or any combination of
18 investments of at least \$10 million each that in the
19 aggregate equals or exceeds \$20 million in any 12-month
20 period, that directly or significantly contributes to the
21 enhancement of Iran's ability to develop petroleum
22 resources of Iran.

23 "Substantial action" means adopting, publicizing, and
24 implementing a formal plan to cease scrutinized business
25 operations within one year and to refrain from any such new
26 business operations.

1 (b) Within 90 days after the effective date of this
2 Section, a retirement system shall make its best efforts to
3 identify all scrutinized companies in which the retirement
4 system has direct or indirect holdings.

5 These efforts shall include the following, as appropriate
6 in the retirement system's judgment:

7 (1) reviewing and relying on publicly available
8 information regarding companies having business operations
9 in Iran, including information provided by nonprofit
10 organizations, research firms, international
11 organizations, and government entities;

12 (2) contacting asset managers contracted by the
13 retirement system that invest in companies having business
14 operations in Iran; and

15 (3) Contacting other institutional investors that have
16 divested from or engaged with companies that have business
17 operations in Iran.

18 The retirement system may retain an independent research
19 firm to identify scrutinized companies in which the retirement
20 system has direct or indirect holdings. By the first meeting of
21 the retirement system following the 90-day period described in
22 this subsection (b), the retirement system shall assemble all
23 scrutinized companies identified into a scrutinized companies
24 list.

25 The retirement system shall update the scrutinized
26 companies list annually based on evolving information from,

1 among other sources, those listed in this subsection (b).

2 (c) The retirement system shall adhere to the following
3 procedures for companies on the scrutinized companies list:

4 (1) The retirement system shall determine the
5 companies on the scrutinized companies list in which the
6 retirement system owns direct or indirect holdings.

7 (2) For each company identified in item (1) of this
8 subsection (c) that has only inactive business operations,
9 the retirement system shall send a written notice informing
10 the company of this Section and encouraging it to continue
11 to refrain from initiating active business operations in
12 Iran until it is able to avoid scrutinized business
13 operations. The retirement system shall continue such
14 correspondence semiannually.

15 (3) For each company newly identified in item (1) of
16 this subsection (c) that has active business operations,
17 the retirement system shall send a written notice informing
18 the company of its scrutinized company status and that it
19 may become subject to divestment by the retirement system.
20 The notice must inform the company of the opportunity to
21 clarify its Iran-related activities and encourage the
22 company, within 90 days, to cease its scrutinized business
23 operations or convert such operations to inactive business
24 operations in order to avoid qualifying for divestment by
25 the retirement system.

26 (4) If, within 90 days after the retirement system's

1 first engagement with a company pursuant to this subsection
2 (c), that company ceases scrutinized business operations,
3 the company shall be removed from the scrutinized companies
4 list and the provisions of this Section shall cease to
5 apply to it unless it resumes scrutinized business
6 operations. If, within 90 days after the retirement
7 system's first engagement, the company converts its
8 scrutinized active business operations to inactive
9 business operations, the company is subject to all
10 provisions relating thereto.

11 (d) If, after 90 days following the retirement system's
12 first engagement with a company pursuant to subsection (c), the
13 company continues to have scrutinized active business
14 operations, and only while such company continues to have
15 scrutinized active business operations, the retirement system
16 shall sell, redeem, divest, or withdraw all publicly traded
17 securities of the company, except as provided in paragraph (f),
18 from the retirement system's assets under management within 12
19 months after the company's most recent appearance on the
20 scrutinized companies list.

21 If a company that ceased scrutinized active business
22 operations following engagement pursuant to subsection (c)
23 resumes such operations, this subsection (d) immediately
24 applies, and the retirement system shall send a written notice
25 to the company. The company shall also be immediately
26 reintroduced onto the scrutinized companies list.

1 (e) The retirement system may not acquire securities of
2 companies on the scrutinized companies list that have active
3 business operations, except as provided in subsection (f).

4 (f) A company that the United States Government
5 affirmatively declares to be excluded from its present or any
6 future federal sanctions regime relating to Iran is not subject
7 to divestment or the investment prohibition pursuant to
8 subsections (d) and (e).

9 (g) Notwithstanding the provisions of this Section,
10 paragraphs (d) and (e) do not apply to indirect holdings in a
11 private market fund. However, the retirement system shall
12 submit letters to the managers of those investment funds
13 containing companies that have scrutinized active business
14 operations requesting that they consider removing the
15 companies from the fund or create a similar actively managed
16 fund having indirect holdings devoid of the companies. If the
17 manager creates a similar fund, the retirement system shall
18 replace all applicable investments with investments in the
19 similar fund in an expedited timeframe consistent with prudent
20 investing standards.

21 (h) The retirement system shall file a report with the
22 Public Pension Division of the Department of Financial and
23 Professional Regulation that includes the scrutinized
24 companies list within 30 days after the list is created. This
25 report shall be made available to the public.

26 The retirement system shall file an annual report with the

1 Public Pension Division, which shall be made available to the
2 public, that includes all of the following:

3 (1) A summary of correspondence with companies engaged
4 by the retirement system under items (2) and (3) of
5 subsection (c).

6 (2) All investments sold, redeemed, divested, or
7 withdrawn in compliance with subsection (d).

8 (3) All prohibited investments under subsection (e).

9 (4) A summary of correspondence with private market
10 funds notified under subsection (g).

11 (i) This Section expires upon the occurrence of any of the
12 following:

13 (1) The United States revokes all sanctions imposed
14 against the Government of Iran.

15 (2) The Congress or President of the United States
16 declares that the Government of Iran has ceased to acquire
17 weapons of mass destruction and to support international
18 terrorism.

19 (3) The Congress or President of the United States,
20 through legislation or executive order, declares that
21 mandatory divestment of the type provided for in this
22 Section interferes with the conduct of United States
23 foreign policy.

24 (j) With respect to actions taken in compliance with this
25 Act, including all good-faith determinations regarding
26 companies as required by this Act, the retirement system is

1 exempt from any conflicting statutory or common law
2 obligations, including any fiduciary duties under this Article
3 and any obligations with respect to choice of asset managers,
4 investment funds, or investments for the retirement system's
5 securities portfolios.

6 (k) Notwithstanding any other provision of this Section to
7 the contrary, the retirement system may cease divesting from
8 scrutinized companies pursuant to subsection (d) or reinvest in
9 scrutinized companies from which it divested pursuant to
10 subsection (d) if clear and convincing evidence shows that the
11 value of investments in scrutinized companies with active
12 scrutinized business operations becomes equal to or less than
13 0.5% of the market value of all assets under management by the
14 retirement system. Cessation of divestment, reinvestment, or
15 any subsequent ongoing investment authorized by this Section is
16 limited to the minimum steps necessary to avoid the contingency
17 set forth in this subsection (k). For any cessation of
18 divestment, reinvestment, or subsequent ongoing investment
19 authorized by this Section, the retirement system shall provide
20 a written report to the Public Pension Division in advance of
21 initial reinvestment, updated semiannually thereafter as
22 applicable, setting forth the reasons and justification,
23 supported by clear and convincing evidence, for its decisions
24 to cease divestment, reinvest, or remain invested in companies
25 having scrutinized active business operations. This Section
26 does not apply to reinvestment in companies on the grounds that

1 they have ceased to have scrutinized active business
2 operations.

3 (1) If any provision of this Section or its application to
4 any person or circumstance is held invalid, the invalidity does
5 not affect other provisions or applications of the Act which
6 can be given effect without the invalid provision or
7 application, and to this end the provisions of this Section are
8 severable.

9 (Source: P.A. 95-616, eff. 1-1-08; revised 12-6-07.)

10 (40 ILCS 5/3-110.9)

11 Sec. 3-110.9. Transfer to Article 9.

12 (a) Until 6 months after the effective date of this
13 amendatory Act of the 95th General Assembly, any active member
14 of a pension fund established under Article 9 of this Code may
15 apply for transfer of up to 6 years of his or her creditable
16 service accumulated in any police pension fund under this
17 Article to the Article 9 fund. Such creditable service shall be
18 transferred only upon payment by such police pension fund to
19 the Article 9 fund of an amount equal to:

20 (1) the amounts accumulated to the credit of the
21 applicant on the books of the fund on the date of transfer;
22 and

23 (2) employer contributions in an amount equal to the
24 amount determined under subparagraph (1); and

25 (3) any interest paid by the applicant in order to

1 reinstate service.

2 Participation in the police pension fund shall terminate on
3 the date of transfer.

4 (b) Until 6 months after the effective date of this
5 amendatory Act of the 95th General Assembly, any active member
6 of an Article 9 fund may reinstate service that was terminated
7 by receipt of a refund, by payment to the police pension fund
8 of the amount of the refund with interest thereon at the rate
9 of 6% per year, compounded annually, from the date of refund to
10 the date of payment.

11 (Source: P.A. 95-504, eff. 8-28-07.)

12 (40 ILCS 5/3-110.10)

13 Sec. 3-110.10 ~~3-110.9~~. Transfer from Article 7. Until
14 January 1, 2008, a person may transfer to a fund established
15 under this Article up to 8 years of creditable service
16 accumulated under Article 7 of this Code upon payment to the
17 fund of an amount to be determined by the board, equal to (i)
18 the difference between the amount of employee and employer
19 contributions transferred to the fund under Section 7-139.11
20 and the amounts that would have been contributed had such
21 contributions been made at the rates applicable to an employee
22 under this Article, plus (ii) interest thereon at the effective
23 rate for each year, compounded annually, from the date of
24 service to the date of payment.

25 (Source: P.A. 95-530, eff. 8-28-07; revised 12-6-07.)

1 (40 ILCS 5/5-152) (from Ch. 108 1/2, par. 5-152)

2 Sec. 5-152. Child's annuity - Conditions - Amount. A
3 child's annuity shall be payable in the following cases of
4 policemen who die on or after the effective date: (a) A
5 policeman whose death results from injury incurred in the
6 performance of an act or acts of duty; (b) a policeman who dies
7 in service from any cause; (c) a policeman who withdraws upon
8 or after attainment of age 50 and who enters upon or is
9 eligible for annuity; (d) a present employee with at least 20
10 years of service who dies after withdrawal, whether or not he
11 has entered upon annuity.

12 Only one annuity shall be granted and paid for the benefit
13 of any child if both parents have been policemen.

14 The annuity shall be paid, without regard to the fact that
15 the death of the deceased policeman parent may have occurred
16 prior to the effective date of this amendatory Act of 1975, in
17 an amount equal to 10% of the annual maximum salary attached to
18 the classified civil service position of a first class
19 patrolman on July 1, 1975, or the date of the policeman's
20 death, whichever is later, for each child while a widow or
21 widower of the deceased policeman survives and in an amount
22 equal to 15% of the annual maximum salary attached to the
23 classified civil service position of a first class patrolman on
24 July 1, 1975, or the date of the policeman's death, whichever
25 is later, while no widow or widower shall survive, provided

1 that if the combined annuities for the widow and children of a
2 policeman who dies on or after September 26, 1969, as the
3 result of an act of duty, or for the children of such policeman
4 in any case wherein a widow or widower does not exist, exceed
5 the salary that would ordinarily have been paid to him if he
6 had been in the active discharge of his duties, all such
7 annuities shall be reduced pro rata so that the combined
8 annuities for the family shall not exceed such limitation. The
9 compensation portion of the annuity of the widow shall not be
10 considered in making such reduction. No age limitation in this
11 Section or Section 5-151 shall apply to a child who is so
12 physically or mentally handicapped as to be unable to support
13 himself or herself. Benefits payable under this Section shall
14 not be reduced or terminated by reason of any child's
15 attainment of age 18 if he is then dependent by reason of a
16 physical or mental disability but shall continue to be paid as
17 long as such dependency continues. For the purposes of this
18 subsection, "disability" means inability to engage in any
19 substantial gainful activity by reason of any medically
20 determinable physical or mental impairment which can be
21 expected to result in death or which has lasted or can be
22 expected to last for a continuous period of not less than 12
23 months.

24 In the case of a family of a policeman who dies on or after
25 September 26, 1969, as the result of any cause other than the
26 performance of an act of duty, in which annuities for such

1 family exceed an amount equal to 60% of the salary that would
2 ordinarily have been paid to him if he had been in the active
3 discharge of his duties, all such annuities shall be reduced
4 pro rata so that the combined annuities shall not exceed such
5 limitation.

6 Child's annuity shall be paid to the parent providing for
7 the child, unless another person is appointed by a court of law
8 as the child's guardian.

9 (Source: P.A. 95-279, eff. 1-1-08; 95-504, eff. 8-28-07;
10 revised 11-9-07.)

11 (40 ILCS 5/7-139) (from Ch. 108 1/2, par. 7-139)

12 Sec. 7-139. Credits and creditable service to employees.

13 (a) Each participating employee shall be granted credits
14 and creditable service, for purposes of determining the amount
15 of any annuity or benefit to which he or a beneficiary is
16 entitled, as follows:

17 1. For prior service: Each participating employee who
18 is an employee of a participating municipality or
19 participating instrumentality on the effective date shall
20 be granted creditable service, but no credits under
21 paragraph 2 of this subsection (a), for periods of prior
22 service for which credit has not been received under any
23 other pension fund or retirement system established under
24 this Code, as follows:

25 If the effective date of participation for the

1 participating municipality or participating
2 instrumentality is on or before January 1, 1998, creditable
3 service shall be granted for the entire period of prior
4 service with that employer without any employee
5 contribution.

6 If the effective date of participation for the
7 participating municipality or participating
8 instrumentality is after January 1, 1998, creditable
9 service shall be granted for the last 20% of the period of
10 prior service with that employer, but no more than 5 years,
11 without any employee contribution. A participating
12 employee may establish creditable service for the
13 remainder of the period of prior service with that employer
14 by making an application in writing, accompanied by payment
15 of an employee contribution in an amount determined by the
16 Fund, based on the employee contribution rates in effect at
17 the time of application for the creditable service and the
18 employee's salary rate on the effective date of
19 participation for that employer, plus interest at the
20 effective rate from the date of the prior service to the
21 date of payment. Application for this creditable service
22 may be made at any time while the employee is still in
23 service.

24 A municipality that (i) has at least 35 employees; (ii)
25 is located in a county with at least 2,000,000 inhabitants;
26 and (iii) maintains an independent defined benefit pension

1 plan for the benefit of its eligible employees may restrict
2 creditable service in whole or in part for periods of prior
3 service with the employer if the governing body of the
4 municipality adopts an irrevocable resolution to restrict
5 that creditable service and files the resolution with the
6 board before the municipality's effective date of
7 participation.

8 Any person who has withdrawn from the service of a
9 participating municipality or participating
10 instrumentality prior to the effective date, who reenters
11 the service of the same municipality or participating
12 instrumentality after the effective date and becomes a
13 participating employee is entitled to creditable service
14 for prior service as otherwise provided in this subdivision
15 (a) (1) only if he or she renders 2 years of service as a
16 participating employee after the effective date.
17 Application for such service must be made while in a
18 participating status. The salary rate to be used in the
19 calculation of the required employee contribution, if any,
20 shall be the employee's salary rate at the time of first
21 reentering service with the employer after the employer's
22 effective date of participation.

23 2. For current service, each participating employee
24 shall be credited with:

25 a. Additional credits of amounts equal to each
26 payment of additional contributions received from him

1 under Section 7-173, as of the date the corresponding
2 payment of earnings is payable to him.

3 b. Normal credits of amounts equal to each payment
4 of normal contributions received from him, as of the
5 date the corresponding payment of earnings is payable
6 to him, and normal contributions made for the purpose
7 of establishing out-of-state service credits as
8 permitted under the conditions set forth in paragraph 6
9 of this subsection (a).

10 c. Municipality credits in an amount equal to 1.4
11 times the normal credits, except those established by
12 out-of-state service credits, as of the date of
13 computation of any benefit if these credits would
14 increase the benefit.

15 d. Survivor credits equal to each payment of
16 survivor contributions received from the participating
17 employee as of the date the corresponding payment of
18 earnings is payable, and survivor contributions made
19 for the purpose of establishing out-of-state service
20 credits.

21 3. For periods of temporary and total and permanent
22 disability benefits, each employee receiving disability
23 benefits shall be granted creditable service for the period
24 during which disability benefits are payable. Normal and
25 survivor credits, based upon the rate of earnings applied
26 for disability benefits, shall also be granted if such

1 credits would result in a higher benefit to any such
2 employee or his beneficiary.

3 4. For authorized leave of absence without pay: A
4 participating employee shall be granted credits and
5 creditable service for periods of authorized leave of
6 absence without pay under the following conditions:

7 a. An application for credits and creditable
8 service is submitted to the board while the employee is
9 in a status of active employment, and within 2 years
10 after termination of the leave of absence period for
11 which credits and creditable service are sought.

12 b. Not more than 12 complete months of creditable
13 service for authorized leave of absence without pay
14 shall be counted for purposes of determining any
15 benefits payable under this Article.

16 c. Credits and creditable service shall be granted
17 for leave of absence only if such leave is approved by
18 the governing body of the municipality, including
19 approval of the estimated cost thereof to the
20 municipality as determined by the fund, and employee
21 contributions, plus interest at the effective rate
22 applicable for each year from the end of the period of
23 leave to date of payment, have been paid to the fund in
24 accordance with Section 7-173. The contributions shall
25 be computed upon the assumption earnings continued
26 during the period of leave at the rate in effect when

1 the leave began.

2 d. Benefits under the provisions of Sections
3 7-141, 7-146, 7-150 and 7-163 shall become payable to
4 employees on authorized leave of absence, or their
5 designated beneficiary, only if such leave of absence
6 is creditable hereunder, and if the employee has at
7 least one year of creditable service other than the
8 service granted for leave of absence. Any employee
9 contributions due may be deducted from any benefits
10 payable.

11 e. No credits or creditable service shall be
12 allowed for leave of absence without pay during any
13 period of prior service.

14 5. For military service: The governing body of a
15 municipality or participating instrumentality may elect to
16 allow creditable service to participating employees who
17 leave their employment to serve in the armed forces of the
18 United States for all periods of such service, provided
19 that the person returns to active employment within 90 days
20 after completion of full time active duty, but no
21 creditable service shall be allowed such person for any
22 period that can be used in the computation of a pension or
23 any other pay or benefit, other than pay for active duty,
24 for service in any branch of the armed forces of the United
25 States. If necessary to the computation of any benefit, the
26 board shall establish municipality credits for

1 participating employees under this paragraph on the
2 assumption that the employee received earnings at the rate
3 received at the time he left the employment to enter the
4 armed forces. A participating employee in the armed forces
5 shall not be considered an employee during such period of
6 service and no additional death and no disability benefits
7 are payable for death or disability during such period.

8 Any participating employee who left his employment
9 with a municipality or participating instrumentality to
10 serve in the armed forces of the United States and who
11 again became a participating employee within 90 days after
12 completion of full time active duty by entering the service
13 of a different municipality or participating
14 instrumentality, which has elected to allow creditable
15 service for periods of military service under the preceding
16 paragraph, shall also be allowed creditable service for his
17 period of military service on the same terms that would
18 apply if he had been employed, before entering military
19 service, by the municipality or instrumentality which
20 employed him after he left the military service and the
21 employer costs arising in relation to such grant of
22 creditable service shall be charged to and paid by that
23 municipality or instrumentality.

24 Notwithstanding the foregoing, any participating
25 employee shall be entitled to creditable service as
26 required by any federal law relating to re-employment

1 rights of persons who served in the United States Armed
2 Services. Such creditable service shall be granted upon
3 payment by the member of an amount equal to the employee
4 contributions which would have been required had the
5 employee continued in service at the same rate of earnings
6 during the military leave period, plus interest at the
7 effective rate.

8 5.1. In addition to any creditable service established
9 under paragraph 5 of this subsection (a), creditable
10 service may be granted for up to 48 months of service in
11 the armed forces of the United States.

12 In order to receive creditable service for military
13 service under this paragraph 5.1, a participating employee
14 must (1) apply to the Fund in writing and provide evidence
15 of the military service that is satisfactory to the Board;
16 (2) obtain the written approval of the current employer;
17 and (3) make contributions to the Fund equal to (i) the
18 employee contributions that would have been required had
19 the service been rendered as a member, plus (ii) an amount
20 determined by the board to be equal to the employer's
21 normal cost of the benefits accrued for that military
22 service, plus (iii) interest on items (i) and (ii) from the
23 date of first membership in the Fund to the date of
24 payment. The required interest shall be calculated at the
25 regular interest rate.

26 The changes made to this paragraph 5.1 by Public Acts

1 95-483 and 95-486 ~~this amendatory Act of the 95th General~~
2 ~~Assembly~~ apply only to participating employees in service
3 on or after August 28, 2007 (the effective date of those
4 Public Acts) ~~its effective date.~~

5 6. For out-of-state service: Creditable service shall
6 be granted for service rendered to an out-of-state local
7 governmental body under the following conditions: The
8 employee had participated and has irrevocably forfeited
9 all rights to benefits in the out-of-state public employees
10 pension system; the governing body of his participating
11 municipality or instrumentality authorizes the employee to
12 establish such service; the employee has 2 years current
13 service with this municipality or participating
14 instrumentality; the employee makes a payment of
15 contributions, which shall be computed at 8% (normal) plus
16 2% (survivor) times length of service purchased times the
17 average rate of earnings for the first 2 years of service
18 with the municipality or participating instrumentality
19 whose governing body authorizes the service established
20 plus interest at the effective rate on the date such
21 credits are established, payable from the date the employee
22 completes the required 2 years of current service to date
23 of payment. In no case shall more than 120 months of
24 creditable service be granted under this provision.

25 7. For retroactive service: Any employee who could have
26 but did not elect to become a participating employee, or

1 who should have been a participant in the Municipal Public
2 Utilities Annuity and Benefit Fund before that fund was
3 superseded, may receive creditable service for the period
4 of service not to exceed 50 months; however, a current or
5 former elected or appointed official of a participating
6 municipality may establish credit under this paragraph 7
7 for more than 50 months of service as an official of that
8 municipality, if the excess over 50 months is approved by
9 resolution of the governing body of the affected
10 municipality filed with the Fund before January 1, 2002.

11 Any employee who is a participating employee on or
12 after September 24, 1981 and who was excluded from
13 participation by the age restrictions removed by Public Act
14 82-596 may receive creditable service for the period, on or
15 after January 1, 1979, excluded by the age restriction and,
16 in addition, if the governing body of the participating
17 municipality or participating instrumentality elects to
18 allow creditable service for all employees excluded by the
19 age restriction prior to January 1, 1979, for service
20 during the period prior to that date excluded by the age
21 restriction. Any employee who was excluded from
22 participation by the age restriction removed by Public Act
23 82-596 and who is not a participating employee on or after
24 September 24, 1981 may receive creditable service for
25 service after January 1, 1979. Creditable service under
26 this paragraph shall be granted upon payment of the

1 employee contributions which would have been required had
2 he participated, with interest at the effective rate for
3 each year from the end of the period of service established
4 to date of payment.

5 8. For accumulated unused sick leave: A participating
6 employee who is applying for a retirement annuity shall be
7 entitled to creditable service for that portion of the
8 employee's accumulated unused sick leave for which payment
9 is not received, as follows:

10 a. Sick leave days shall be limited to those
11 accumulated under a sick leave plan established by a
12 participating municipality or participating
13 instrumentality which is available to all employees or
14 a class of employees.

15 b. Only sick leave days accumulated with a
16 participating municipality or participating
17 instrumentality with which the employee was in service
18 within 60 days of the effective date of his retirement
19 annuity shall be credited; If the employee was in
20 service with more than one employer during this period
21 only the sick leave days with the employer with which
22 the employee has the greatest number of unpaid sick
23 leave days shall be considered.

24 c. The creditable service granted shall be
25 considered solely for the purpose of computing the
26 amount of the retirement annuity and shall not be used

1 to establish any minimum service period required by any
2 provision of the Illinois Pension Code, the effective
3 date of the retirement annuity, or the final rate of
4 earnings.

5 d. The creditable service shall be at the rate of
6 1/20 of a month for each full sick day, provided that
7 no more than 12 months may be credited under this
8 subdivision 8.

9 e. Employee contributions shall not be required
10 for creditable service under this subdivision 8.

11 f. Each participating municipality and
12 participating instrumentality with which an employee
13 has service within 60 days of the effective date of his
14 retirement annuity shall certify to the board the
15 number of accumulated unpaid sick leave days credited
16 to the employee at the time of termination of service.

17 9. For service transferred from another system:
18 Credits and creditable service shall be granted for service
19 under Article 3, 4, 5, 8, 14, or 16 of this Act, to any
20 active member of this Fund, and to any inactive member who
21 has been a county sheriff, upon transfer of such credits
22 pursuant to Section 3-110.3, 4-108.3, 5-235, 8-226.7,
23 14-105.6, or 16-131.4, and payment by the member of the
24 amount by which (1) the employer and employee contributions
25 that would have been required if he had participated in
26 this Fund as a sheriff's law enforcement employee during

1 the period for which credit is being transferred, plus
2 interest thereon at the effective rate for each year,
3 compounded annually, from the date of termination of the
4 service for which credit is being transferred to the date
5 of payment, exceeds (2) the amount actually transferred to
6 the Fund. Such transferred service shall be deemed to be
7 service as a sheriff's law enforcement employee for the
8 purposes of Section 7-142.1.

9 10. For service transferred from an Article 3 system
10 under Section 3-110.8: Credits and creditable service
11 shall be granted for service under Article 3 of this Act as
12 provided in Section 3-110.8, to any active member of this
13 Fund upon transfer of such credits pursuant to Section
14 3-110.8. If the amount by which (1) the employer and
15 employee contributions that would have been required if he
16 had participated in this Fund during the period for which
17 credit is being transferred, plus interest thereon at the
18 effective rate for each year, compounded annually, from the
19 date of termination of the service for which credit is
20 being transferred to the date of payment, exceeds (2) the
21 amount actually transferred to the Fund, then the amount of
22 creditable service established under this paragraph 10
23 shall be reduced by a corresponding amount in accordance
24 with the rules and procedures established under this
25 paragraph 10.

26 The board shall establish by rule the manner of making

1 the calculation required under this paragraph 10, taking
2 into account the appropriate actuarial assumptions; the
3 member's service, age, and salary history; the level of
4 funding of the employer; and any other factors that the
5 board determines to be relevant.

6 (b) Creditable service - amount:

7 1. One month of creditable service shall be allowed for
8 each month for which a participating employee made
9 contributions as required under Section 7-173, or for which
10 creditable service is otherwise granted hereunder. Not
11 more than 1 month of service shall be credited and counted
12 for 1 calendar month, and not more than 1 year of service
13 shall be credited and counted for any calendar year. A
14 calendar month means a nominal month beginning on the first
15 day thereof, and a calendar year means a year beginning
16 January 1 and ending December 31.

17 2. A seasonal employee shall be given 12 months of
18 creditable service if he renders the number of months of
19 service normally required by the position in a 12-month
20 period and he remains in service for the entire 12-month
21 period. Otherwise a fractional year of service in the
22 number of months of service rendered shall be credited.

23 3. An intermittent employee shall be given creditable
24 service for only those months in which a contribution is
25 made under Section 7-173.

26 (c) No application for correction of credits or creditable

1 service shall be considered unless the board receives an
2 application for correction while (1) the applicant is a
3 participating employee and in active employment with a
4 participating municipality or instrumentality, or (2) while
5 the applicant is actively participating in a pension fund or
6 retirement system which is a participating system under the
7 Retirement Systems Reciprocal Act. A participating employee or
8 other applicant shall not be entitled to credits or creditable
9 service unless the required employee contributions are made in
10 a lump sum or in installments made in accordance with board
11 rule.

12 (d) Upon the granting of a retirement, surviving spouse or
13 child annuity, a death benefit or a separation benefit, on
14 account of any employee, all individual accumulated credits
15 shall thereupon terminate. Upon the withdrawal of additional
16 contributions, the credits applicable thereto shall thereupon
17 terminate. Terminated credits shall not be applied to increase
18 the benefits any remaining employee would otherwise receive
19 under this Article.

20 (Source: P.A. 95-483, eff. 8-28-07; 95-486, eff. 8-28-07;
21 95-504, eff. 8-28-07; revised 11-9-07.)

22 (40 ILCS 5/7-139.12)

23 Sec. 7-139.12. Transfer of creditable service to Article
24 14. A person employed by the Chicago Metropolitan Agency for
25 Planning (formerly the Regional Planning Board) on the

1 effective date of this Section who was a member of the State
2 Employees' Retirement System of Illinois as an employee of the
3 Chicago Area Transportation Study may apply for transfer of his
4 or her creditable service as an employee of the Chicago
5 Metropolitan Agency for Planning upon payment of (1) the
6 amounts accumulated to the credit of the applicant for such
7 service on the books of the Fund on the date of transfer and
8 (2) the corresponding municipality credits, including
9 interest, on the books of the Fund on the date of transfer.
10 Participation in this Fund with respect to the transferred
11 credits shall terminate on the date of transfer.
12 (Source: P.A. 95-677, eff. 10-11-07.)

13 (40 ILCS 5/7-139.13)

14 Sec. 7-139.13 ~~7-139.12~~. Transfer from Article 3. Until
15 January 1, 2008, a person may transfer to the Illinois
16 Municipal Retirement Systems up to 8 years of creditable
17 service accumulated under Article 3 of this Code upon payment
18 to the Fund of an amount to be determined by the board, equal
19 to (i) the difference between the amount of employee and
20 employer contributions transferred to the Fund under Section
21 3-110.8 and the amounts that would have been contributed had
22 such contributions been made at the rates applicable to an
23 employee under this Article, plus (ii) interest thereon at the
24 effective rate for each year, compounded annually, from the
25 date of service to the date of payment.

1 (Source: P.A. 95-530, eff. 8-28-07; revised 12-6-07.)

2 (40 ILCS 5/9-121.6) (from Ch. 108 1/2, par. 9-121.6)

3 Sec. 9-121.6. Alternative annuity for county officers.

4 (a) Any county officer elected by vote of the people may
5 elect to establish alternative credits for an alternative
6 annuity by electing in writing to make additional optional
7 contributions in accordance with this Section and procedures
8 established by the board. Such elected county officer may
9 discontinue making the additional optional contributions by
10 notifying the Fund in writing in accordance with this Section
11 and procedures established by the board.

12 Additional optional contributions for the alternative
13 annuity shall be as follows:

14 (1) For service after the option is elected, an
15 additional contribution of 3% of salary shall be
16 contributed to the Fund on the same basis and under the
17 same conditions as contributions required under Sections
18 9-170 and 9-176.

19 (2) For service before the option is elected, an
20 additional contribution of 3% of the salary for the
21 applicable period of service, plus interest at the
22 effective rate from the date of service to the date of
23 payment. All payments for past service must be paid in full
24 before credit is given. No additional optional
25 contributions may be made for any period of service for

1 which credit has been previously forfeited by acceptance of
2 a refund, unless the refund is repaid in full with interest
3 at the effective rate from the date of refund to the date
4 of repayment.

5 (b) In lieu of the retirement annuity otherwise payable
6 under this Article, any county officer elected by vote of the
7 people who (1) has elected to participate in the Fund and make
8 additional optional contributions in accordance with this
9 Section, and (2) has attained age 60 with at least 10 years of
10 service credit, or has attained age 65 with at least 8 years of
11 service credit, may elect to have his retirement annuity
12 computed as follows: 3% of the participant's salary at the time
13 of termination of service for each of the first 8 years of
14 service credit, plus 4% of such salary for each of the next 4
15 years of service credit, plus 5% of such salary for each year
16 of service credit in excess of 12 years, subject to a maximum
17 of 80% of such salary. To the extent such elected county
18 officer has made additional optional contributions with
19 respect to only a portion of his years of service credit, his
20 retirement annuity will first be determined in accordance with
21 this Section to the extent such additional optional
22 contributions were made, and then in accordance with the
23 remaining Sections of this Article to the extent of years of
24 service credit with respect to which additional optional
25 contributions were not made.

26 (c) In lieu of the disability benefits otherwise payable

1 under this Article, any county officer elected by vote of the
2 people who (1) has elected to participate in the Fund, and (2)
3 has become permanently disabled and as a consequence is unable
4 to perform the duties of his office, and (3) was making
5 optional contributions in accordance with this Section at the
6 time the disability was incurred, may elect to receive a
7 disability annuity calculated in accordance with the formula in
8 subsection (b). For the purposes of this subsection, such
9 elected county officer shall be considered permanently
10 disabled only if: (i) disability occurs while in service as an
11 elected county officer and is of such a nature as to prevent
12 him from reasonably performing the duties of his office at the
13 time; and (ii) the board has received a written certification
14 by at least 2 licensed physicians appointed by it stating that
15 such officer is disabled and that the disability is likely to
16 be permanent.

17 (d) Refunds of additional optional contributions shall be
18 made on the same basis and under the same conditions as
19 provided under Section 9-164, 9-166 and 9-167. Interest shall
20 be credited at the effective rate on the same basis and under
21 the same conditions as for other contributions. Optional
22 contributions under this Section shall be included in the
23 amount of employee contributions used to compute the tax levy
24 under Section 9-169.

25 (e) The effective date of this plan of optional alternative
26 benefits and contributions shall be January 1, 1988, or the

1 date upon which approval is received from the U.S. Internal
2 Revenue Service, whichever is later. The plan of optional
3 alternative benefits and contributions shall not be available
4 to any former county officer or employee receiving an annuity
5 from the Fund on the effective date of the plan, unless he
6 re-enters service as an elected county officer and renders at
7 least 3 years of additional service after the date of re-entry.

8 (f) The plan of optional alternative benefits and
9 contributions authorized under this Section applies only to
10 county officers elected by vote of the people on or before
11 January 1, 2008 (the effective date of Public Act 95-654) ~~this~~
12 ~~amendatory Act of the 95th General Assembly.~~

13 (Source: P.A. 95-369, eff. 8-23-07; 95-654, eff. 1-1-08;
14 revised 11-9-07.)

15 (40 ILCS 5/9-134.5)

16 Sec. 9-134.5. Alternative retirement cancellation payment.

17 (a) To be eligible for the alternative retirement
18 cancellation payment provided in this Section, a person must:

19 (1) be a member of this Fund who, on December 31, 2006,
20 was (i) in active payroll status as an employee and
21 continuously employed in a position on and after the
22 effective date of this Section and (ii) an active
23 contributor to this Fund with respect to that employment;

24 (2) have not previously received any retirement
25 annuity under this Article;

1 (3) file with the Board on or before 45 days after the
2 effective date of this Section, a written application
3 requesting the alternative retirement cancellation payment
4 provided in this Section;

5 (4) terminate employment under this Article no later
6 than 60 days after the effective date of this Section; and;

7 (5) ~~(4)~~ if there is a QILDRO in effect against the
8 person, file with the Board the written consent of all
9 alternate payees under the QILDRO to the election of an
10 alternative retirement cancellation payment under this
11 Section. ~~and~~

12 (b) In lieu of any retirement annuity or other benefit
13 provided under this Article, a person who qualifies for and
14 elects to receive the alternative retirement cancellation
15 payment under this Section shall be entitled to receive a
16 one-time lump sum retirement cancellation payment equal to the
17 amount of his or her contributions to the Fund (including any
18 employee contributions for optional service credit and
19 including any employee contributions paid by the employer or
20 credited to the employee during disability) on the date of
21 termination, with regular interest, multiplied by 1.5.

22 (c) Notwithstanding any other provision of this Article, a
23 person who receives an alternative retirement cancellation
24 payment under this Section thereby forfeits the right to any
25 other retirement or disability benefit or refund under this
26 Article, and no widow's, survivor's, or death benefit deriving

1 from that person shall be payable under this Article. Upon
2 accepting an alternative retirement cancellation payment under
3 this Section, the person's creditable service and all other
4 rights in the Fund are terminated for all purposes.

5 (d) To the extent permitted by federal law, a person who
6 receives an alternative retirement cancellation payment under
7 this Section may direct the Fund to pay all or a portion of
8 that payment as a rollover into another retirement plan or
9 account qualified under the Internal Revenue Code of 1986, as
10 amended.

11 (e) Notwithstanding any other provision of this Article, a
12 person who has received an alternative retirement cancellation
13 payment under this Section and who reenters service under this
14 Article must first repay to the Fund the amount by which that
15 alternative retirement cancellation payment exceeded the
16 amount of his or her refundable employee contributions with
17 interest at 6% per annum. For the purposes of re-establishing
18 creditable service that was terminated upon election of the
19 alternative retirement cancellation payment, the portion of
20 the alternative retirement cancellation payment representing
21 refundable employee contributions shall be deemed a refund
22 repayable in accordance with Section 9-163.

23 (f) No individual who receives an alternative retirement
24 cancellation payment under this Section may return to active
25 payroll status within 365 days after separation from service to
26 the employer.

1 (Source: P.A. 95-369, eff. 8-23-07; revised 11-9-07.)

2 (40 ILCS 5/10-104.5)

3 Sec. 10-104.5. Alternative retirement cancellation
4 payment.

5 (a) To be eligible for the alternative retirement
6 cancellation payment provided in this Section, a person must:

7 (1) be a member of this Fund who, on December 31, 2006,
8 was (i) in active payroll status as an employee and
9 continuously employed in a position on and after the
10 effective date of this Section and (ii) an active
11 contributor to this Fund with respect to that employment;

12 (2) have not previously received any retirement
13 annuity under this Article;

14 (3) file with the Board on or before 45 days after the
15 effective date of this Section, a written application
16 requesting the alternative retirement cancellation payment
17 provided in this Section;

18 (4) terminate employment under this Article no later
19 than 60 days after the effective date of this Section; ~~and~~

20 (5) ~~(4)~~ if there is a QILDRO in effect against the
21 person, file with the Board the written consent of all
22 alternate payees under the QILDRO to the election of an
23 alternative retirement cancellation payment under this
24 Section. ~~and~~

25 (b) In lieu of any retirement annuity or other benefit

1 provided under this Article, a person who qualifies for and
2 elects to receive the alternative retirement cancellation
3 payment under this Section shall be entitled to receive a
4 one-time lump sum retirement cancellation payment equal to the
5 amount of his or her contributions to the Fund (including any
6 employee contributions for optional service credit and
7 including any employee contributions paid by the employer or
8 credited to the employee during disability) on the date of
9 termination, with regular interest, multiplied by 1.5.

10 (c) Notwithstanding any other provision of this Article, a
11 person who receives an alternative retirement cancellation
12 payment under this Section thereby forfeits the right to any
13 other retirement or disability benefit or refund under this
14 Article, and no widow's, survivor's, or death benefit deriving
15 from that person shall be payable under this Article. Upon
16 accepting an alternative retirement cancellation payment under
17 this Section, the person's creditable service and all other
18 rights in the Fund are terminated for all purposes.

19 (d) To the extent permitted by federal law, a person who
20 receives an alternative retirement cancellation payment under
21 this Section may direct the Fund to pay all or a portion of
22 that payment as a rollover into another retirement plan or
23 account qualified under the Internal Revenue Code of 1986, as
24 amended.

25 (e) Notwithstanding any other provision of this Article, a
26 person who has received an alternative retirement cancellation

1 payment under this Section and who reenters service under this
2 Article must first repay to the Fund the amount by which that
3 alternative retirement cancellation payment exceeded the
4 amount of his or her refundable employee contributions with
5 interest of 6% per annum. For the purposes of re-establishing
6 creditable service that was terminated upon election of the
7 alternative retirement cancellation payment, the portion of
8 the alternative retirement cancellation payment representing
9 refundable employee contributions shall be deemed a refund
10 repayable together with interest at the effective rate from the
11 application date of such refund to the date of repayment.

12 (f) No individual who receives an alternative retirement
13 cancellation payment under this Section may return to active
14 payroll status within 365 days after separation from service to
15 the employer.

16 (Source: P.A. 95-369, eff. 8-23-07; revised 11-9-07.)

17 (40 ILCS 5/14-104) (from Ch. 108 1/2, par. 14-104)

18 Sec. 14-104. Service for which contributions permitted.
19 Contributions provided for in this Section shall cover the
20 period of service granted. Except as otherwise provided in this
21 Section, the contributions shall be based upon the employee's
22 compensation and contribution rate in effect on the date he
23 last became a member of the System; provided that for all
24 employment prior to January 1, 1969 the contribution rate shall
25 be that in effect for a noncovered employee on the date he last

1 became a member of the System. Except as otherwise provided in
2 this Section, contributions permitted under this Section shall
3 include regular interest from the date an employee last became
4 a member of the System to the date of payment.

5 These contributions must be paid in full before retirement
6 either in a lump sum or in installment payments in accordance
7 with such rules as may be adopted by the board.

8 (a) Any member may make contributions as required in this
9 Section for any period of service, subsequent to the date of
10 establishment, but prior to the date of membership.

11 (b) Any employee who had been previously excluded from
12 membership because of age at entry and subsequently became
13 eligible may elect to make contributions as required in this
14 Section for the period of service during which he was
15 ineligible.

16 (c) An employee of the Department of Insurance who, after
17 January 1, 1944 but prior to becoming eligible for membership,
18 received salary from funds of insurance companies in the
19 process of rehabilitation, liquidation, conservation or
20 dissolution, may elect to make contributions as required in
21 this Section for such service.

22 (d) Any employee who rendered service in a State office to
23 which he was elected, or rendered service in the elective
24 office of Clerk of the Appellate Court prior to the date he
25 became a member, may make contributions for such service as
26 required in this Section. Any member who served by appointment

1 of the Governor under the Civil Administrative Code of Illinois
2 and did not participate in this System may make contributions
3 as required in this Section for such service.

4 (e) Any person employed by the United States government or
5 any instrumentality or agency thereof from January 1, 1942
6 through November 15, 1946 as the result of a transfer from
7 State service by executive order of the President of the United
8 States shall be entitled to prior service credit covering the
9 period from January 1, 1942 through December 31, 1943 as
10 provided for in this Article and to membership service credit
11 for the period from January 1, 1944 through November 15, 1946
12 by making the contributions required in this Section. A person
13 so employed on January 1, 1944 but whose employment began after
14 January 1, 1942 may qualify for prior service and membership
15 service credit under the same conditions.

16 (f) An employee of the Department of Labor of the State of
17 Illinois who performed services for and under the supervision
18 of that Department prior to January 1, 1944 but who was
19 compensated for those services directly by federal funds and
20 not by a warrant of the Auditor of Public Accounts paid by the
21 State Treasurer may establish credit for such employment by
22 making the contributions required in this Section. An employee
23 of the Department of Agriculture of the State of Illinois, who
24 performed services for and under the supervision of that
25 Department prior to June 1, 1963, but was compensated for those
26 services directly by federal funds and not paid by a warrant of

1 the Auditor of Public Accounts paid by the State Treasurer, and
2 who did not contribute to any other public employee retirement
3 system for such service, may establish credit for such
4 employment by making the contributions required in this
5 Section.

6 (g) Any employee who executed a waiver of membership within
7 60 days prior to January 1, 1944 may, at any time while in the
8 service of a department, file with the board a rescission of
9 such waiver. Upon making the contributions required by this
10 Section, the member shall be granted the creditable service
11 that would have been received if the waiver had not been
12 executed.

13 (h) Until May 1, 1990, an employee who was employed on a
14 full-time basis by a regional planning commission for at least
15 5 continuous years may establish creditable service for such
16 employment by making the contributions required under this
17 Section, provided that any credits earned by the employee in
18 the commission's retirement plan have been terminated.

19 (i) Any person who rendered full time contractual services
20 to the General Assembly as a member of a legislative staff may
21 establish service credit for up to 8 years of such services by
22 making the contributions required under this Section, provided
23 that application therefor is made not later than July 1, 1991.

24 (j) By paying the contributions otherwise required under
25 this Section, plus an amount determined by the Board to be
26 equal to the employer's normal cost of the benefit plus

1 interest, but with all of the interest calculated from the date
2 the employee last became a member of the System or November 19,
3 1991, whichever is later, to the date of payment, an employee
4 may establish service credit for a period of up to 4 years
5 spent in active military service for which he does not qualify
6 for credit under Section 14-105, provided that (1) he was not
7 dishonorably discharged from such military service, and (2) the
8 amount of service credit established by a member under this
9 subsection (j), when added to the amount of military service
10 credit granted to the member under subsection (b) of Section
11 14-105, shall not exceed 5 years. The change in the manner of
12 calculating interest under this subsection (j) made by this
13 amendatory Act of the 92nd General Assembly applies to credit
14 purchased by an employee on or after its effective date and
15 does not entitle any person to a refund of contributions or
16 interest already paid. In compliance with Section 14-152.1 of
17 this Act concerning new benefit increases, any new benefit
18 increase as a result of the changes to this subsection (j) made
19 by Public Act 95-483 ~~this amendatory Act of the 95th General~~
20 ~~Assembly~~ is funded through the employee contributions provided
21 for in this subsection (j). Any new benefit increase as a
22 result of the changes made to this subsection (j) by Public Act
23 95-483 ~~this amendatory Act of the 95th General Assembly~~ is
24 exempt from the provisions of subsection (d) of Section
25 14-152.1.

26 (k) An employee who was employed on a full-time basis by

1 the Illinois State's Attorneys Association Statewide Appellate
2 Assistance Service LEAA-ILEC grant project prior to the time
3 that project became the State's Attorneys Appellate Service
4 Commission, now the Office of the State's Attorneys Appellate
5 Prosecutor, an agency of State government, may establish
6 creditable service for not more than 60 months service for such
7 employment by making contributions required under this
8 Section.

9 (1) By paying the contributions otherwise required under
10 this Section, plus an amount determined by the Board to be
11 equal to the employer's normal cost of the benefit plus
12 interest, a member may establish service credit for periods of
13 less than one year spent on authorized leave of absence from
14 service, provided that (1) the period of leave began on or
15 after January 1, 1982 and (2) any credit established by the
16 member for the period of leave in any other public employee
17 retirement system has been terminated. A member may establish
18 service credit under this subsection for more than one period
19 of authorized leave, and in that case the total period of
20 service credit established by the member under this subsection
21 may exceed one year. In determining the contributions required
22 for establishing service credit under this subsection, the
23 interest shall be calculated from the beginning of the leave of
24 absence to the date of payment.

25 (1-5) By paying the contributions otherwise required under
26 this Section, plus an amount determined by the Board to be

1 equal to the employer's normal cost of the benefit plus
2 interest, a member may establish service credit for periods of
3 up to 2 years spent on authorized leave of absence from
4 service, provided that during that leave the member represented
5 or was employed as an officer or employee of a statewide labor
6 organization that represents members of this System. In
7 determining the contributions required for establishing
8 service credit under this subsection, the interest shall be
9 calculated from the beginning of the leave of absence to the
10 date of payment.

11 (m) Any person who rendered contractual services to a
12 member of the General Assembly as a worker in the member's
13 district office may establish creditable service for up to 3
14 years of those contractual services by making the contributions
15 required under this Section. The System shall determine a
16 full-time salary equivalent for the purpose of calculating the
17 required contribution. To establish credit under this
18 subsection, the applicant must apply to the System by March 1,
19 1998.

20 (n) Any person who rendered contractual services to a
21 member of the General Assembly as a worker providing
22 constituent services to persons in the member's district may
23 establish creditable service for up to 8 years of those
24 contractual services by making the contributions required
25 under this Section. The System shall determine a full-time
26 salary equivalent for the purpose of calculating the required

1 contribution. To establish credit under this subsection, the
2 applicant must apply to the System by March 1, 1998.

3 (o) A member who participated in the Illinois Legislative
4 Staff Internship Program may establish creditable service for
5 up to one year of that participation by making the contribution
6 required under this Section. The System shall determine a
7 full-time salary equivalent for the purpose of calculating the
8 required contribution. Credit may not be established under this
9 subsection for any period for which service credit is
10 established under any other provision of this Code.

11 (p) By paying the contributions otherwise required under
12 this Section, plus an amount determined by the Board to be
13 equal to the employer's normal cost of the benefit plus
14 interest, a member may establish service credit for a period of
15 up to 8 years during which he or she was employed by the
16 Visually Handicapped Managers of Illinois in a vending program
17 operated under a contractual agreement with the Department of
18 Rehabilitation Services or its successor agency.

19 This subsection (p) applies without regard to whether the
20 person was in service on or after the effective date of this
21 amendatory Act of the 94th General Assembly. In the case of a
22 person who is receiving a retirement annuity on that effective
23 date, the increase, if any, shall begin to accrue on the first
24 annuity payment date following receipt by the System of the
25 contributions required under this subsection (p).

26 (q) By paying the required contributions under this

1 Section, plus an amount determined by the Board to be equal to
2 the employer's normal cost of the benefit plus interest, an
3 employee who was laid off but returned to State employment
4 under circumstances in which the employee is considered to have
5 been in continuous service for purposes of determining
6 seniority may establish creditable service for the period of
7 the layoff, provided that (1) the applicant applies for the
8 creditable service under this subsection (q) within 6 months
9 after the effective date of this amendatory Act of the 94th
10 General Assembly, (2) the applicant does not receive credit for
11 that period under any other provision of this Code, (3) at the
12 time of the layoff, the applicant is not in an initial
13 probationary status consistent with the rules of the Department
14 of Central Management Services, and (4) the total amount of
15 creditable service established by the applicant under this
16 subsection (q) does not exceed 3 years. For service established
17 under this subsection (q), the required employee contribution
18 shall be based on the rate of compensation earned by the
19 employee on the date of returning to employment after the
20 layoff and the contribution rate then in effect, and the
21 required interest shall be calculated from the date of
22 returning to employment after the layoff to the date of
23 payment.

24 (r) A member who participated in the University of Illinois
25 Government Public Service Internship Program (GPSI) may
26 establish creditable service for up to 2 years of that

1 participation by making the contribution required under this
2 Section, plus an amount determined by the Board to be equal to
3 the employer's normal cost of the benefit plus interest. The
4 System shall determine a full-time salary equivalent for the
5 purpose of calculating the required contribution. Credit may
6 not be established under this subsection for any period for
7 which service credit is established under any other provision
8 of this Code.

9 (s) ~~(r)~~ A member who worked as a nurse under a contractual
10 agreement for the Department of Public Aid, or its successor
11 agency, the Department of Human Services, in the Client
12 Assessment Unit and was subsequently determined to be a State
13 employee by the United States Internal Revenue Service and the
14 Illinois Labor Relations Board may establish creditable
15 service for those contractual services by making the
16 contributions required under this Section. To establish credit
17 under this subsection, the applicant must apply to the System
18 by July 1, 2008.

19 The Department of Human Services shall pay an employer
20 contribution based upon an amount determined by the Board to be
21 equal to the employer's normal cost of the benefit, plus
22 interest.

23 In compliance with Section 14-152.1 added by Public Act
24 94-4, the cost of the benefits provided by Public Act 95-583
25 ~~this amendatory Act of the 95th General Assembly~~ are offset by
26 the required employee and employer contributions.

1 (Source: P.A. 94-612, eff. 8-18-05; 94-1111, eff. 2-27-07;
2 95-483, eff. 8-28-07; 95-583, eff. 8-31-07; 95-652, eff.
3 10-11-07; revised 11-9-07.)

4 Section 150. The Public Building Commission Act is amended
5 by changing Section 20 as follows:

6 (50 ILCS 20/20) (from Ch. 85, par. 1050)

7 (Text of Section before amendment by P.A. 95-595)

8 Sec. 20. All contracts to be let for the construction,
9 alteration, improvement, repair, enlargement, demolition or
10 removal of any buildings or other facilities, or for materials
11 or supplies to be furnished, where the amount thereof is in
12 excess of \$20,000, shall be let to the lowest responsible
13 bidder, or bidders, on open competitive bidding after public
14 advertisement published at least once in each week for three
15 consecutive weeks prior to the opening of bids, in a daily
16 newspaper of general circulation in the county where the
17 commission is located, except in the case of an emergency
18 situation, as determined by the chief executive officer. If a
19 contract is awarded in an emergency situation, (i) the contract
20 accepted must be based on the lowest responsible proposal after
21 the commission has made a diligent effort to solicit multiple
22 proposals by telephone, facsimile, or other efficient means and
23 (ii) the chief executive officer must submit a report at the
24 next regular meeting of the Board, to be ratified by the Board

1 and entered into the official record, that states the chief
2 executive officer's reason for declaring an emergency
3 situation, the names of all parties solicited for proposals,
4 and their proposals and that includes a copy of the contract
5 awarded. Nothing contained in this Section shall be construed
6 to prohibit the Board of Commissioners from placing additional
7 advertisements in recognized trade journals. Advertisements
8 for bids shall describe the character of the proposed contract
9 in sufficient detail to enable the bidders thereon to know what
10 their obligation will be, either in the advertisement itself,
11 or by reference to detailed plans and specifications on file in
12 the office of the Public Building Commission at the time of the
13 publication of the first announcement. Such advertisement
14 shall also state the date, time, and place assigned for the
15 opening of bids and no bids shall be received at any time
16 subsequent to the time indicated in said advertisement. The
17 Board of Commissioners may reject any and all bids received and
18 readvertise for bids. All bids shall be open to public
19 inspection in the office of the Public Building Commission
20 after an award or final selection has been made. The successful
21 bidder for such work shall enter into contracts furnished and
22 prescribed by the Board of Commissioners and in addition to any
23 other bonds required under this Act the successful bidder shall
24 execute and give bond, payable to and to be approved by the
25 Commission, with a corporate surety authorized to do business
26 under the laws of the State of Illinois, in an amount to be

1 determined by the Board of Commissioners, conditioned upon the
2 payment of all labor furnished and materials supplied in the
3 prosecution of the contracted work. If the bidder whose bid has
4 been accepted shall neglect or refuse to accept the contract
5 within five (5) days after written notice that the same has
6 been awarded to him, or if he accepts but does not execute the
7 contract and give the proper security, the Commission may
8 accept the next lowest bidder, or readvertise and relet in
9 manner above provided. In case any work shall be abandoned by
10 any contractor the Commission may, if the best interests of the
11 Commission be thereby served, adopt on behalf of the Commission
12 all subcontracts made by such contractor for such work and all
13 such sub-contractors shall be bound by such adoption if made;
14 and the Commission shall, in the manner provided herein,
15 readvertise and relet the work specified in the original
16 contract exclusive of so much thereof as shall be accepted.
17 Every contract when made and entered into, as herein provided
18 for, shall be executed, held by the Commission, and filed in
19 its records, and one copy of which shall be given to the
20 contractor.

21 (Source: P.A. 95-614, eff. 9-11-07.)

22 (Text of Section after amendment by P.A. 95-595)

23 Sec. 20. Contracts let to lowest responsible bidder;
24 competitive bidding; advertisement for bids; design-build
25 contracts.

1 (a) All contracts to be let for the construction,
2 alteration, improvement, repair, enlargement, demolition or
3 removal of any buildings or other facilities, or for materials
4 or supplies to be furnished, where the amount thereof is in
5 excess of \$20,000, shall be awarded as a design-build contract
6 in accordance with Sections 20.3 through 20.20 or shall be let
7 to the lowest responsible bidder, or bidders, on open
8 competitive bidding.

9 (b) A contract awarded on the basis of competitive bidding
10 shall be awarded after public advertisement published at least
11 once in each week for three consecutive weeks prior to the
12 opening of bids, in a daily newspaper of general circulation in
13 the county where the commission is located, except in the case
14 of an emergency situation, as determined by the chief executive
15 officer. If a contract is awarded in an emergency situation,
16 (i) the contract accepted must be based on the lowest
17 responsible proposal after the commission has made a diligent
18 effort to solicit multiple proposals by telephone, facsimile,
19 or other efficient means and (ii) the chief executive officer
20 must submit a report at the next regular meeting of the Board,
21 to be ratified by the Board and entered into the official
22 record, that states the chief executive officer's reason for
23 declaring an emergency situation, the names of all parties
24 solicited for proposals, and their proposals and that includes
25 a copy of the contract awarded. Nothing contained in this
26 Section shall be construed to prohibit the Board of

1 Commissioners from placing additional advertisements in
2 recognized trade journals. Advertisements for bids shall
3 describe the character of the proposed contract in sufficient
4 detail to enable the bidders thereon to know what their
5 obligation will be, either in the advertisement itself, or by
6 reference to detailed plans and specifications on file in the
7 office of the Public Building Commission at the time of the
8 publication of the first announcement. Such advertisement
9 shall also state the date, time, and place assigned for the
10 opening of bids. No bids shall be received at any time
11 subsequent to the time indicated in said advertisement.

12 (c) In addition to the requirements of Section 20.3, the
13 Commission shall advertise a design-build solicitation at
14 least once in a daily newspaper of general circulation in the
15 county where the Commission is located. The date that Phase I
16 submissions by design-build entities are due must be at least
17 14 calendar days after the date the newspaper advertisement for
18 design-build proposals is first published. The advertisement
19 shall identify the design-build project, the due date, the
20 place and time for Phase I submissions, and the place where
21 proposers can obtain a complete copy of the request for
22 design-build proposals, including the criteria for evaluation
23 and the scope and performance criteria. The Commission is not
24 precluded from using other media or from placing advertisements
25 in addition to the one required under this subsection.

26 (d) The Board of Commissioners may reject any and all bids

1 and proposals received and may readvertise for bids or issue a
2 new request for design-build proposals.

3 (e) All bids shall be open to public inspection in the
4 office of the Public Building Commission after an award or
5 final selection has been made. The successful bidder for such
6 work shall enter into contracts furnished and prescribed by the
7 Board of Commissioners and in addition to any other bonds
8 required under this Act the successful bidder shall execute and
9 give bond, payable to and to be approved by the Commission,
10 with a corporate surety authorized to do business under the
11 laws of the State of Illinois, in an amount to be determined by
12 the Board of Commissioners, conditioned upon the payment of all
13 labor furnished and materials supplied in the prosecution of
14 the contracted work. If the bidder whose bid has been accepted
15 shall neglect or refuse to accept the contract within five (5)
16 days after written notice that the same has been awarded to
17 him, or if he accepts but does not execute the contract and
18 give the proper security, the Commission may accept the next
19 lowest bidder, or readvertise and relet in manner above
20 provided.

21 (f) In case any work shall be abandoned by any contractor
22 or design-build entity, the Commission may, if the best
23 interests of the Commission be thereby served, adopt on behalf
24 of the Commission all subcontracts made by such contractor or
25 design-build entity for such work and all such sub-contractors
26 shall be bound by such adoption if made; and the Commission

1 shall, in the manner provided in this Act, readvertise and
2 relet, or request proposals and award design-build contracts
3 for, the work specified in the original contract exclusive of
4 so much thereof as shall be accepted. Every contract when made
5 and entered into, as provided in this Section or Section 20.20,
6 shall be executed, held by the Commission, and filed in its
7 records, and one copy of which shall be given to the contractor
8 or design-build entity.

9 (g) The provisions of this Section with respect to
10 design-build shall have no effect beginning 5 years after June
11 1, 2008 (the effective date of Public Act 95-595) ~~this~~
12 ~~amendatory Act of the 95th General Assembly.~~

13 (Source: P.A. 95-595, eff. 6-1-08; 95-614, eff. 9-11-07;
14 revised 11-8-07.)

15 Section 155. The Wireless Emergency Telephone Safety Act is
16 amended by changing Sections 17 and 35 as follows:

17 (50 ILCS 751/17)

18 (Section scheduled to be repealed on April 1, 2013)

19 Sec. 17. Wireless carrier surcharge.

20 (a) Except as provided in Section 45, each wireless carrier
21 shall impose a monthly wireless carrier surcharge per CMRS
22 connection that either has a telephone number within an area
23 code assigned to Illinois by the North American Numbering Plan
24 Administrator or has a billing address in this State. In the

1 case of prepaid wireless telephone service, this surcharge
2 shall be remitted based upon the address associated with the
3 point of purchase, the customer billing address, or the
4 location associated with the MTN for each active prepaid
5 wireless telephone that has a sufficient positive balance as of
6 the last day of each month, if that information is available.
7 No wireless carrier shall impose the surcharge authorized by
8 this Section upon any subscriber who is subject to the
9 surcharge imposed by a unit of local government pursuant to
10 Section 45. Prior to January 1, 2008 (the effective date of
11 Public Act 95-698) ~~this amendatory Act of the 95th General~~
12 ~~Assembly~~, the surcharge amount shall be the amount set by the
13 Wireless Enhanced 9-1-1 Board. Beginning on January 1, 2008
14 (the effective date of Public Act 95-698) ~~this amendatory Act~~
15 ~~of the 95th General Assembly~~, the monthly surcharge imposed
16 under this Section shall be \$0.73 per CMRS connection. The
17 wireless carrier that provides wireless service to the
18 subscriber shall collect the surcharge from the subscriber. For
19 mobile telecommunications services provided on and after
20 August 1, 2002, any surcharge imposed under this Act shall be
21 imposed based upon the municipality or county that encompasses
22 the customer's place of primary use as defined in the Mobile
23 Telecommunications Sourcing Conformity Act. The surcharge
24 shall be stated as a separate item on the subscriber's monthly
25 bill. The wireless carrier shall begin collecting the surcharge
26 on bills issued within 90 days after the Wireless Enhanced

1 9-1-1 Board sets the monthly wireless surcharge. State and
2 local taxes shall not apply to the wireless carrier surcharge.

3 (b) Except as provided in Section 45, a wireless carrier
4 shall, within 45 days of collection, remit, either by check or
5 by electronic funds transfer, to the State Treasurer the amount
6 of the wireless carrier surcharge collected from each
7 subscriber. Of the amounts remitted under this subsection prior
8 to January 1, 2008 (the effective date of Public Act 95-698)
9 ~~this amendatory Act of the 95th General Assembly~~, and for
10 surcharges imposed before January 1, 2008 (the effective date
11 of Public Act 95-698) ~~this amendatory Act of the 95th General~~
12 ~~Assembly~~ but remitted after January 1, 2008 ~~its effective date~~,
13 the State Treasurer shall deposit one-third into the Wireless
14 Carrier Reimbursement Fund and two-thirds into the Wireless
15 Service Emergency Fund. For surcharges collected and remitted
16 on or after January 1, 2008 (the effective date of Public Act
17 95-698) ~~this amendatory Act of the 95th General Assembly~~,
18 \$0.1475 per surcharge collected shall be deposited into the
19 Wireless Carrier Reimbursement Fund, and \$0.5825 per surcharge
20 collected shall be deposited into the Wireless Service
21 Emergency Fund. Of the amounts deposited into the Wireless
22 Carrier Reimbursement Fund under this subsection, \$0.01 per
23 surcharge collected may be distributed to the carriers to cover
24 their administrative costs. Of the amounts deposited into the
25 Wireless Service Emergency Fund under this subsection, \$0.01
26 per surcharge collected may be disbursed to the Illinois

1 Commerce Commission to cover its administrative costs.

2 (c) The first such remittance by wireless carriers shall
3 include the number of customers by zip code, and the 9-digit
4 zip code if currently being used or later implemented by the
5 carrier, that shall be the means by which the Illinois Commerce
6 Commission shall determine distributions from the Wireless
7 Service Emergency Fund. This information shall be updated no
8 less often than every year. Wireless carriers are not required
9 to remit surcharge moneys that are billed to subscribers but
10 not yet collected. Any carrier that fails to provide the zip
11 code information required under this subsection (c) or any
12 prepaid wireless carrier that fails to provide zip code
13 information based upon the addresses associated with its
14 customers' points of purchase, customers' billing addresses,
15 or locations associated with MTNs, as described in subsection
16 (a) of this Section, shall be subject to the penalty set forth
17 in subsection (f) of this Section.

18 (d) Within 90 days after August 13, 2007 (the effective
19 date of Public Act 95-63) ~~this amendatory Act of the 94th~~
20 ~~General Assembly~~, each wireless carrier must implement a
21 mechanism for the collection of the surcharge imposed under
22 subsection (a) of this Section from its subscribers. If a
23 wireless carrier does not implement a mechanism for the
24 collection of the surcharge from its subscribers in accordance
25 with this subsection (d), then the carrier is required to remit
26 the surcharge for all subscribers until the carrier is deemed

1 to be in compliance with this subsection (d) by the Illinois
2 Commerce Commission.

3 (e) If before midnight on the last day of the third
4 calendar month after the closing date of the remit period a
5 wireless carrier does not remit the surcharge or any portion
6 thereof required under this Section, then the surcharge or
7 portion thereof shall be deemed delinquent until paid in full,
8 and the Illinois Commerce Commission may impose a penalty
9 against the carrier in an amount equal to the greater of:

10 (1) \$25 for each month or portion of a month from the
11 time an amount becomes delinquent until the amount is paid
12 in full; or

13 (2) an amount equal to the product of 1% and the sum of
14 all delinquent amounts for each month or portion of a month
15 that the delinquent amounts remain unpaid.

16 A penalty imposed in accordance with this subsection (e)
17 for a portion of a month during which the carrier provides the
18 number of subscribers by zip code as required under subsection
19 (c) of this Section shall be prorated for each day of that
20 month during which the carrier had not provided the number of
21 subscribers by zip code as required under subsection (c) of
22 this Section. Any penalty imposed under this subsection (e) is
23 in addition to the amount of the delinquency and is in addition
24 to any other penalty imposed under this Section.

25 (f) If, before midnight on the last day of the third
26 calendar month after the closing date of the remit period, a

1 wireless carrier does not provide the number of subscribers by
2 zip code as required under subsection (c) of this Section, then
3 the report is deemed delinquent and the Illinois Commerce
4 Commission may impose a penalty against the carrier in an
5 amount equal to the greater of:

6 (1) \$25 for each month or portion of a month that the
7 report is delinquent; or

8 (2) an amount equal to the product of 1/2¢ and the
9 number of subscribers served by the wireless carrier.

10 A penalty imposed in accordance with this subsection (f)
11 for a portion of a month during which the carrier pays the
12 delinquent amount in full shall be prorated for each day of
13 that month that the delinquent amount was paid in full. Any
14 penalty imposed under this subsection (f) is in addition to any
15 other penalty imposed under this Section.

16 (g) The Illinois Commerce Commission may enforce the
17 collection of any delinquent amount and any penalty due and
18 unpaid under this Section by legal action or in any other
19 manner by which the collection of debts due the State of
20 Illinois may be enforced under the laws of this State. The
21 Executive Director of the Illinois Commerce Commission, or his
22 or her designee, may excuse the payment of any penalty imposed
23 under this Section if the Executive Director, or his or her
24 designee, determines that the enforcement of this penalty is
25 unjust.

26 (h) ~~(d)~~ Notwithstanding any provision of law to the

1 contrary, nothing shall impair the right of wireless carriers
2 to recover compliance costs for all emergency communications
3 services that are not reimbursed out of the Wireless Carrier
4 Reimbursement Fund directly from their customers via line-item
5 charges on the customer's bill. Those compliance costs include
6 all costs incurred by wireless carriers in complying with
7 local, State, and federal regulatory or legislative mandates
8 that require the transmission and receipt of emergency
9 communications to and from the general public, including, but
10 not limited to, E-911.

11 (i) ~~(e)~~ The Auditor General shall conduct, on an annual
12 basis, an audit of the Wireless Service Emergency Fund and the
13 Wireless Carrier Reimbursement Fund for compliance with the
14 requirements of this Act. The audit shall include, but not be
15 limited to, the following determinations:

16 (1) Whether the Commission is maintaining detailed
17 records of all receipts and disbursements from the Wireless
18 Carrier Emergency Fund and the Wireless Carrier
19 Reimbursement Fund.

20 (2) Whether the Commission's administrative costs
21 charged to the funds are adequately documented and are
22 reasonable.

23 (3) Whether the Commission's procedures for making
24 grants and providing reimbursements in accordance with the
25 Act are adequate.

26 (4) The status of the implementation of wireless 9-1-1

1 and E9-1-1 services in Illinois.

2 The Commission, the Department of State Police, and any
3 other entity or person that may have information relevant to
4 the audit shall cooperate fully and promptly with the Office of
5 the Auditor General in conducting the audit. The Auditor
6 General shall commence the audit as soon as possible and
7 distribute the report upon completion in accordance with
8 Section 3-14 of the Illinois State Auditing Act.

9 (Source: P.A. 95-63, eff. 8-13-07; 95-698, eff. 1-1-08; revised
10 11-8-07.)

11 (50 ILCS 751/35)

12 (Section scheduled to be repealed on April 1, 2013)

13 Sec. 35. Wireless Carrier Reimbursement Fund;
14 reimbursement.

15 (a) To recover costs from the Wireless Carrier
16 Reimbursement Fund, the wireless carrier shall submit sworn
17 invoices to the Illinois Commerce Commission. In no event may
18 any invoice for payment be approved for (i) costs that are not
19 related to compliance with the requirements established by the
20 wireless enhanced 9-1-1 mandates of the Federal Communications
21 Commission, (ii) costs with respect to any wireless enhanced
22 9-1-1 service that is not operable at the time the invoice is
23 submitted, or (iii) costs in excess of the sum of (A) the
24 carrier's balance, as determined under subsection (e) of this
25 Section, plus (B) 100% of the surcharge remitted to the

1 Wireless Carrier Reimbursement Fund by the wireless carrier
2 under Section 17(b) since the last annual review of the balance
3 in the Wireless Carrier Reimbursement Fund under subsection (e)
4 of this Section, less reimbursements paid to the carrier out of
5 the Wireless Carrier Reimbursement Fund since the last annual
6 review of the balance under subsection (e) of this Section,
7 unless the wireless carrier received prior approval for the
8 expenditures from the Illinois Commerce Commission.

9 (b) If in any month the total amount of invoices submitted
10 to the Illinois Commerce Commission and approved for payment
11 exceeds the amount available in the Wireless Carrier
12 Reimbursement Fund, wireless carriers that have invoices
13 approved for payment shall receive a pro-rata share of the
14 amount available in the Wireless Carrier Reimbursement Fund
15 based on the relative amount of their approved invoices
16 available that month, and the balance of the payments shall be
17 carried into the following months until all of the approved
18 payments are made.

19 (c) A wireless carrier may not receive payment from the
20 Wireless Carrier Reimbursement Fund for its costs of providing
21 wireless enhanced 9-1-1 services in an area when a unit of
22 local government or emergency telephone system board provides
23 wireless 9-1-1 services in that area and was imposing and
24 collecting a wireless carrier surcharge prior to July 1, 1998.

25 (d) The Illinois Commerce Commission shall maintain
26 detailed records of all receipts and disbursements and shall

1 provide an annual accounting of all receipts and disbursements
2 to the Auditor General.

3 (e) The Illinois Commerce Commission must annually review
4 the balance in the Wireless Carrier Reimbursement Fund as of
5 June 30 of each year and shall direct the Comptroller to
6 transfer into the Wireless Services Emergency Fund for
7 distribution in accordance with Section 25 of this Act any
8 amount in excess of the amount of deposits into the Fund for
9 the 24 months prior to June 30 less:

10 (1) the amount of paid and payables received by June 30
11 for the 24 months prior to June 30 as determined eligible
12 under subsection (a) of this Section;

13 (2) the administrative costs associated with the Fund
14 for the 24 months prior to June 30; and

15 (3) the prorated portion of any other adjustments made
16 to the Fund in the 24 months prior to June 30.

17 After making the calculation required under this
18 subsection (e), each carrier's available balance for purposes
19 of reimbursements must be adjusted using the same calculation.

20 (f) The Illinois Commerce Commission shall adopt rules to
21 govern the reimbursement process.

22 (g) On January 1, 2008 (the effective date of Public Act
23 95-698) Upon the effective date of this amendatory Act of the
24 95th General Assembly, or as soon thereafter as practical, the
25 State Comptroller shall order transferred and the State
26 Treasurer shall transfer the sum of \$8,000,000 from the

1 Wireless Carrier Reimbursement Fund to the Wireless Service
2 Emergency Fund. That amount shall be used by the Illinois
3 Commerce Commission to make grants in the manner described in
4 Section 25 of this Act.

5 (Source: P.A. 95-63, eff. 8-13-07; 95-698, eff. 1-1-08; revised
6 11-8-07.)

7 Section 160. The Counties Code is amended by changing
8 Sections 5-1069.3, 5-1095, and 5-1096.5 as follows:

9 (55 ILCS 5/5-1069.3)

10 Sec. 5-1069.3. Required health benefits. If a county,
11 including a home rule county, is a self-insurer for purposes of
12 providing health insurance coverage for its employees, the
13 coverage shall include coverage for the post-mastectomy care
14 benefits required to be covered by a policy of accident and
15 health insurance under Section 356t and the coverage required
16 under Sections 356g.5, 356u, 356w, 356x, 356z.6, ~~and~~ 356z.9,
17 and 356z.10 ~~356z.9~~ of the Illinois Insurance Code. The
18 requirement that health benefits be covered as provided in this
19 Section is an exclusive power and function of the State and is
20 a denial and limitation under Article VII, Section 6,
21 subsection (h) of the Illinois Constitution. A home rule county
22 to which this Section applies must comply with every provision
23 of this Section.

24 (Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07;

1 95-520, eff. 8-28-07; revised 12-4-07.)

2 (55 ILCS 5/5-1095) (from Ch. 34, par. 5-1095)

3 Sec. 5-1095. Community antenna television systems;
4 satellite transmitted television programming.

5 (a) The County Board may license, tax or franchise the
6 business of operating a community antenna television system or
7 systems within the County and outside of a municipality, as
8 defined in Section 1-1-2 of the Illinois Municipal Code.

9 When an area is annexed to a municipality, the annexing
10 municipality shall thereby become the franchising authority
11 with respect to that portion of any community antenna
12 television system that, immediately before annexation, had
13 provided cable television services within the annexed area
14 under a franchise granted by the county, and the owner of that
15 community antenna television system shall thereby be
16 authorized to provide cable television services within the
17 annexed area under the terms and provisions of the existing
18 franchise. In that instance, the franchise shall remain in
19 effect until, by its terms, it expires, except that any
20 franchise fees payable under the franchise shall be payable
21 only to the county for a period of 5 years or until, by its
22 terms, the franchise expires, whichever occurs first. After the
23 5 year period, any franchise fees payable under the franchise
24 shall be paid to the annexing municipality. In any instance in
25 which a duly franchised community antenna television system is

1 providing cable television services within the annexing
2 municipality at the time of annexation, the annexing
3 municipality may permit that franchisee to extend its community
4 antenna television system to the annexed area under terms and
5 conditions that are no more burdensome nor less favorable to
6 that franchisee than those imposed under any community antenna
7 television franchise applicable to the annexed area at the time
8 of annexation. The authorization to extend cable television
9 service to the annexed area and any community antenna
10 television system authorized to provide cable television
11 services within the annexed area at the time of annexation
12 shall not be subject to the provisions of subsection (e) of
13 this Section.

14 (b) "Community antenna television system" as used in this
15 Section, means any facility which is constructed in whole or in
16 part in, on, under or over any highway or other public place
17 and which is operated to perform for hire the service of
18 receiving and amplifying the signals broadcast by one or more
19 television stations and redistributing such signals by wire,
20 cable or other means to members of the public who subscribe to
21 such service except that such term does not include (i) any
22 system which serves fewer than 50 subscribers or (ii) any
23 system which serves only the residents of one or more apartment
24 dwellings under common ownership, control or management, and
25 commercial establishments located on the premises of such
26 dwellings.

1 (c) The authority hereby granted does not include the
2 authority to license or franchise telephone companies subject
3 to the jurisdiction of the Illinois Commerce Commission or the
4 Federal Communications Commission in connection with
5 furnishing circuits, wires, cables or other facilities to the
6 operator of a community antenna television system.

7 (c-1) Each franchise entered into by a county and a
8 community antenna television system shall include the customer
9 service and privacy standards and protections contained in
10 Article XXII of the Public Utilities Act ~~the Cable and Video~~
11 ~~Customers Protection Law~~. A franchise may not contain different
12 penalties ~~or,~~ consumer service and privacy standards and
13 protections. Each franchise entered into by a county and a
14 community antenna television system before June 30, 2007 (the
15 effective date of Public Act 95-9) ~~this amendatory Act of the~~
16 ~~95th General Assembly~~ shall be amended by this Section to
17 incorporate the penalty provisions ~~and,~~ customer service and
18 privacy standards and protections contained in Article XXII of
19 the Public Utilities Act ~~the Cable and Video Customers~~
20 ~~Protection Law~~.

21 The County Board may, in the course of franchising such
22 community antenna television system, grant to such franchisee
23 the authority and the right and permission to use all public
24 streets, rights of way, alleys, ways for public service
25 facilities, parks, playgrounds, school grounds, or other
26 public grounds, in which such county may have an interest, for

1 the construction, installation, operation, maintenance,
2 alteration, addition, extension or improvement of a community
3 antenna television system.

4 Any charge imposed by a community antenna television system
5 franchised pursuant to this Section for the raising or removal
6 of cables or lines to permit passage on, to or from a street
7 shall not exceed the reasonable costs of work reasonably
8 necessary to safely permit such passage. Pursuant to
9 subsections (h) and (i) of Section 6 of Article VII of the
10 Constitution of the State of Illinois, the General Assembly
11 declares the regulation of charges which may be imposed by
12 community antenna television systems for the raising or removal
13 of cables or lines to permit passage on, to or from streets is
14 a power or function to be exercised exclusively by the State
15 and not to be exercised or performed concurrently with the
16 State by any unit of local government, including any home rule
17 unit.

18 The County Board may, upon written request by the
19 franchisee of a community antenna television system, exercise
20 its right of eminent domain solely for the purpose of granting
21 an easement right no greater than 8 feet in width, extending no
22 greater than 8 feet from any lot line for the purpose of
23 extending cable across any parcel of property in the manner
24 provided for by the law of eminent domain, provided, however,
25 such franchisee deposits with the county sufficient security to
26 pay all costs incurred by the county in the exercise of its

1 right of eminent domain.

2 Except as specifically provided otherwise in this Section,
3 this Section is not a limitation on any home rule county.

4 (d) The General Assembly finds and declares that
5 satellite-transmitted television programming should be
6 available to those who desire to subscribe to such programming
7 and that decoding devices should be obtainable at reasonable
8 prices by those who are unable to obtain satellite-transmitted
9 television programming through duly franchised community
10 antenna television systems.

11 In any instance in which a person is unable to obtain
12 satellite-transmitted television programming through a duly
13 franchised community antenna television system either because
14 the municipality and county in which such person resides has
15 not granted a franchise to operate and maintain a community
16 antenna television system, or because the duly franchised
17 community antenna television system operator does not make
18 cable television services available to such person, any
19 programming company that delivers satellite-transmitted
20 television programming in scrambled or encrypted form shall
21 ensure that devices for decryption of such programming are made
22 available to such person, through the local community antenna
23 television operator or directly, for purchase or lease at
24 prices reasonably related to the cost of manufacture and
25 distribution of such devices.

26 (e) The General Assembly finds and declares that, in order

1 to ensure that community antenna television services are
2 provided in an orderly, competitive and economically sound
3 manner, the best interests of the public will be served by the
4 establishment of certain minimum standards and procedures for
5 the granting of additional cable television franchises.

6 Subject to the provisions of this subsection, the authority
7 granted under subsection (a) hereof shall include the authority
8 to license, franchise and tax more than one cable operator to
9 provide community antenna television services within the
10 territorial limits of a single franchising authority. For
11 purposes of this subsection (e), the term:

12 (i) "Existing cable television franchise" means a
13 community antenna television franchise granted by a county
14 which is in use at the time such county receives an
15 application or request by another cable operator for a
16 franchise to provide cable antenna television services
17 within all or any portion of the territorial area which is
18 or may be served under the existing cable television
19 franchise.

20 (ii) "Additional cable television franchise" means a
21 franchise pursuant to which community antenna television
22 services may be provided within the territorial areas, or
23 any portion thereof, which may be served under an existing
24 cable television franchise.

25 (iii) "Franchising Authority" is defined as that term
26 is defined under Section 602(9) of the Cable Communications

1 Policy Act of 1984, Public Law 98-549.

2 (iv) "Cable operator" is defined as that term is
3 defined under Section 602(4) of the Cable Communications
4 Policy Act of 1984, Public Law 98-549.

5 Before granting an additional cable television franchise,
6 the franchising authority shall:

7 (1) Give written notice to the owner or operator of any
8 other community antenna television system franchised to
9 serve all or any portion of the territorial area to be
10 served by such additional cable television franchise,
11 identifying the applicant for such additional franchise
12 and specifying the date, time and place at which the
13 franchising authority shall conduct public hearings to
14 consider and determine whether such additional cable
15 television franchise should be granted.

16 (2) Conduct a public hearing to determine the public
17 need for such additional cable television franchise, the
18 capacity of public rights-of-way to accommodate such
19 additional community antenna television services, the
20 potential disruption to existing users of public
21 rights-of-way to be used by such additional franchise
22 applicant to complete construction and to provide cable
23 television services within the proposed franchise area,
24 the long term economic impact of such additional cable
25 television system within the community, and such other
26 factors as the franchising authority shall deem

1 appropriate.

2 (3) Determine, based upon the foregoing factors,
3 whether it is in the best interest of the county to grant
4 such additional cable television franchise.

5 (4) If the franchising authority shall determine that
6 it is in the best interest of the county to do so, it may
7 grant the additional cable television franchise. Except as
8 provided in paragraph (5) of this subsection (e), no such
9 additional cable television franchise shall be granted
10 under terms or conditions more favorable or less burdensome
11 to the applicant than those required under the existing
12 cable television franchise, including but not limited to
13 terms and conditions pertaining to the territorial extent
14 of the franchise, system design, technical performance
15 standards, construction schedules, performance bonds,
16 standards for construction and installation of cable
17 television facilities, service to subscribers, public
18 educational and governmental access channels and
19 programming, production assistance, liability and
20 indemnification, and franchise fees.

21 (5) Unless the existing cable television franchise
22 provides that any additional cable television franchise
23 shall be subject to the same terms or substantially
24 equivalent terms and conditions as those of the existing
25 cable television franchise, the franchising authority may
26 grant an additional cable television franchise under

1 different terms and conditions than those of the existing
2 franchise, in which event the franchising authority shall
3 enter into good faith negotiations with the existing
4 franchisee and shall, within 120 days after the effective
5 date of the additional cable television franchise, modify
6 the existing cable television franchise in a manner and to
7 the extent necessary to ensure that neither the existing
8 cable television franchise nor the additional cable
9 television franchise, each considered in its entirety,
10 provides a competitive advantage over the other, provided
11 that prior to modifying the existing cable television
12 franchise, the franchising authority shall have conducted
13 a public hearing to consider the proposed modification. No
14 modification in the terms and conditions of the existing
15 cable television franchise shall oblige the existing cable
16 television franchisee (1) to make any additional payment to
17 the franchising authority, including the payment of any
18 additional franchise fee, (2) to engage in any additional
19 construction of the existing cable television system or,
20 (3) to modify the specifications or design of the existing
21 cable television system; and the inclusion of the factors
22 identified in items (2) and (3) shall not be considered in
23 determining whether either franchise considered in its
24 entirety, has a competitive advantage over the other except
25 to the extent that the additional franchisee provides
26 additional video or data services or the equipment or

1 facilities necessary to generate and or carry such service.
2 No modification in the terms and conditions of the existing
3 cable television franchise shall be made if the existing
4 cable television franchisee elects to continue to operate
5 under all terms and conditions of the existing franchise.

6 If within the 120 day period the franchising authority
7 and the existing cable television franchisee are unable to
8 reach agreement on modifications to the existing cable
9 television franchise, then the franchising authority shall
10 modify the existing cable television franchise, effective
11 45 days thereafter, in a manner, and only to the extent,
12 that the terms and conditions of the existing cable
13 television franchise shall no longer impose any duty or
14 obligation on the existing franchisee which is not also
15 imposed under the additional cable television franchise;
16 however, if by the modification the existing cable
17 television franchisee is relieved of duties or obligations
18 not imposed under the additional cable television
19 franchise, then within the same 45 days and following a
20 public hearing concerning modification of the additional
21 cable television franchise within that 45 day period, the
22 franchising authority shall modify the additional cable
23 television franchise to the extent necessary to insure that
24 neither the existing cable television franchise nor the
25 additional cable television franchise, each considered in
26 its entirety, shall have a competitive advantage over the

1 other.

2 No county shall be subject to suit for damages based upon
3 the county's determination to grant or its refusal to grant an
4 additional cable television franchise, provided that a public
5 hearing as herein provided has been held and the franchising
6 authority has determined that it is in the best interest of the
7 county to grant or refuse to grant such additional franchise,
8 as the case may be.

9 It is declared to be the law of this State, pursuant to
10 paragraphs (h) and (i) of Section 6 of Article VII of the
11 Illinois Constitution, that the establishment of minimum
12 standards and procedures for the granting of additional cable
13 television franchises as provided in this subsection (e) is an
14 exclusive State power and function that may not be exercised
15 concurrently by a home rule unit.

16 (Source: P.A. 95-9, eff. 6-30-07; revised 7-9-07.)

17 (55 ILCS 5/5-1096.5)

18 Sec. 5-1096.5. Cable and video competition.

19 (a) A person or entity seeking to provide cable service or
20 video service in this State after June 30, 2007 (the effective
21 date of Public Act 95-9) ~~this amendatory Act of the 95th~~
22 ~~General Assembly~~ shall either (1) obtain a State-issued
23 authorization pursuant to Section 21-401 of the Public
24 Utilities Act 401 of the Cable and Video Competition Law of
25 ~~2007~~ (220 ILCS 5/21-401); (2) obtain authorization pursuant to

1 Section 11-42-11 of the Illinois Municipal Code (65 ILCS
2 5/11-42-11); or (3) obtain authorization pursuant to Section
3 5-1095 of the Counties Code (55 ILCS 5/5-1095).

4 (b) A person or entity seeking to provide cable service or
5 video service in this State after June 30, 2007 ~~the effective~~
6 ~~date of this amendatory Act of the 95th General Assembly~~ shall
7 not use the public rights-of-way for the installation or
8 construction of facilities for the provision of cable service
9 or video service or offer cable service or video service until
10 it has (i) obtained a State-issued authorization to offer or
11 provide cable or video service under Section 21-401 of the
12 Public Utilities Act ~~401 of the Cable and Video Competition Law~~
13 ~~of 2007~~; (ii) obtained authorization under Section 11-42-11 of
14 the Illinois Municipal Code; or (iii) ~~or~~ obtained authorization
15 under Section 5-1095 of the Counties Code. Nothing in this
16 Section shall prohibit a local unit of government from granting
17 a permit to a person or entity for the use of the public
18 rights-of-way to install or construct facilities to provide
19 cable service or video service, at its sole discretion. No unit
20 of local government shall be liable for denial or delay of a
21 permit prior to the issuance of a State-issued authorization.

22 (c) For the purposes of subsection (e) of Section 5-1095 of
23 this Code ~~Section 5-1095(e)~~, a State-issued authorization
24 under Article XXI of the Public Utilities Act shall be
25 considered substantially equivalent in terms and conditions as
26 an existing cable provider.

1 (d) Nothing in Article XXI of the Public Utilities Act
2 shall constitute a basis for modification of an existing cable
3 franchise or an injunction against or for the recovery of
4 damages from a municipality pursuant to subsection (e) of
5 Section 5-1095 of this Code ~~Section 5-1095(e)~~ because of an
6 application for or the issuance of a State-issued authorization
7 under that Article XXI.

8 (Source: P.A. 95-9, eff. 6-30-07; revised 10-31-07.)

9 Section 165. The Township Code is amended by renumbering
10 Section 14a as follows:

11 (60 ILCS 1/200-14a)

12 Sec. 200-14a ~~14a~~. Reimbursement for specialized rescue
13 services. A township that provides fire protection services may
14 fix, charge, and collect reasonable fees for specialized rescue
15 services provided by the township. The total amount collected
16 may not exceed the reasonable cost of providing those
17 specialized rescue services and may not, in any event, exceed
18 \$125 per hour per vehicle and \$35 per hour per firefighter. The
19 fee may be charged to any of the following parties, but only
20 after there has been a finding of fault against that party by
21 the Occupational Safety and Health Administration or the
22 Illinois Department of Labor:

23 (a) the owner of the property on which the specialized
24 rescue services occurred;

1 (b) any person involved in an activity that caused or
2 contributed to the emergency;

3 (c) an individual who is rescued during the emergency
4 and his or her employer if the person was acting in
5 furtherance of the employer's interests;

6 (d) in cases involving the recovery of property, any
7 person having control or custody of the property at the
8 time of the emergency.

9 For the purposes of this Section, the term "specialized
10 rescue services" includes, but is not limited to, structural
11 collapse, tactical rescue, high angle rescue, underwater
12 rescue and recovery, confined space rescue, below grade rescue,
13 and trench rescue.

14 (Source: P.A. 95-497, eff. 1-1-08; revised 12-6-07.)

15 Section 170. The Illinois Municipal Code is amended by
16 changing Sections 3.1-10-5, 10-4-2.3, 11-5-1.5, 11-42-11,
17 11-42-11.2, 11-74.4-3, and 11-74.4-7 as follows:

18 (65 ILCS 5/3.1-10-5) (from Ch. 24, par. 3.1-10-5)

19 Sec. 3.1-10-5. Qualifications; elective office.

20 (a) A person is not eligible for an elective municipal
21 office unless that person is a qualified elector of the
22 municipality and has resided in the municipality at least one
23 year next preceding the election or appointment, except as
24 provided in subsection (c) of Section 3.1-20-25, subsection (b)

1 of Section 3.1-25-75, Section 5-2-2, or Section 5-2-11.

2 (b) A person is not eligible for an elective municipal
3 office if that person is in arrears in the payment of a tax or
4 other indebtedness due to the municipality or has been
5 convicted in any court located in the United States of any
6 infamous crime, bribery, perjury, or other felony.

7 (c) A person is not eligible for the office of alderman of
8 a ward unless that person has resided in the ward that the
9 person seeks to represent, and a person is not eligible for the
10 office of trustee of a district unless that person has resided
11 in the municipality, at least one year next preceding the
12 election or appointment, except as provided in subsection (c)
13 of Section 3.1-20-25, subsection (b) of Section 3.1-25-75,
14 Section 5-2-2, or Section 5-2-11.

15 (d) If a person (i) is a resident of a municipality
16 immediately prior to the active duty military service of that
17 person or that person's spouse, (ii) resides anywhere outside
18 of the municipality during that active duty military service,
19 and (iii) immediately upon completion of that active duty
20 military service is again a resident of the municipality, then
21 the time during which the person resides outside the
22 municipality during the active duty military service is deemed
23 to be time during which the person is a resident of the
24 municipality for purposes of determining the residency
25 requirement under subsection (a).

26 (Source: P.A. 95-61, eff. 8-13-07; 95-646, eff. 1-1-08; revised

1 11-8-07.)

2 (65 ILCS 5/10-4-2.3)

3 Sec. 10-4-2.3. Required health benefits. If a
4 municipality, including a home rule municipality, is a
5 self-insurer for purposes of providing health insurance
6 coverage for its employees, the coverage shall include coverage
7 for the post-mastectomy care benefits required to be covered by
8 a policy of accident and health insurance under Section 356t
9 and the coverage required under Sections 356g.5, 356u, 356w,
10 356x, 356z.6, ~~and 356z.9~~, and 356z.10 ~~356z.9~~ of the Illinois
11 Insurance Code. The requirement that health benefits be covered
12 as provided in this is an exclusive power and function of the
13 State and is a denial and limitation under Article VII, Section
14 6, subsection (h) of the Illinois Constitution. A home rule
15 municipality to which this Section applies must comply with
16 every provision of this Section.

17 (Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07;
18 95-520, eff. 8-28-07; revised 12-4-07.)

19 (65 ILCS 5/11-5-1.5)

20 Sec. 11-5-1.5. Adult entertainment facility. It is
21 prohibited within a municipality to locate an adult
22 entertainment facility within 1,000 feet of the property
23 boundaries of any school, day care center, cemetery, public
24 park, forest preserve, public housing, and place of religious

1 worship, except that in a county with a population of more than
2 800,000 and less than 2,000,000 inhabitants, it is prohibited
3 to locate, construct, or operate a new adult entertainment
4 facility within one mile of the property boundaries of any
5 school, day care center, cemetery, public park, forest
6 preserve, public housing, or place of religious worship located
7 anywhere within that county. Notwithstanding any other
8 requirements of this Section, it is also prohibited to locate,
9 construct, or operate a new adult entertainment facility within
10 one mile of the property boundaries of any school, day care
11 center, cemetery, public park, forest preserve, public
12 housing, or place of religious worship located in that area of
13 Cook County outside of the City of Chicago.

14 For the purposes of this Section, "adult entertainment
15 facility" means (i) a striptease club or pornographic movie
16 theatre whose business is the commercial sale, dissemination,
17 or distribution of sexually explicit material, shows, or other
18 exhibitions or (ii) an adult bookstore or adult video store in
19 which 25% or more of its stock-in-trade, books, magazines, and
20 films for sale, exhibition, or viewing on-premises are sexually
21 explicit material.

22 (Source: P.A. 95-47, eff. 1-1-08; 95-214, eff. 8-16-07; revised
23 11-8-07.)

24 (65 ILCS 5/11-42-11) (from Ch. 24, par. 11-42-11)

25 Sec. 11-42-11. Community antenna television systems;

1 satellite transmitted television programming.

2 (a) The corporate authorities of each municipality may
3 license, franchise and tax the business of operating a
4 community antenna television system as hereinafter defined. In
5 municipalities with less than 2,000,000 inhabitants, the
6 corporate authorities may, under the limited circumstances set
7 forth in this Section, own (or lease as lessee) and operate a
8 community antenna television system; provided that a
9 municipality may not acquire, construct, own, or operate a
10 community antenna television system for the use or benefit of
11 private consumers or users, and may not charge a fee for that
12 consumption or use, unless the proposition to acquire,
13 construct, own, or operate a cable antenna television system
14 has been submitted to and approved by the electors of the
15 municipality in accordance with subsection (f). Before
16 acquiring, constructing, or commencing operation of a
17 community antenna television system, the municipality shall
18 comply with the following:

19 (1) Give written notice to the owner or operator of any
20 other community antenna television system franchised to
21 serve all or any portion of the territorial area to be
22 served by the municipality's community antenna television
23 system, specifying the date, time, and place at which the
24 municipality shall conduct public hearings to consider and
25 determine whether the municipality should acquire,
26 construct, or commence operation of a community antenna

1 television system. The public hearings shall be conducted
2 at least 14 days after this notice is given.

3 (2) Publish a notice of the hearing in 2 or more
4 newspapers published in the county, city, village,
5 incorporated town, or town, as the case may be. If there is
6 no such newspaper, then notice shall be published in any 2
7 or more newspapers published in the county and having a
8 general circulation throughout the community. The public
9 hearings shall be conducted at least 14 days after this
10 notice is given.

11 (3) Conduct a public hearing to determine the means by
12 which construction, maintenance, and operation of the
13 system will be financed, including whether the use of tax
14 revenues or other fees will be required.

15 (b) The words "community antenna television system" shall
16 mean any facility which is constructed in whole or in part in,
17 on, under or over any highway or other public place and which
18 is operated to perform for hire the service of receiving and
19 amplifying the signals broadcast by one or more television
20 stations and redistributing such signals by wire, cable or
21 other means to members of the public who subscribe to such
22 service; except that such definition shall not include (i) any
23 system which serves fewer than fifty subscribers, or (ii) any
24 system which serves only the residents of one or more apartment
25 dwellings under common ownership, control or management, and
26 commercial establishments located on the premises of such

1 dwellings.

2 (c) The authority hereby granted does not include authority
3 to license, franchise or tax telephone companies subject to
4 jurisdiction of the Illinois Commerce Commission or the Federal
5 Communications Commission in connection with the furnishing of
6 circuits, wires, cables, and other facilities to the operator
7 of a community antenna television system.

8 (c-1) Each franchise entered into by a municipality and a
9 community antenna television system shall include the customer
10 service and privacy standards and protections contained in
11 Article XXII of the Public Utilities Act ~~the Cable and Video~~
12 ~~Customers Protection Law~~. A franchise may not contain different
13 penalties or consumer service and privacy standards and
14 protections. Each franchise entered into by a municipality and
15 a community antenna television system before June 30, 2007 (the
16 effective date of Public Act 95-9) ~~this amendatory Act of the~~
17 ~~95th General Assembly~~ shall be amended by this Section to
18 incorporate the penalty provisions and customer service and
19 privacy standards and protections contained in Article XXII of
20 the Public Utilities Act ~~the Cable and Video Customers~~
21 ~~Protection Law~~.

22 The corporate authorities of each municipality may, in the
23 course of franchising such community antenna television
24 system, grant to such franchisee the authority and the right
25 and permission to use all public streets, rights of way,
26 alleys, ways for public service facilities, parks,

1 playgrounds, school grounds, or other public grounds, in which
2 such municipality may have an interest, for the construction,
3 installation, operation, maintenance, alteration, addition,
4 extension or improvement of a community antenna television
5 system.

6 Any charge imposed by a community antenna television system
7 franchised pursuant to this Section for the raising or removal
8 of cables or lines to permit passage on, to or from a street
9 shall not exceed the reasonable costs of work reasonably
10 necessary to safely permit such passage. Pursuant to
11 subsections (h) and (i) of Section 6 of Article VII of the
12 Constitution of the State of Illinois, the General Assembly
13 declares the regulation of charges which may be imposed by
14 community antenna television systems for the raising or removal
15 of cables or lines to permit passage on, to or from streets is
16 a power or function to be exercised exclusively by the State
17 and not to be exercised or performed concurrently with the
18 State by any unit of local government, including any home rule
19 unit.

20 The municipality may, upon written request by the
21 franchisee of a community antenna television system, exercise
22 its right of eminent domain solely for the purpose of granting
23 an easement right no greater than 8 feet in width, extending no
24 greater than 8 feet from any lot line for the purpose of
25 extending cable across any parcel of property in the manner
26 provided by the law of eminent domain, provided, however, such

1 franchisee deposits with the municipality sufficient security
2 to pay all costs incurred by the municipality in the exercise
3 of its right of eminent domain.

4 (d) The General Assembly finds and declares that
5 satellite-transmitted television programming should be
6 available to those who desire to subscribe to such programming
7 and that decoding devices should be obtainable at reasonable
8 prices by those who are unable to obtain satellite-transmitted
9 television programming through duly franchised community
10 antenna television systems.

11 In any instance in which a person is unable to obtain
12 satellite-transmitted television programming through a duly
13 franchised community antenna television system either because
14 the municipality and county in which such person resides has
15 not granted a franchise to operate and maintain a community
16 antenna television system, or because the duly franchised
17 community antenna television system operator does not make
18 cable television services available to such person, any
19 programming company that delivers satellite-transmitted
20 television programming in scrambled or encrypted form shall
21 ensure that devices for description of such programming are
22 made available to such person, through the local community
23 antenna television operator or directly, for purchase or lease
24 at prices reasonably related to the cost of manufacture and
25 distribution of such devices.

26 (e) The General Assembly finds and declares that, in order

1 to ensure that community antenna television services are
2 provided in an orderly, competitive and economically sound
3 manner, the best interests of the public will be served by the
4 establishment of certain minimum standards and procedures for
5 the granting of additional cable television franchises.

6 Subject to the provisions of this subsection, the authority
7 granted under subsection (a) hereof shall include the authority
8 to license, franchise and tax more than one cable operator to
9 provide community antenna television services within the
10 corporate limits of a single franchising authority. For
11 purposes of this subsection (e), the term:

12 (i) "Existing cable television franchise" means a
13 community antenna television franchise granted by a
14 municipality which is in use at the time such municipality
15 receives an application or request by another cable
16 operator for a franchise to provide cable antenna
17 television services within all or any portion of the
18 territorial area which is or may be served under the
19 existing cable television franchise.

20 (ii) "Additional cable television franchise" means a
21 franchise pursuant to which community antenna television
22 services may be provided within the territorial areas, or
23 any portion thereof, which may be served under an existing
24 cable television franchise.

25 (iii) "Franchising Authority" is defined as that term
26 is defined under Section 602(9) of the Cable Communications

1 Policy Act of 1984, Public Law 98-549, but does not include
2 any municipality with a population of 1,000,000 or more.

3 (iv) "Cable operator" is defined as that term is
4 defined under Section 602(4) of the Cable Communications
5 Policy Act of 1984, Public Law 98-549.

6 Before granting an additional cable television franchise,
7 the franchising authority shall:

8 (1) Give written notice to the owner or operator of any
9 other community antenna television system franchised to
10 serve all or any portion of the territorial area to be
11 served by such additional cable television franchise,
12 identifying the applicant for such additional franchise
13 and specifying the date, time and place at which the
14 franchising authority shall conduct public hearings to
15 consider and determine whether such additional cable
16 television franchise should be granted.

17 (2) Conduct a public hearing to determine the public
18 need for such additional cable television franchise, the
19 capacity of public rights-of-way to accommodate such
20 additional community antenna television services, the
21 potential disruption to existing users of public
22 rights-of-way to be used by such additional franchise
23 applicant to complete construction and to provide cable
24 television services within the proposed franchise area,
25 the long term economic impact of such additional cable
26 television system within the community, and such other

1 factors as the franchising authority shall deem
2 appropriate.

3 (3) Determine, based upon the foregoing factors,
4 whether it is in the best interest of the municipality to
5 grant such additional cable television franchise.

6 (4) If the franchising authority shall determine that
7 it is in the best interest of the municipality to do so, it
8 may grant the additional cable television franchise.
9 Except as provided in paragraph (5) of this subsection (e),
10 no such additional cable television franchise shall be
11 granted under terms or conditions more favorable or less
12 burdensome to the applicant than those required under the
13 existing cable television franchise, including but not
14 limited to terms and conditions pertaining to the
15 territorial extent of the franchise, system design,
16 technical performance standards, construction schedules,
17 performance bonds, standards for construction and
18 installation of cable television facilities, service to
19 subscribers, public educational and governmental access
20 channels and programming, production assistance, liability
21 and indemnification, and franchise fees.

22 (5) Unless the existing cable television franchise
23 provides that any additional cable television franchise
24 shall be subject to the same terms or substantially
25 equivalent terms and conditions as those of the existing
26 cable television franchise, the franchising authority may

1 grant an additional cable television franchise under
2 different terms and conditions than those of the existing
3 franchise, in which event the franchising authority shall
4 enter into good faith negotiations with the existing
5 franchisee and shall, within 120 days after the effective
6 date of the additional cable television franchise, modify
7 the existing cable television franchise in a manner and to
8 the extent necessary to ensure that neither the existing
9 cable television franchise nor the additional cable
10 television franchise, each considered in its entirety,
11 provides a competitive advantage over the other, provided
12 that prior to modifying the existing cable television
13 franchise, the franchising authority shall have conducted
14 a public hearing to consider the proposed modification. No
15 modification in the terms and conditions of the existing
16 cable television franchise shall oblige the existing cable
17 television franchisee (1) to make any additional payment to
18 the franchising authority, including the payment of any
19 additional franchise fee, (2) to engage in any additional
20 construction of the existing cable television system or,
21 (3) to modify the specifications or design of the existing
22 cable television system; and the inclusion of the factors
23 identified in items (2) and (3) shall not be considered in
24 determining whether either franchise considered in its
25 entirety, has a competitive advantage over the other except
26 to the extent that the additional franchisee provides

1 additional video or data services or the equipment or
2 facilities necessary to generate and or carry such service.
3 No modification in the terms and conditions of the existing
4 cable television franchise shall be made if the existing
5 cable television franchisee elects to continue to operate
6 under all terms and conditions of the existing franchise.

7 If within the 120 day period the franchising authority
8 and the existing cable television franchisee are unable to
9 reach agreement on modifications to the existing cable
10 television franchise, then the franchising authority shall
11 modify the existing cable television franchise, effective
12 45 days thereafter, in a manner, and only to the extent,
13 that the terms and conditions of the existing cable
14 television franchise shall no longer impose any duty or
15 obligation on the existing franchisee which is not also
16 imposed under the additional cable television franchise;
17 however, if by the modification the existing cable
18 television franchisee is relieved of duties or obligations
19 not imposed under the additional cable television
20 franchise, then within the same 45 days and following a
21 public hearing concerning modification of the additional
22 cable television franchise within that 45 day period, the
23 franchising authority shall modify the additional cable
24 television franchise to the extent necessary to insure that
25 neither the existing cable television franchise nor the
26 additional cable television franchise, each considered in

1 its entirety, shall have a competitive advantage over the
2 other.

3 No municipality shall be subject to suit for damages based
4 upon the municipality's determination to grant or its refusal
5 to grant an additional cable television franchise, provided
6 that a public hearing as herein provided has been held and the
7 franchising authority has determined that it is in the best
8 interest of the municipality to grant or refuse to grant such
9 additional franchise, as the case may be.

10 It is declared to be the law of this State, pursuant to
11 paragraphs (h) and (i) of Section 6 of Article VII of the
12 Illinois Constitution, that the establishment of minimum
13 standards and procedures for the granting of additional cable
14 television franchises by municipalities with a population less
15 than 1,000,000 as provided in this subsection (e) is an
16 exclusive State power and function that may not be exercised
17 concurrently by a home rule unit.

18 (f) No municipality may acquire, construct, own, or operate
19 a community antenna television system unless the corporate
20 authorities adopt an ordinance. The ordinance must set forth
21 the action proposed; describe the plant, equipment, and
22 property to be acquired or constructed; and specifically
23 describe the manner in which the construction, acquisition, and
24 operation of the system will be financed.

25 The ordinance may not take effect until the question of
26 acquiring, construction, owning, or operating a community

1 antenna television system has been submitted to the electors of
2 the municipality at a regular election and approved by a
3 majority of the electors voting on the question. The corporate
4 authorities must certify the question to the proper election
5 authority, which must submit the question at an election in
6 accordance with the Election Code.

7 The question must be submitted in substantially the
8 following form:

9 Shall the ordinance authorizing the municipality to
10 (insert action authorized by ordinance) take effect?

11 The votes must be recorded as "Yes" or "No".

12 If a majority of electors voting on the question vote in
13 the affirmative, the ordinance shall take effect.

14 Not more than 30 or less than 15 days before the date of
15 the referendum, the municipal clerk must publish the ordinance
16 at least once in one or more newspapers published in the
17 municipality or, if no newspaper is published in the
18 municipality, in one or more newspapers of general circulation
19 within the municipality.

20 (Source: P.A. 95-9, eff. 6-30-07; revised 7-9-07.)

21 (65 ILCS 5/11-42-11.2)

22 Sec. 11-42-11.2. Cable and video competition.

23 (a) A person or entity seeking to provide cable service or
24 video service in this State after June 30, 2007 (the effective
25 date of Public Act 95-9) ~~this amendatory Act of the 95th~~

1 ~~General Assembly~~ shall either (1) obtain a State-issued
2 authorization pursuant to Section 21-401 ~~Section 401~~ of the
3 Public Utilities Act ~~Cable and Video Competition Law of 2007;~~
4 (2) obtain authorization pursuant to Section 11-42-11 of the
5 Illinois Municipal Code; or (3) obtain authorization pursuant
6 to Section 5-1095 of the Counties Code. All providers offering
7 or providing cable or video service in this State shall have
8 authorization pursuant to either (i) the Cable and Video
9 Competition Law of 2007; (ii) Section 11-42-11 of the Illinois
10 Municipal Code; or (iii) Section 5-1095 of the Counties Code.

11 (b) A person or entity seeking to provide cable service or
12 video service in this State after June 30, 2007 (the effective
13 date of Public Act 95-9) ~~this amendatory Act of the 95th~~
14 ~~General Assembly~~ shall not use the public rights-of-way for the
15 installation or construction of facilities for the provision of
16 cable service or video service or offer cable service or video
17 service until it has (i) obtained a State-issued authorization
18 to offer or provide cable or video service under Section 21-401
19 ~~Section 401~~ of the Public Utilities Act ~~Cable and Video~~
20 ~~Competition Law of 2007;~~ (ii) obtained authorization under
21 Section 11-42-11 of the Illinois Municipal Code; or (iii) ~~or~~
22 obtained authorization under Section 5-1095 of the Counties
23 Code. Nothing in this Section shall prohibit a local unit of
24 government from granting a permit to a person or entity for the
25 use of the public rights-of-way to install or construct
26 facilities to provide cable service or video service, at its

1 sole discretion. No unit of local government shall be liable
2 for denial or delay of a permit prior to the issuance of a
3 State-issued authorization.

4 (c) For the purposes of subsection (e) of Section 11-42-11
5 of this Code ~~Section 11-42-11(e)~~, a State-issued authorization
6 under Article XXI of the Public Utilities Act shall be
7 considered substantially equivalent in terms and conditions as
8 an existing cable provider.

9 (d) Nothing in Article XXI of the Public Utilities Act
10 shall constitute a basis for modification of an existing cable
11 franchise or an injunction against or for the recovery of
12 damages from a municipality pursuant to Section 11-42-11
13 because of an application for or the issuance of a State-issued
14 authorization under that Article XXI.

15 (Source: P.A. 95-9, eff. 6-30-07; revised 11-20-07.)

16 (65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

17 Sec. 11-74.4-3. Definitions. The following terms, wherever
18 used or referred to in this Division 74.4 shall have the
19 following respective meanings, unless in any case a different
20 meaning clearly appears from the context.

21 (a) For any redevelopment project area that has been
22 designated pursuant to this Section by an ordinance adopted
23 prior to November 1, 1999 (the effective date of Public Act
24 91-478), "blighted area" shall have the meaning set forth in
25 this Section prior to that date.

1 On and after November 1, 1999, "blighted area" means any
2 improved or vacant area within the boundaries of a
3 redevelopment project area located within the territorial
4 limits of the municipality where:

5 (1) If improved, industrial, commercial, and
6 residential buildings or improvements are detrimental to
7 the public safety, health, or welfare because of a
8 combination of 5 or more of the following factors, each of
9 which is (i) present, with that presence documented, to a
10 meaningful extent so that a municipality may reasonably
11 find that the factor is clearly present within the intent
12 of the Act and (ii) reasonably distributed throughout the
13 improved part of the redevelopment project area:

14 (A) Dilapidation. An advanced state of disrepair
15 or neglect of necessary repairs to the primary
16 structural components of buildings or improvements in
17 such a combination that a documented building
18 condition analysis determines that major repair is
19 required or the defects are so serious and so extensive
20 that the buildings must be removed.

21 (B) Obsolescence. The condition or process of
22 falling into disuse. Structures have become ill-suited
23 for the original use.

24 (C) Deterioration. With respect to buildings,
25 defects including, but not limited to, major defects in
26 the secondary building components such as doors,

1 windows, porches, gutters and downspouts, and fascia.
2 With respect to surface improvements, that the
3 condition of roadways, alleys, curbs, gutters,
4 sidewalks, off-street parking, and surface storage
5 areas evidence deterioration, including, but not
6 limited to, surface cracking, crumbling, potholes,
7 depressions, loose paving material, and weeds
8 protruding through paved surfaces.

9 (D) Presence of structures below minimum code
10 standards. All structures that do not meet the
11 standards of zoning, subdivision, building, fire, and
12 other governmental codes applicable to property, but
13 not including housing and property maintenance codes.

14 (E) Illegal use of individual structures. The use
15 of structures in violation of applicable federal,
16 State, or local laws, exclusive of those applicable to
17 the presence of structures below minimum code
18 standards.

19 (F) Excessive vacancies. The presence of buildings
20 that are unoccupied or under-utilized and that
21 represent an adverse influence on the area because of
22 the frequency, extent, or duration of the vacancies.

23 (G) Lack of ventilation, light, or sanitary
24 facilities. The absence of adequate ventilation for
25 light or air circulation in spaces or rooms without
26 windows, or that require the removal of dust, odor,

1 gas, smoke, or other noxious airborne materials.
2 Inadequate natural light and ventilation means the
3 absence of skylights or windows for interior spaces or
4 rooms and improper window sizes and amounts by room
5 area to window area ratios. Inadequate sanitary
6 facilities refers to the absence or inadequacy of
7 garbage storage and enclosure, bathroom facilities,
8 hot water and kitchens, and structural inadequacies
9 preventing ingress and egress to and from all rooms and
10 units within a building.

11 (H) Inadequate utilities. Underground and overhead
12 utilities such as storm sewers and storm drainage,
13 sanitary sewers, water lines, and gas, telephone, and
14 electrical services that are shown to be inadequate.
15 Inadequate utilities are those that are: (i) of
16 insufficient capacity to serve the uses in the
17 redevelopment project area, (ii) deteriorated,
18 antiquated, obsolete, or in disrepair, or (iii)
19 lacking within the redevelopment project area.

20 (I) Excessive land coverage and overcrowding of
21 structures and community facilities. The
22 over-intensive use of property and the crowding of
23 buildings and accessory facilities onto a site.
24 Examples of problem conditions warranting the
25 designation of an area as one exhibiting excessive land
26 coverage are: (i) the presence of buildings either

1 improperly situated on parcels or located on parcels of
2 inadequate size and shape in relation to present-day
3 standards of development for health and safety and (ii)
4 the presence of multiple buildings on a single parcel.
5 For there to be a finding of excessive land coverage,
6 these parcels must exhibit one or more of the following
7 conditions: insufficient provision for light and air
8 within or around buildings, increased threat of spread
9 of fire due to the close proximity of buildings, lack
10 of adequate or proper access to a public right-of-way,
11 lack of reasonably required off-street parking, or
12 inadequate provision for loading and service.

13 (J) Deleterious land use or layout. The existence
14 of incompatible land-use relationships, buildings
15 occupied by inappropriate mixed-uses, or uses
16 considered to be noxious, offensive, or unsuitable for
17 the surrounding area.

18 (K) Environmental clean-up. The proposed
19 redevelopment project area has incurred Illinois
20 Environmental Protection Agency or United States
21 Environmental Protection Agency remediation costs for,
22 or a study conducted by an independent consultant
23 recognized as having expertise in environmental
24 remediation has determined a need for, the clean-up of
25 hazardous waste, hazardous substances, or underground
26 storage tanks required by State or federal law,

1 provided that the remediation costs constitute a
2 material impediment to the development or
3 redevelopment of the redevelopment project area.

4 (L) Lack of community planning. The proposed
5 redevelopment project area was developed prior to or
6 without the benefit or guidance of a community plan.
7 This means that the development occurred prior to the
8 adoption by the municipality of a comprehensive or
9 other community plan or that the plan was not followed
10 at the time of the area's development. This factor must
11 be documented by evidence of adverse or incompatible
12 land-use relationships, inadequate street layout,
13 improper subdivision, parcels of inadequate shape and
14 size to meet contemporary development standards, or
15 other evidence demonstrating an absence of effective
16 community planning.

17 (M) The total equalized assessed value of the
18 proposed redevelopment project area has declined for 3
19 of the last 5 calendar years prior to the year in which
20 the redevelopment project area is designated or is
21 increasing at an annual rate that is less than the
22 balance of the municipality for 3 of the last 5
23 calendar years for which information is available or is
24 increasing at an annual rate that is less than the
25 Consumer Price Index for All Urban Consumers published
26 by the United States Department of Labor or successor

1 agency for 3 of the last 5 calendar years prior to the
2 year in which the redevelopment project area is
3 designated.

4 (2) If vacant, the sound growth of the redevelopment
5 project area is impaired by a combination of 2 or more of
6 the following factors, each of which is (i) present, with
7 that presence documented, to a meaningful extent so that a
8 municipality may reasonably find that the factor is clearly
9 present within the intent of the Act and (ii) reasonably
10 distributed throughout the vacant part of the
11 redevelopment project area to which it pertains:

12 (A) Obsolete platting of vacant land that results
13 in parcels of limited or narrow size or configurations
14 of parcels of irregular size or shape that would be
15 difficult to develop on a planned basis and in a manner
16 compatible with contemporary standards and
17 requirements, or platting that failed to create
18 rights-of-ways for streets or alleys or that created
19 inadequate right-of-way widths for streets, alleys, or
20 other public rights-of-way or that omitted easements
21 for public utilities.

22 (B) Diversity of ownership of parcels of vacant
23 land sufficient in number to retard or impede the
24 ability to assemble the land for development.

25 (C) Tax and special assessment delinquencies exist
26 or the property has been the subject of tax sales under

1 the Property Tax Code within the last 5 years.

2 (D) Deterioration of structures or site
3 improvements in neighboring areas adjacent to the
4 vacant land.

5 (E) The area has incurred Illinois Environmental
6 Protection Agency or United States Environmental
7 Protection Agency remediation costs for, or a study
8 conducted by an independent consultant recognized as
9 having expertise in environmental remediation has
10 determined a need for, the clean-up of hazardous waste,
11 hazardous substances, or underground storage tanks
12 required by State or federal law, provided that the
13 remediation costs constitute a material impediment to
14 the development or redevelopment of the redevelopment
15 project area.

16 (F) The total equalized assessed value of the
17 proposed redevelopment project area has declined for 3
18 of the last 5 calendar years prior to the year in which
19 the redevelopment project area is designated or is
20 increasing at an annual rate that is less than the
21 balance of the municipality for 3 of the last 5
22 calendar years for which information is available or is
23 increasing at an annual rate that is less than the
24 Consumer Price Index for All Urban Consumers published
25 by the United States Department of Labor or successor
26 agency for 3 of the last 5 calendar years prior to the

1 year in which the redevelopment project area is
2 designated.

3 (3) If vacant, the sound growth of the redevelopment
4 project area is impaired by one of the following factors
5 that (i) is present, with that presence documented, to a
6 meaningful extent so that a municipality may reasonably
7 find that the factor is clearly present within the intent
8 of the Act and (ii) is reasonably distributed throughout
9 the vacant part of the redevelopment project area to which
10 it pertains:

11 (A) The area consists of one or more unused
12 quarries, mines, or strip mine ponds.

13 (B) The area consists of unused rail yards, rail
14 tracks, or railroad rights-of-way.

15 (C) The area, prior to its designation, is subject
16 to (i) chronic flooding that adversely impacts on real
17 property in the area as certified by a registered
18 professional engineer or appropriate regulatory agency
19 or (ii) surface water that discharges from all or a
20 part of the area and contributes to flooding within the
21 same watershed, but only if the redevelopment project
22 provides for facilities or improvements to contribute
23 to the alleviation of all or part of the flooding.

24 (D) The area consists of an unused or illegal
25 disposal site containing earth, stone, building
26 debris, or similar materials that were removed from

1 construction, demolition, excavation, or dredge sites.

2 (E) Prior to November 1, 1999, the area is not less
3 than 50 nor more than 100 acres and 75% of which is
4 vacant (notwithstanding that the area has been used for
5 commercial agricultural purposes within 5 years prior
6 to the designation of the redevelopment project area),
7 and the area meets at least one of the factors itemized
8 in paragraph (1) of this subsection, the area has been
9 designated as a town or village center by ordinance or
10 comprehensive plan adopted prior to January 1, 1982,
11 and the area has not been developed for that designated
12 purpose.

13 (F) The area qualified as a blighted improved area
14 immediately prior to becoming vacant, unless there has
15 been substantial private investment in the immediately
16 surrounding area.

17 (b) For any redevelopment project area that has been
18 designated pursuant to this Section by an ordinance adopted
19 prior to November 1, 1999 (the effective date of Public Act
20 91-478), "conservation area" shall have the meaning set forth
21 in this Section prior to that date.

22 On and after November 1, 1999, "conservation area" means
23 any improved area within the boundaries of a redevelopment
24 project area located within the territorial limits of the
25 municipality in which 50% or more of the structures in the area
26 have an age of 35 years or more. Such an area is not yet a

1 blighted area but because of a combination of 3 or more of the
2 following factors is detrimental to the public safety, health,
3 morals or welfare and such an area may become a blighted area:

4 (1) Dilapidation. An advanced state of disrepair or
5 neglect of necessary repairs to the primary structural
6 components of buildings or improvements in such a
7 combination that a documented building condition analysis
8 determines that major repair is required or the defects are
9 so serious and so extensive that the buildings must be
10 removed.

11 (2) Obsolescence. The condition or process of falling
12 into disuse. Structures have become ill-suited for the
13 original use.

14 (3) Deterioration. With respect to buildings, defects
15 including, but not limited to, major defects in the
16 secondary building components such as doors, windows,
17 porches, gutters and downspouts, and fascia. With respect
18 to surface improvements, that the condition of roadways,
19 alleys, curbs, gutters, sidewalks, off-street parking, and
20 surface storage areas evidence deterioration, including,
21 but not limited to, surface cracking, crumbling, potholes,
22 depressions, loose paving material, and weeds protruding
23 through paved surfaces.

24 (4) Presence of structures below minimum code
25 standards. All structures that do not meet the standards of
26 zoning, subdivision, building, fire, and other

1 governmental codes applicable to property, but not
2 including housing and property maintenance codes.

3 (5) Illegal use of individual structures. The use of
4 structures in violation of applicable federal, State, or
5 local laws, exclusive of those applicable to the presence
6 of structures below minimum code standards.

7 (6) Excessive vacancies. The presence of buildings
8 that are unoccupied or under-utilized and that represent an
9 adverse influence on the area because of the frequency,
10 extent, or duration of the vacancies.

11 (7) Lack of ventilation, light, or sanitary
12 facilities. The absence of adequate ventilation for light
13 or air circulation in spaces or rooms without windows, or
14 that require the removal of dust, odor, gas, smoke, or
15 other noxious airborne materials. Inadequate natural light
16 and ventilation means the absence or inadequacy of
17 skylights or windows for interior spaces or rooms and
18 improper window sizes and amounts by room area to window
19 area ratios. Inadequate sanitary facilities refers to the
20 absence or inadequacy of garbage storage and enclosure,
21 bathroom facilities, hot water and kitchens, and
22 structural inadequacies preventing ingress and egress to
23 and from all rooms and units within a building.

24 (8) Inadequate utilities. Underground and overhead
25 utilities such as storm sewers and storm drainage, sanitary
26 sewers, water lines, and gas, telephone, and electrical

1 services that are shown to be inadequate. Inadequate
2 utilities are those that are: (i) of insufficient capacity
3 to serve the uses in the redevelopment project area, (ii)
4 deteriorated, antiquated, obsolete, or in disrepair, or
5 (iii) lacking within the redevelopment project area.

6 (9) Excessive land coverage and overcrowding of
7 structures and community facilities. The over-intensive
8 use of property and the crowding of buildings and accessory
9 facilities onto a site. Examples of problem conditions
10 warranting the designation of an area as one exhibiting
11 excessive land coverage are: the presence of buildings
12 either improperly situated on parcels or located on parcels
13 of inadequate size and shape in relation to present-day
14 standards of development for health and safety and the
15 presence of multiple buildings on a single parcel. For
16 there to be a finding of excessive land coverage, these
17 parcels must exhibit one or more of the following
18 conditions: insufficient provision for light and air
19 within or around buildings, increased threat of spread of
20 fire due to the close proximity of buildings, lack of
21 adequate or proper access to a public right-of-way, lack of
22 reasonably required off-street parking, or inadequate
23 provision for loading and service.

24 (10) Deleterious land use or layout. The existence of
25 incompatible land-use relationships, buildings occupied by
26 inappropriate mixed-uses, or uses considered to be

1 noxious, offensive, or unsuitable for the surrounding
2 area.

3 (11) Lack of community planning. The proposed
4 redevelopment project area was developed prior to or
5 without the benefit or guidance of a community plan. This
6 means that the development occurred prior to the adoption
7 by the municipality of a comprehensive or other community
8 plan or that the plan was not followed at the time of the
9 area's development. This factor must be documented by
10 evidence of adverse or incompatible land-use
11 relationships, inadequate street layout, improper
12 subdivision, parcels of inadequate shape and size to meet
13 contemporary development standards, or other evidence
14 demonstrating an absence of effective community planning.

15 (12) The area has incurred Illinois Environmental
16 Protection Agency or United States Environmental
17 Protection Agency remediation costs for, or a study
18 conducted by an independent consultant recognized as
19 having expertise in environmental remediation has
20 determined a need for, the clean-up of hazardous waste,
21 hazardous substances, or underground storage tanks
22 required by State or federal law, provided that the
23 remediation costs constitute a material impediment to the
24 development or redevelopment of the redevelopment project
25 area.

26 (13) The total equalized assessed value of the proposed

1 redevelopment project area has declined for 3 of the last 5
2 calendar years for which information is available or is
3 increasing at an annual rate that is less than the balance
4 of the municipality for 3 of the last 5 calendar years for
5 which information is available or is increasing at an
6 annual rate that is less than the Consumer Price Index for
7 All Urban Consumers published by the United States
8 Department of Labor or successor agency for 3 of the last 5
9 calendar years for which information is available.

10 (c) "Industrial park" means an area in a blighted or
11 conservation area suitable for use by any manufacturing,
12 industrial, research or transportation enterprise, of
13 facilities to include but not be limited to factories, mills,
14 processing plants, assembly plants, packing plants,
15 fabricating plants, industrial distribution centers,
16 warehouses, repair overhaul or service facilities, freight
17 terminals, research facilities, test facilities or railroad
18 facilities.

19 (d) "Industrial park conservation area" means an area
20 within the boundaries of a redevelopment project area located
21 within the territorial limits of a municipality that is a labor
22 surplus municipality or within 1 1/2 miles of the territorial
23 limits of a municipality that is a labor surplus municipality
24 if the area is annexed to the municipality; which area is zoned
25 as industrial no later than at the time the municipality by
26 ordinance designates the redevelopment project area, and which

1 area includes both vacant land suitable for use as an
2 industrial park and a blighted area or conservation area
3 contiguous to such vacant land.

4 (e) "Labor surplus municipality" means a municipality in
5 which, at any time during the 6 months before the municipality
6 by ordinance designates an industrial park conservation area,
7 the unemployment rate was over 6% and was also 100% or more of
8 the national average unemployment rate for that same time as
9 published in the United States Department of Labor Bureau of
10 Labor Statistics publication entitled "The Employment
11 Situation" or its successor publication. For the purpose of
12 this subsection, if unemployment rate statistics for the
13 municipality are not available, the unemployment rate in the
14 municipality shall be deemed to be the same as the unemployment
15 rate in the principal county in which the municipality is
16 located.

17 (f) "Municipality" shall mean a city, village,
18 incorporated town, or a township that is located in the
19 unincorporated portion of a county with 3 million or more
20 inhabitants, if the county adopted an ordinance that approved
21 the township's redevelopment plan.

22 (g) "Initial Sales Tax Amounts" means the amount of taxes
23 paid under the Retailers' Occupation Tax Act, Use Tax Act,
24 Service Use Tax Act, the Service Occupation Tax Act, the
25 Municipal Retailers' Occupation Tax Act, and the Municipal
26 Service Occupation Tax Act by retailers and servicemen on

1 transactions at places located in a State Sales Tax Boundary
2 during the calendar year 1985.

3 (g-1) "Revised Initial Sales Tax Amounts" means the amount
4 of taxes paid under the Retailers' Occupation Tax Act, Use Tax
5 Act, Service Use Tax Act, the Service Occupation Tax Act, the
6 Municipal Retailers' Occupation Tax Act, and the Municipal
7 Service Occupation Tax Act by retailers and servicemen on
8 transactions at places located within the State Sales Tax
9 Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

10 (h) "Municipal Sales Tax Increment" means an amount equal
11 to the increase in the aggregate amount of taxes paid to a
12 municipality from the Local Government Tax Fund arising from
13 sales by retailers and servicemen within the redevelopment
14 project area or State Sales Tax Boundary, as the case may be,
15 for as long as the redevelopment project area or State Sales
16 Tax Boundary, as the case may be, exist over and above the
17 aggregate amount of taxes as certified by the Illinois
18 Department of Revenue and paid under the Municipal Retailers'
19 Occupation Tax Act and the Municipal Service Occupation Tax Act
20 by retailers and servicemen, on transactions at places of
21 business located in the redevelopment project area or State
22 Sales Tax Boundary, as the case may be, during the base year
23 which shall be the calendar year immediately prior to the year
24 in which the municipality adopted tax increment allocation
25 financing. For purposes of computing the aggregate amount of
26 such taxes for base years occurring prior to 1985, the

1 Department of Revenue shall determine the Initial Sales Tax
2 Amounts for such taxes and deduct therefrom an amount equal to
3 4% of the aggregate amount of taxes per year for each year the
4 base year is prior to 1985, but not to exceed a total deduction
5 of 12%. The amount so determined shall be known as the
6 "Adjusted Initial Sales Tax Amounts". For purposes of
7 determining the Municipal Sales Tax Increment, the Department
8 of Revenue shall for each period subtract from the amount paid
9 to the municipality from the Local Government Tax Fund arising
10 from sales by retailers and servicemen on transactions located
11 in the redevelopment project area or the State Sales Tax
12 Boundary, as the case may be, the certified Initial Sales Tax
13 Amounts, the Adjusted Initial Sales Tax Amounts or the Revised
14 Initial Sales Tax Amounts for the Municipal Retailers'
15 Occupation Tax Act and the Municipal Service Occupation Tax
16 Act. For the State Fiscal Year 1989, this calculation shall be
17 made by utilizing the calendar year 1987 to determine the tax
18 amounts received. For the State Fiscal Year 1990, this
19 calculation shall be made by utilizing the period from January
20 1, 1988, until September 30, 1988, to determine the tax amounts
21 received from retailers and servicemen pursuant to the
22 Municipal Retailers' Occupation Tax and the Municipal Service
23 Occupation Tax Act, which shall have deducted therefrom
24 nine-twelfths of the certified Initial Sales Tax Amounts, the
25 Adjusted Initial Sales Tax Amounts or the Revised Initial Sales
26 Tax Amounts as appropriate. For the State Fiscal Year 1991,

1 this calculation shall be made by utilizing the period from
2 October 1, 1988, to June 30, 1989, to determine the tax amounts
3 received from retailers and servicemen pursuant to the
4 Municipal Retailers' Occupation Tax and the Municipal Service
5 Occupation Tax Act which shall have deducted therefrom
6 nine-twelfths of the certified Initial Sales Tax Amounts,
7 Adjusted Initial Sales Tax Amounts or the Revised Initial Sales
8 Tax Amounts as appropriate. For every State Fiscal Year
9 thereafter, the applicable period shall be the 12 months
10 beginning July 1 and ending June 30 to determine the tax
11 amounts received which shall have deducted therefrom the
12 certified Initial Sales Tax Amounts, the Adjusted Initial Sales
13 Tax Amounts or the Revised Initial Sales Tax Amounts, as the
14 case may be.

15 (i) "Net State Sales Tax Increment" means the sum of the
16 following: (a) 80% of the first \$100,000 of State Sales Tax
17 Increment annually generated within a State Sales Tax Boundary;
18 (b) 60% of the amount in excess of \$100,000 but not exceeding
19 \$500,000 of State Sales Tax Increment annually generated within
20 a State Sales Tax Boundary; and (c) 40% of all amounts in
21 excess of \$500,000 of State Sales Tax Increment annually
22 generated within a State Sales Tax Boundary. If, however, a
23 municipality established a tax increment financing district in
24 a county with a population in excess of 3,000,000 before
25 January 1, 1986, and the municipality entered into a contract
26 or issued bonds after January 1, 1986, but before December 31,

1 1986, to finance redevelopment project costs within a State
2 Sales Tax Boundary, then the Net State Sales Tax Increment
3 means, for the fiscal years beginning July 1, 1990, and July 1,
4 1991, 100% of the State Sales Tax Increment annually generated
5 within a State Sales Tax Boundary; and notwithstanding any
6 other provision of this Act, for those fiscal years the
7 Department of Revenue shall distribute to those municipalities
8 100% of their Net State Sales Tax Increment before any
9 distribution to any other municipality and regardless of
10 whether or not those other municipalities will receive 100% of
11 their Net State Sales Tax Increment. For Fiscal Year 1999, and
12 every year thereafter until the year 2007, for any municipality
13 that has not entered into a contract or has not issued bonds
14 prior to June 1, 1988 to finance redevelopment project costs
15 within a State Sales Tax Boundary, the Net State Sales Tax
16 Increment shall be calculated as follows: By multiplying the
17 Net State Sales Tax Increment by 90% in the State Fiscal Year
18 1999; 80% in the State Fiscal Year 2000; 70% in the State
19 Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the
20 State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30%
21 in the State Fiscal Year 2005; 20% in the State Fiscal Year
22 2006; and 10% in the State Fiscal Year 2007. No payment shall
23 be made for State Fiscal Year 2008 and thereafter.

24 Municipalities that issued bonds in connection with a
25 redevelopment project in a redevelopment project area within
26 the State Sales Tax Boundary prior to July 29, 1991, or that

1 entered into contracts in connection with a redevelopment
2 project in a redevelopment project area before June 1, 1988,
3 shall continue to receive their proportional share of the
4 Illinois Tax Increment Fund distribution until the date on
5 which the redevelopment project is completed or terminated. If,
6 however, a municipality that issued bonds in connection with a
7 redevelopment project in a redevelopment project area within
8 the State Sales Tax Boundary prior to July 29, 1991 retires the
9 bonds prior to June 30, 2007 or a municipality that entered
10 into contracts in connection with a redevelopment project in a
11 redevelopment project area before June 1, 1988 completes the
12 contracts prior to June 30, 2007, then so long as the
13 redevelopment project is not completed or is not terminated,
14 the Net State Sales Tax Increment shall be calculated,
15 beginning on the date on which the bonds are retired or the
16 contracts are completed, as follows: By multiplying the Net
17 State Sales Tax Increment by 60% in the State Fiscal Year 2002;
18 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year
19 2004; 30% in the State Fiscal Year 2005; 20% in the State
20 Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No
21 payment shall be made for State Fiscal Year 2008 and
22 thereafter. Refunding of any bonds issued prior to July 29,
23 1991, shall not alter the Net State Sales Tax Increment.

24 (j) "State Utility Tax Increment Amount" means an amount
25 equal to the aggregate increase in State electric and gas tax
26 charges imposed on owners and tenants, other than residential

1 customers, of properties located within the redevelopment
2 project area under Section 9-222 of the Public Utilities Act,
3 over and above the aggregate of such charges as certified by
4 the Department of Revenue and paid by owners and tenants, other
5 than residential customers, of properties within the
6 redevelopment project area during the base year, which shall be
7 the calendar year immediately prior to the year of the adoption
8 of the ordinance authorizing tax increment allocation
9 financing.

10 (k) "Net State Utility Tax Increment" means the sum of the
11 following: (a) 80% of the first \$100,000 of State Utility Tax
12 Increment annually generated by a redevelopment project area;
13 (b) 60% of the amount in excess of \$100,000 but not exceeding
14 \$500,000 of the State Utility Tax Increment annually generated
15 by a redevelopment project area; and (c) 40% of all amounts in
16 excess of \$500,000 of State Utility Tax Increment annually
17 generated by a redevelopment project area. For the State Fiscal
18 Year 1999, and every year thereafter until the year 2007, for
19 any municipality that has not entered into a contract or has
20 not issued bonds prior to June 1, 1988 to finance redevelopment
21 project costs within a redevelopment project area, the Net
22 State Utility Tax Increment shall be calculated as follows: By
23 multiplying the Net State Utility Tax Increment by 90% in the
24 State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70%
25 in the State Fiscal Year 2001; 60% in the State Fiscal Year
26 2002; 50% in the State Fiscal Year 2003; 40% in the State

1 Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the
2 State Fiscal Year 2006; and 10% in the State Fiscal Year 2007.
3 No payment shall be made for the State Fiscal Year 2008 and
4 thereafter.

5 Municipalities that issue bonds in connection with the
6 redevelopment project during the period from June 1, 1988 until
7 3 years after the effective date of this Amendatory Act of 1988
8 shall receive the Net State Utility Tax Increment, subject to
9 appropriation, for 15 State Fiscal Years after the issuance of
10 such bonds. For the 16th through the 20th State Fiscal Years
11 after issuance of the bonds, the Net State Utility Tax
12 Increment shall be calculated as follows: By multiplying the
13 Net State Utility Tax Increment by 90% in year 16; 80% in year
14 17; 70% in year 18; 60% in year 19; and 50% in year 20.
15 Refunding of any bonds issued prior to June 1, 1988, shall not
16 alter the revised Net State Utility Tax Increment payments set
17 forth above.

18 (l) "Obligations" mean bonds, loans, debentures, notes,
19 special certificates or other evidence of indebtedness issued
20 by the municipality to carry out a redevelopment project or to
21 refund outstanding obligations.

22 (m) "Payment in lieu of taxes" means those estimated tax
23 revenues from real property in a redevelopment project area
24 derived from real property that has been acquired by a
25 municipality which according to the redevelopment project or
26 plan is to be used for a private use which taxing districts

1 would have received had a municipality not acquired the real
2 property and adopted tax increment allocation financing and
3 which would result from levies made after the time of the
4 adoption of tax increment allocation financing to the time the
5 current equalized value of real property in the redevelopment
6 project area exceeds the total initial equalized value of real
7 property in said area.

8 (n) "Redevelopment plan" means the comprehensive program
9 of the municipality for development or redevelopment intended
10 by the payment of redevelopment project costs to reduce or
11 eliminate those conditions the existence of which qualified the
12 redevelopment project area as a "blighted area" or
13 "conservation area" or combination thereof or "industrial park
14 conservation area," and thereby to enhance the tax bases of the
15 taxing districts which extend into the redevelopment project
16 area. On and after November 1, 1999 (the effective date of
17 Public Act 91-478), no redevelopment plan may be approved or
18 amended that includes the development of vacant land (i) with a
19 golf course and related clubhouse and other facilities or (ii)
20 designated by federal, State, county, or municipal government
21 as public land for outdoor recreational activities or for
22 nature preserves and used for that purpose within 5 years prior
23 to the adoption of the redevelopment plan. For the purpose of
24 this subsection, "recreational activities" is limited to mean
25 camping and hunting. Each redevelopment plan shall set forth in
26 writing the program to be undertaken to accomplish the

1 objectives and shall include but not be limited to:

2 (A) an itemized list of estimated redevelopment
3 project costs;

4 (B) evidence indicating that the redevelopment project
5 area on the whole has not been subject to growth and
6 development through investment by private enterprise;

7 (C) an assessment of any financial impact of the
8 redevelopment project area on or any increased demand for
9 services from any taxing district affected by the plan and
10 any program to address such financial impact or increased
11 demand;

12 (D) the sources of funds to pay costs;

13 (E) the nature and term of the obligations to be
14 issued;

15 (F) the most recent equalized assessed valuation of the
16 redevelopment project area;

17 (G) an estimate as to the equalized assessed valuation
18 after redevelopment and the general land uses to apply in
19 the redevelopment project area;

20 (H) a commitment to fair employment practices and an
21 affirmative action plan;

22 (I) if it concerns an industrial park conservation
23 area, the plan shall also include a general description of
24 any proposed developer, user and tenant of any property, a
25 description of the type, structure and general character of
26 the facilities to be developed, a description of the type,

1 class and number of new employees to be employed in the
2 operation of the facilities to be developed; and

3 (J) if property is to be annexed to the municipality,
4 the plan shall include the terms of the annexation
5 agreement.

6 The provisions of items (B) and (C) of this subsection (n)
7 shall not apply to a municipality that before March 14, 1994
8 (the effective date of Public Act 88-537) had fixed, either by
9 its corporate authorities or by a commission designated under
10 subsection (k) of Section 11-74.4-4, a time and place for a
11 public hearing as required by subsection (a) of Section
12 11-74.4-5. No redevelopment plan shall be adopted unless a
13 municipality complies with all of the following requirements:

14 (1) The municipality finds that the redevelopment
15 project area on the whole has not been subject to growth
16 and development through investment by private enterprise
17 and would not reasonably be anticipated to be developed
18 without the adoption of the redevelopment plan.

19 (2) The municipality finds that the redevelopment plan
20 and project conform to the comprehensive plan for the
21 development of the municipality as a whole, or, for
22 municipalities with a population of 100,000 or more,
23 regardless of when the redevelopment plan and project was
24 adopted, the redevelopment plan and project either: (i)
25 conforms to the strategic economic development or
26 redevelopment plan issued by the designated planning

1 authority of the municipality, or (ii) includes land uses
2 that have been approved by the planning commission of the
3 municipality.

4 (3) The redevelopment plan establishes the estimated
5 dates of completion of the redevelopment project and
6 retirement of obligations issued to finance redevelopment
7 project costs. Those dates: shall not be later than
8 December 31 of the year in which the payment to the
9 municipal treasurer as provided in subsection (b) of
10 Section 11-74.4-8 of this Act is to be made with respect to
11 ad valorem taxes levied in the twenty-third calendar year
12 after the year in which the ordinance approving the
13 redevelopment project area is adopted if the ordinance was
14 adopted on or after January 15, 1981; shall not be later
15 than December 31 of the year in which the payment to the
16 municipal treasurer as provided in subsection (b) of
17 Section 11-74.4-8 of this Act is to be made with respect to
18 ad valorem taxes levied in the thirty-third calendar year
19 after the year in which the ordinance approving the
20 redevelopment project area if the ordinance was adopted on
21 May 20, 1985 by the Village of Wheeling; and shall not be
22 later than December 31 of the year in which the payment to
23 the municipal treasurer as provided in subsection (b) of
24 Section 11-74.4-8 of this Act is to be made with respect to
25 ad valorem taxes levied in the thirty-fifth calendar year
26 after the year in which the ordinance approving the

1 redevelopment project area is adopted:

2 (A) if the ordinance was adopted before January 15,
3 1981, or

4 (B) if the ordinance was adopted in December 1983,
5 April 1984, July 1985, or December 1989, or

6 (C) if the ordinance was adopted in December 1987
7 and the redevelopment project is located within one
8 mile of Midway Airport, or

9 (D) if the ordinance was adopted before January 1,
10 1987 by a municipality in Mason County, or

11 (E) if the municipality is subject to the Local
12 Government Financial Planning and Supervision Act or
13 the Financially Distressed City Law, or

14 (F) if the ordinance was adopted in December 1984
15 by the Village of Rosemont, or

16 (G) if the ordinance was adopted on December 31,
17 1986 by a municipality located in Clinton County for
18 which at least \$250,000 of tax increment bonds were
19 authorized on June 17, 1997, or if the ordinance was
20 adopted on December 31, 1986 by a municipality with a
21 population in 1990 of less than 3,600 that is located
22 in a county with a population in 1990 of less than
23 34,000 and for which at least \$250,000 of tax increment
24 bonds were authorized on June 17, 1997, or

25 (H) if the ordinance was adopted on October 5, 1982
26 by the City of Kankakee, or if the ordinance was

- 1 adopted on December 29, 1986 by East St. Louis, or
- 2 (I) if the ordinance was adopted on November 12,
- 3 1991 by the Village of Sauget, or
- 4 (J) if the ordinance was adopted on February 11,
- 5 1985 by the City of Rock Island, or
- 6 (K) if the ordinance was adopted before December
- 7 18, 1986 by the City of Moline, or
- 8 (L) if the ordinance was adopted in September 1988
- 9 by Sauk Village, or
- 10 (M) if the ordinance was adopted in October 1993 by
- 11 Sauk Village, or
- 12 (N) if the ordinance was adopted on December 29,
- 13 1986 by the City of Galva, or
- 14 (O) if the ordinance was adopted in March 1991 by
- 15 the City of Centreville, or
- 16 (P) if the ordinance was adopted on January 23,
- 17 1991 by the City of East St. Louis, or
- 18 (Q) if the ordinance was adopted on December 22,
- 19 1986 by the City of Aledo, or
- 20 (R) if the ordinance was adopted on February 5,
- 21 1990 by the City of Clinton, or
- 22 (S) if the ordinance was adopted on September 6,
- 23 1994 by the City of Freeport, or
- 24 (T) if the ordinance was adopted on December 22,
- 25 1986 by the City of Tuscola, or
- 26 (U) if the ordinance was adopted on December 23,

1 1986 by the City of Sparta, or

2 (V) if the ordinance was adopted on December 23,
3 1986 by the City of Beardstown, or

4 (W) if the ordinance was adopted on April 27, 1981,
5 October 21, 1985, or December 30, 1986 by the City of
6 Belleville, or

7 (X) if the ordinance was adopted on December 29,
8 1986 by the City of Collinsville, or

9 (Y) if the ordinance was adopted on September 14,
10 1994 by the City of Alton, or

11 (Z) if the ordinance was adopted on November 11,
12 1996 by the City of Lexington, or

13 (AA) if the ordinance was adopted on November 5,
14 1984 by the City of LeRoy, or

15 (BB) if the ordinance was adopted on April 3, 1991
16 or June 3, 1992 by the City of Markham, or

17 (CC) if the ordinance was adopted on November 11,
18 1986 by the City of Pekin, or

19 (DD) if the ordinance was adopted on December 15,
20 1981 by the City of Champaign, or

21 (EE) if the ordinance was adopted on December 15,
22 1986 by the City of Urbana, or

23 (FF) if the ordinance was adopted on December 15,
24 1986 by the Village of Heyworth, or

25 (GG) if the ordinance was adopted on February 24,
26 1992 by the Village of Heyworth, or

1 (HH) if the ordinance was adopted on March 16, 1995
2 by the Village of Heyworth, or

3 (II) if the ordinance was adopted on December 23,
4 1986 by the Town of Cicero, or

5 (JJ) if the ordinance was adopted on December 30,
6 1986 by the City of Effingham, or

7 (KK) if the ordinance was adopted on May 9, 1991 by
8 the Village of Tilton, or

9 (LL) if the ordinance was adopted on October 20,
10 1986 by the City of Elmhurst, or

11 (MM) if the ordinance was adopted on January 19,
12 1988 by the City of Waukegan, or

13 (NN) if the ordinance was adopted on September 21,
14 1998 by the City of Waukegan, or

15 (OO) if the ordinance was adopted on December 31,
16 1986 by the City of Sullivan, or

17 (PP) if the ordinance was adopted on December 23,
18 1991 by the City of Sullivan, or

19 (QQ) if the ordinance was adopted on December 31,
20 1986 by the City of Oglesby, or

21 (RR) if the ordinance was adopted on July 28, 1987
22 by the City of Marion, or

23 (SS) if the ordinance was adopted on April 23, 1990
24 by the City of Marion, or

25 (TT) if the ordinance was adopted on August 20,
26 1985 by the Village of Mount Prospect, or

1 (UU) if the ordinance was adopted on February 2,
2 1998 by the Village of Woodhull, or

3 (VV) if the ordinance was adopted on April 20, 1993
4 by the Village of Princeville, or

5 (WW) if the ordinance was adopted on July 1, 1986
6 by the City of Granite City, or

7 (XX) if the ordinance was adopted on February 2,
8 1989 by the Village of Lombard, or

9 (YY) if the ordinance was adopted on December 29,
10 1986 by the Village of Gardner, or

11 (ZZ) if the ordinance was adopted on July 14, 1999
12 by the Village of Paw Paw, or

13 (AAA) if the ordinance was adopted on November 17,
14 1986 by the Village of Franklin Park, or

15 (BBB) if the ordinance was adopted on November 20,
16 1989 by the Village of South Holland, or

17 (CCC) if the ordinance was adopted on July 14, 1992
18 by the Village of Riverdale, or.

19 (DDD) ~~(CCC)~~ if the ordinance was adopted on
20 December 29, 1986 by the City of Galesburg, or

21 (EEE) ~~(DDD)~~ if the ordinance was adopted on April
22 1, 1985 by the City of Galesburg, or.

23 (FFF) ~~(CCC)~~ if the ordinance was adopted on May 21,
24 1990 by the City of West Chicago, or.

25 (GGG) ~~(CCC)~~ if the ordinance was adopted on
26 December 16, 1986 by the City of Oak Forest, or.

1 (HHH) ~~(AAA)~~ if the ordinance was adopted in 1999 by
2 the City of Villa Grove, or,

3 (III) ~~(CCC)~~ if the ordinance was adopted on January
4 13, 1987 by the Village of Mt. Zion, or,

5 (JJJ) ~~(CCC)~~ if the ordinance was adopted on
6 December 30, 1986 by the Village of Manteno, or

7 (KKK) ~~(DDD)~~ if the ordinance was adopted on April
8 3, 1989 by the City of Chicago Heights, or

9 (LLL) ~~(EEE)~~ if the ordinance was adopted on January
10 6, 1999 by the Village of Rosemont, or

11 (MMM) ~~(FFF)~~ if the ordinance was adopted on
12 December 19, 2000 by the Village of Stone Park.

13 However, for redevelopment project areas for which
14 bonds were issued before July 29, 1991, or for which
15 contracts were entered into before June 1, 1988, in
16 connection with a redevelopment project in the area within
17 the State Sales Tax Boundary, the estimated dates of
18 completion of the redevelopment project and retirement of
19 obligations to finance redevelopment project costs may be
20 extended by municipal ordinance to December 31, 2013. The
21 termination procedures of subsection (b) of Section
22 11-74.4-8 are not required for these redevelopment project
23 areas in 2009 but are required in 2013. The extension
24 allowed by this amendatory Act of 1993 shall not apply to
25 real property tax increment allocation financing under
26 Section 11-74.4-8.

1 A municipality may by municipal ordinance amend an
2 existing redevelopment plan to conform to this paragraph
3 (3) as amended by Public Act 91-478, which municipal
4 ordinance may be adopted without further hearing or notice
5 and without complying with the procedures provided in this
6 Act pertaining to an amendment to or the initial approval
7 of a redevelopment plan and project and designation of a
8 redevelopment project area.

9 Those dates, for purposes of real property tax
10 increment allocation financing pursuant to Section
11 11-74.4-8 only, shall be not more than 35 years for
12 redevelopment project areas that were adopted on or after
13 December 16, 1986 and for which at least \$8 million worth
14 of municipal bonds were authorized on or after December 19,
15 1989 but before January 1, 1990; provided that the
16 municipality elects to extend the life of the redevelopment
17 project area to 35 years by the adoption of an ordinance
18 after at least 14 but not more than 30 days' written notice
19 to the taxing bodies, that would otherwise constitute the
20 joint review board for the redevelopment project area,
21 before the adoption of the ordinance.

22 Those dates, for purposes of real property tax
23 increment allocation financing pursuant to Section
24 11-74.4-8 only, shall be not more than 35 years for
25 redevelopment project areas that were established on or
26 after December 1, 1981 but before January 1, 1982 and for

1 which at least \$1,500,000 worth of tax increment revenue
2 bonds were authorized on or after September 30, 1990 but
3 before July 1, 1991; provided that the municipality elects
4 to extend the life of the redevelopment project area to 35
5 years by the adoption of an ordinance after at least 14 but
6 not more than 30 days' written notice to the taxing bodies,
7 that would otherwise constitute the joint review board for
8 the redevelopment project area, before the adoption of the
9 ordinance.

10 (3.5) The municipality finds, in the case of an
11 industrial park conservation area, also that the
12 municipality is a labor surplus municipality and that the
13 implementation of the redevelopment plan will reduce
14 unemployment, create new jobs and by the provision of new
15 facilities enhance the tax base of the taxing districts
16 that extend into the redevelopment project area.

17 (4) If any incremental revenues are being utilized
18 under Section 8(a)(1) or 8(a)(2) of this Act in
19 redevelopment project areas approved by ordinance after
20 January 1, 1986, the municipality finds: (a) that the
21 redevelopment project area would not reasonably be
22 developed without the use of such incremental revenues, and
23 (b) that such incremental revenues will be exclusively
24 utilized for the development of the redevelopment project
25 area.

26 (5) If the redevelopment plan will not result in

1 displacement of residents from 10 or more inhabited
2 residential units, and the municipality certifies in the
3 plan that such displacement will not result from the plan,
4 a housing impact study need not be performed. If, however,
5 the redevelopment plan would result in the displacement of
6 residents from 10 or more inhabited residential units, or
7 if the redevelopment project area contains 75 or more
8 inhabited residential units and no certification is made,
9 then the municipality shall prepare, as part of the
10 separate feasibility report required by subsection (a) of
11 Section 11-74.4-5, a housing impact study.

12 Part I of the housing impact study shall include (i)
13 data as to whether the residential units are single family
14 or multi-family units, (ii) the number and type of rooms
15 within the units, if that information is available, (iii)
16 whether the units are inhabited or uninhabited, as
17 determined not less than 45 days before the date that the
18 ordinance or resolution required by subsection (a) of
19 Section 11-74.4-5 is passed, and (iv) data as to the racial
20 and ethnic composition of the residents in the inhabited
21 residential units. The data requirement as to the racial
22 and ethnic composition of the residents in the inhabited
23 residential units shall be deemed to be fully satisfied by
24 data from the most recent federal census.

25 Part II of the housing impact study shall identify the
26 inhabited residential units in the proposed redevelopment

1 project area that are to be or may be removed. If inhabited
2 residential units are to be removed, then the housing
3 impact study shall identify (i) the number and location of
4 those units that will or may be removed, (ii) the
5 municipality's plans for relocation assistance for those
6 residents in the proposed redevelopment project area whose
7 residences are to be removed, (iii) the availability of
8 replacement housing for those residents whose residences
9 are to be removed, and shall identify the type, location,
10 and cost of the housing, and (iv) the type and extent of
11 relocation assistance to be provided.

12 (6) On and after November 1, 1999, the housing impact
13 study required by paragraph (5) shall be incorporated in
14 the redevelopment plan for the redevelopment project area.

15 (7) On and after November 1, 1999, no redevelopment
16 plan shall be adopted, nor an existing plan amended, nor
17 shall residential housing that is occupied by households of
18 low-income and very low-income persons in currently
19 existing redevelopment project areas be removed after
20 November 1, 1999 unless the redevelopment plan provides,
21 with respect to inhabited housing units that are to be
22 removed for households of low-income and very low-income
23 persons, affordable housing and relocation assistance not
24 less than that which would be provided under the federal
25 Uniform Relocation Assistance and Real Property
26 Acquisition Policies Act of 1970 and the regulations under

1 that Act, including the eligibility criteria. Affordable
2 housing may be either existing or newly constructed
3 housing. For purposes of this paragraph (7), "low-income
4 households", "very low-income households", and "affordable
5 housing" have the meanings set forth in the Illinois
6 Affordable Housing Act. The municipality shall make a good
7 faith effort to ensure that this affordable housing is
8 located in or near the redevelopment project area within
9 the municipality.

10 (8) On and after November 1, 1999, if, after the
11 adoption of the redevelopment plan for the redevelopment
12 project area, any municipality desires to amend its
13 redevelopment plan to remove more inhabited residential
14 units than specified in its original redevelopment plan,
15 that change shall be made in accordance with the procedures
16 in subsection (c) of Section 11-74.4-5.

17 (9) For redevelopment project areas designated prior
18 to November 1, 1999, the redevelopment plan may be amended
19 without further joint review board meeting or hearing,
20 provided that the municipality shall give notice of any
21 such changes by mail to each affected taxing district and
22 registrant on the interested party registry, to authorize
23 the municipality to expend tax increment revenues for
24 redevelopment project costs defined by paragraphs (5) and
25 (7.5), subparagraphs (E) and (F) of paragraph (11), and
26 paragraph (11.5) of subsection (q) of Section 11-74.4-3, so

1 long as the changes do not increase the total estimated
2 redevelopment project costs set out in the redevelopment
3 plan by more than 5% after adjustment for inflation from
4 the date the plan was adopted.

5 (o) "Redevelopment project" means any public and private
6 development project in furtherance of the objectives of a
7 redevelopment plan. On and after November 1, 1999 (the
8 effective date of Public Act 91-478), no redevelopment plan may
9 be approved or amended that includes the development of vacant
10 land (i) with a golf course and related clubhouse and other
11 facilities or (ii) designated by federal, State, county, or
12 municipal government as public land for outdoor recreational
13 activities or for nature preserves and used for that purpose
14 within 5 years prior to the adoption of the redevelopment plan.
15 For the purpose of this subsection, "recreational activities"
16 is limited to mean camping and hunting.

17 (p) "Redevelopment project area" means an area designated
18 by the municipality, which is not less in the aggregate than 1
19 1/2 acres and in respect to which the municipality has made a
20 finding that there exist conditions which cause the area to be
21 classified as an industrial park conservation area or a
22 blighted area or a conservation area, or a combination of both
23 blighted areas and conservation areas.

24 (q) "Redevelopment project costs" mean and include the sum
25 total of all reasonable or necessary costs incurred or
26 estimated to be incurred, and any such costs incidental to a

1 redevelopment plan and a redevelopment project. Such costs
2 include, without limitation, the following:

3 (1) Costs of studies, surveys, development of plans,
4 and specifications, implementation and administration of
5 the redevelopment plan including but not limited to staff
6 and professional service costs for architectural,
7 engineering, legal, financial, planning or other services,
8 provided however that no charges for professional services
9 may be based on a percentage of the tax increment
10 collected; except that on and after November 1, 1999 (the
11 effective date of Public Act 91-478), no contracts for
12 professional services, excluding architectural and
13 engineering services, may be entered into if the terms of
14 the contract extend beyond a period of 3 years. In
15 addition, "redevelopment project costs" shall not include
16 lobbying expenses. After consultation with the
17 municipality, each tax increment consultant or advisor to a
18 municipality that plans to designate or has designated a
19 redevelopment project area shall inform the municipality
20 in writing of any contracts that the consultant or advisor
21 has entered into with entities or individuals that have
22 received, or are receiving, payments financed by tax
23 increment revenues produced by the redevelopment project
24 area with respect to which the consultant or advisor has
25 performed, or will be performing, service for the
26 municipality. This requirement shall be satisfied by the

1 consultant or advisor before the commencement of services
2 for the municipality and thereafter whenever any other
3 contracts with those individuals or entities are executed
4 by the consultant or advisor;

5 (1.5) After July 1, 1999, annual administrative costs
6 shall not include general overhead or administrative costs
7 of the municipality that would still have been incurred by
8 the municipality if the municipality had not designated a
9 redevelopment project area or approved a redevelopment
10 plan;

11 (1.6) The cost of marketing sites within the
12 redevelopment project area to prospective businesses,
13 developers, and investors;

14 (2) Property assembly costs, including but not limited
15 to acquisition of land and other property, real or
16 personal, or rights or interests therein, demolition of
17 buildings, site preparation, site improvements that serve
18 as an engineered barrier addressing ground level or below
19 ground environmental contamination, including, but not
20 limited to parking lots and other concrete or asphalt
21 barriers, and the clearing and grading of land;

22 (3) Costs of rehabilitation, reconstruction or repair
23 or remodeling of existing public or private buildings,
24 fixtures, and leasehold improvements; and the cost of
25 replacing an existing public building if pursuant to the
26 implementation of a redevelopment project the existing

1 public building is to be demolished to use the site for
2 private investment or devoted to a different use requiring
3 private investment;

4 (4) Costs of the construction of public works or
5 improvements, except that on and after November 1, 1999,
6 redevelopment project costs shall not include the cost of
7 constructing a new municipal public building principally
8 used to provide offices, storage space, or conference
9 facilities or vehicle storage, maintenance, or repair for
10 administrative, public safety, or public works personnel
11 and that is not intended to replace an existing public
12 building as provided under paragraph (3) of subsection (q)
13 of Section 11-74.4-3 unless either (i) the construction of
14 the new municipal building implements a redevelopment
15 project that was included in a redevelopment plan that was
16 adopted by the municipality prior to November 1, 1999 or
17 (ii) the municipality makes a reasonable determination in
18 the redevelopment plan, supported by information that
19 provides the basis for that determination, that the new
20 municipal building is required to meet an increase in the
21 need for public safety purposes anticipated to result from
22 the implementation of the redevelopment plan;

23 (5) Costs of job training and retraining projects,
24 including the cost of "welfare to work" programs
25 implemented by businesses located within the redevelopment
26 project area;

1 (6) Financing costs, including but not limited to all
2 necessary and incidental expenses related to the issuance
3 of obligations and which may include payment of interest on
4 any obligations issued hereunder including interest
5 accruing during the estimated period of construction of any
6 redevelopment project for which such obligations are
7 issued and for not exceeding 36 months thereafter and
8 including reasonable reserves related thereto;

9 (7) To the extent the municipality by written agreement
10 accepts and approves the same, all or a portion of a taxing
11 district's capital costs resulting from the redevelopment
12 project necessarily incurred or to be incurred within a
13 taxing district in furtherance of the objectives of the
14 redevelopment plan and project.

15 (7.5) For redevelopment project areas designated (or
16 redevelopment project areas amended to add or increase the
17 number of tax-increment-financing assisted housing units)
18 on or after November 1, 1999, an elementary, secondary, or
19 unit school district's increased costs attributable to
20 assisted housing units located within the redevelopment
21 project area for which the developer or redeveloper
22 receives financial assistance through an agreement with
23 the municipality or because the municipality incurs the
24 cost of necessary infrastructure improvements within the
25 boundaries of the assisted housing sites necessary for the
26 completion of that housing as authorized by this Act, and

1 which costs shall be paid by the municipality from the
2 Special Tax Allocation Fund when the tax increment revenue
3 is received as a result of the assisted housing units and
4 shall be calculated annually as follows:

5 (A) for foundation districts, excluding any school
6 district in a municipality with a population in excess
7 of 1,000,000, by multiplying the district's increase
8 in attendance resulting from the net increase in new
9 students enrolled in that school district who reside in
10 housing units within the redevelopment project area
11 that have received financial assistance through an
12 agreement with the municipality or because the
13 municipality incurs the cost of necessary
14 infrastructure improvements within the boundaries of
15 the housing sites necessary for the completion of that
16 housing as authorized by this Act since the designation
17 of the redevelopment project area by the most recently
18 available per capita tuition cost as defined in Section
19 10-20.12a of the School Code less any increase in
20 general State aid as defined in Section 18-8.05 of the
21 School Code attributable to these added new students
22 subject to the following annual limitations:

23 (i) for unit school districts with a district
24 average 1995-96 Per Capita Tuition Charge of less
25 than \$5,900, no more than 25% of the total amount
26 of property tax increment revenue produced by

1 those housing units that have received tax
2 increment finance assistance under this Act;

3 (ii) for elementary school districts with a
4 district average 1995-96 Per Capita Tuition Charge
5 of less than \$5,900, no more than 17% of the total
6 amount of property tax increment revenue produced
7 by those housing units that have received tax
8 increment finance assistance under this Act; and

9 (iii) for secondary school districts with a
10 district average 1995-96 Per Capita Tuition Charge
11 of less than \$5,900, no more than 8% of the total
12 amount of property tax increment revenue produced
13 by those housing units that have received tax
14 increment finance assistance under this Act.

15 (B) For alternate method districts, flat grant
16 districts, and foundation districts with a district
17 average 1995-96 Per Capita Tuition Charge equal to or
18 more than \$5,900, excluding any school district with a
19 population in excess of 1,000,000, by multiplying the
20 district's increase in attendance resulting from the
21 net increase in new students enrolled in that school
22 district who reside in housing units within the
23 redevelopment project area that have received
24 financial assistance through an agreement with the
25 municipality or because the municipality incurs the
26 cost of necessary infrastructure improvements within

1 the boundaries of the housing sites necessary for the
2 completion of that housing as authorized by this Act
3 since the designation of the redevelopment project
4 area by the most recently available per capita tuition
5 cost as defined in Section 10-20.12a of the School Code
6 less any increase in general state aid as defined in
7 Section 18-8.05 of the School Code attributable to
8 these added new students subject to the following
9 annual limitations:

10 (i) for unit school districts, no more than 40%
11 of the total amount of property tax increment
12 revenue produced by those housing units that have
13 received tax increment finance assistance under
14 this Act;

15 (ii) for elementary school districts, no more
16 than 27% of the total amount of property tax
17 increment revenue produced by those housing units
18 that have received tax increment finance
19 assistance under this Act; and

20 (iii) for secondary school districts, no more
21 than 13% of the total amount of property tax
22 increment revenue produced by those housing units
23 that have received tax increment finance
24 assistance under this Act.

25 (C) For any school district in a municipality with
26 a population in excess of 1,000,000, the following

1 restrictions shall apply to the reimbursement of
2 increased costs under this paragraph (7.5):

3 (i) no increased costs shall be reimbursed
4 unless the school district certifies that each of
5 the schools affected by the assisted housing
6 project is at or over its student capacity;

7 (ii) the amount reimbursable shall be reduced
8 by the value of any land donated to the school
9 district by the municipality or developer, and by
10 the value of any physical improvements made to the
11 schools by the municipality or developer; and

12 (iii) the amount reimbursed may not affect
13 amounts otherwise obligated by the terms of any
14 bonds, notes, or other funding instruments, or the
15 terms of any redevelopment agreement.

16 Any school district seeking payment under this
17 paragraph (7.5) shall, after July 1 and before
18 September 30 of each year, provide the municipality
19 with reasonable evidence to support its claim for
20 reimbursement before the municipality shall be
21 required to approve or make the payment to the school
22 district. If the school district fails to provide the
23 information during this period in any year, it shall
24 forfeit any claim to reimbursement for that year.
25 School districts may adopt a resolution waiving the
26 right to all or a portion of the reimbursement

1 otherwise required by this paragraph (7.5). By
2 acceptance of this reimbursement the school district
3 waives the right to directly or indirectly set aside,
4 modify, or contest in any manner the establishment of
5 the redevelopment project area or projects;

6 (7.7) For redevelopment project areas designated (or
7 redevelopment project areas amended to add or increase the
8 number of tax-increment-financing assisted housing units)
9 on or after January 1, 2005 (the effective date of Public
10 Act 93-961), a public library district's increased costs
11 attributable to assisted housing units located within the
12 redevelopment project area for which the developer or
13 redeveloper receives financial assistance through an
14 agreement with the municipality or because the
15 municipality incurs the cost of necessary infrastructure
16 improvements within the boundaries of the assisted housing
17 sites necessary for the completion of that housing as
18 authorized by this Act shall be paid to the library
19 district by the municipality from the Special Tax
20 Allocation Fund when the tax increment revenue is received
21 as a result of the assisted housing units. This paragraph
22 (7.7) applies only if (i) the library district is located
23 in a county that is subject to the Property Tax Extension
24 Limitation Law or (ii) the library district is not located
25 in a county that is subject to the Property Tax Extension
26 Limitation Law but the district is prohibited by any other

1 law from increasing its tax levy rate without a prior voter
2 referendum.

3 The amount paid to a library district under this
4 paragraph (7.7) shall be calculated by multiplying (i) the
5 net increase in the number of persons eligible to obtain a
6 library card in that district who reside in housing units
7 within the redevelopment project area that have received
8 financial assistance through an agreement with the
9 municipality or because the municipality incurs the cost of
10 necessary infrastructure improvements within the
11 boundaries of the housing sites necessary for the
12 completion of that housing as authorized by this Act since
13 the designation of the redevelopment project area by (ii)
14 the per-patron cost of providing library services so long
15 as it does not exceed \$120. The per-patron cost shall be
16 the Total Operating Expenditures Per Capita as stated in
17 the most recent Illinois Public Library Statistics
18 produced by the Library Research Center at the University
19 of Illinois. The municipality may deduct from the amount
20 that it must pay to a library district under this paragraph
21 any amount that it has voluntarily paid to the library
22 district from the tax increment revenue. The amount paid to
23 a library district under this paragraph (7.7) shall be no
24 more than 2% of the amount produced by the assisted housing
25 units and deposited into the Special Tax Allocation Fund.

26 A library district is not eligible for any payment

1 under this paragraph (7.7) unless the library district has
2 experienced an increase in the number of patrons from the
3 municipality that created the tax-increment-financing
4 district since the designation of the redevelopment
5 project area.

6 Any library district seeking payment under this
7 paragraph (7.7) shall, after July 1 and before September 30
8 of each year, provide the municipality with convincing
9 evidence to support its claim for reimbursement before the
10 municipality shall be required to approve or make the
11 payment to the library district. If the library district
12 fails to provide the information during this period in any
13 year, it shall forfeit any claim to reimbursement for that
14 year. Library districts may adopt a resolution waiving the
15 right to all or a portion of the reimbursement otherwise
16 required by this paragraph (7.7). By acceptance of such
17 reimbursement, the library district shall forfeit any
18 right to directly or indirectly set aside, modify, or
19 contest in any manner whatsoever the establishment of the
20 redevelopment project area or projects;

21 (8) Relocation costs to the extent that a municipality
22 determines that relocation costs shall be paid or is
23 required to make payment of relocation costs by federal or
24 State law or in order to satisfy subparagraph (7) of
25 subsection (n);

26 (9) Payment in lieu of taxes;

1 (10) Costs of job training, retraining, advanced
2 vocational education or career education, including but
3 not limited to courses in occupational, semi-technical or
4 technical fields leading directly to employment, incurred
5 by one or more taxing districts, provided that such costs
6 (i) are related to the establishment and maintenance of
7 additional job training, advanced vocational education or
8 career education programs for persons employed or to be
9 employed by employers located in a redevelopment project
10 area; and (ii) when incurred by a taxing district or taxing
11 districts other than the municipality, are set forth in a
12 written agreement by or among the municipality and the
13 taxing district or taxing districts, which agreement
14 describes the program to be undertaken, including but not
15 limited to the number of employees to be trained, a
16 description of the training and services to be provided,
17 the number and type of positions available or to be
18 available, itemized costs of the program and sources of
19 funds to pay for the same, and the term of the agreement.
20 Such costs include, specifically, the payment by community
21 college districts of costs pursuant to Sections 3-37, 3-38,
22 3-40 and 3-40.1 of the Public Community College Act and by
23 school districts of costs pursuant to Sections 10-22.20a
24 and 10-23.3a of The School Code;

25 (11) Interest cost incurred by a redeveloper related to
26 the construction, renovation or rehabilitation of a

1 redevelopment project provided that:

2 (A) such costs are to be paid directly from the
3 special tax allocation fund established pursuant to
4 this Act;

5 (B) such payments in any one year may not exceed
6 30% of the annual interest costs incurred by the
7 redeveloper with regard to the redevelopment project
8 during that year;

9 (C) if there are not sufficient funds available in
10 the special tax allocation fund to make the payment
11 pursuant to this paragraph (11) then the amounts so due
12 shall accrue and be payable when sufficient funds are
13 available in the special tax allocation fund;

14 (D) the total of such interest payments paid
15 pursuant to this Act may not exceed 30% of the total
16 (i) cost paid or incurred by the redeveloper for the
17 redevelopment project plus (ii) redevelopment project
18 costs excluding any property assembly costs and any
19 relocation costs incurred by a municipality pursuant
20 to this Act; and

21 (E) the cost limits set forth in subparagraphs (B)
22 and (D) of paragraph (11) shall be modified for the
23 financing of rehabilitated or new housing units for
24 low-income households and very low-income households,
25 as defined in Section 3 of the Illinois Affordable
26 Housing Act. The percentage of 75% shall be substituted

1 for 30% in subparagraphs (B) and (D) of paragraph (11).

2 (F) Instead of the eligible costs provided by
3 subparagraphs (B) and (D) of paragraph (11), as
4 modified by this subparagraph, and notwithstanding any
5 other provisions of this Act to the contrary, the
6 municipality may pay from tax increment revenues up to
7 50% of the cost of construction of new housing units to
8 be occupied by low-income households and very
9 low-income households as defined in Section 3 of the
10 Illinois Affordable Housing Act. The cost of
11 construction of those units may be derived from the
12 proceeds of bonds issued by the municipality under this
13 Act or other constitutional or statutory authority or
14 from other sources of municipal revenue that may be
15 reimbursed from tax increment revenues or the proceeds
16 of bonds issued to finance the construction of that
17 housing.

18 The eligible costs provided under this
19 subparagraph (F) of paragraph (11) shall be an eligible
20 cost for the construction, renovation, and
21 rehabilitation of all low and very low-income housing
22 units, as defined in Section 3 of the Illinois
23 Affordable Housing Act, within the redevelopment
24 project area. If the low and very low-income units are
25 part of a residential redevelopment project that
26 includes units not affordable to low and very

1 low-income households, only the low and very
2 low-income units shall be eligible for benefits under
3 subparagraph (F) of paragraph (11). The standards for
4 maintaining the occupancy by low-income households and
5 very low-income households, as defined in Section 3 of
6 the Illinois Affordable Housing Act, of those units
7 constructed with eligible costs made available under
8 the provisions of this subparagraph (F) of paragraph
9 (11) shall be established by guidelines adopted by the
10 municipality. The responsibility for annually
11 documenting the initial occupancy of the units by
12 low-income households and very low-income households,
13 as defined in Section 3 of the Illinois Affordable
14 Housing Act, shall be that of the then current owner of
15 the property. For ownership units, the guidelines will
16 provide, at a minimum, for a reasonable recapture of
17 funds, or other appropriate methods designed to
18 preserve the original affordability of the ownership
19 units. For rental units, the guidelines will provide,
20 at a minimum, for the affordability of rent to low and
21 very low-income households. As units become available,
22 they shall be rented to income-eligible tenants. The
23 municipality may modify these guidelines from time to
24 time; the guidelines, however, shall be in effect for
25 as long as tax increment revenue is being used to pay
26 for costs associated with the units or for the

1 retirement of bonds issued to finance the units or for
2 the life of the redevelopment project area, whichever
3 is later.

4 (11.5) If the redevelopment project area is located
5 within a municipality with a population of more than
6 100,000, the cost of day care services for children of
7 employees from low-income families working for businesses
8 located within the redevelopment project area and all or a
9 portion of the cost of operation of day care centers
10 established by redevelopment project area businesses to
11 serve employees from low-income families working in
12 businesses located in the redevelopment project area. For
13 the purposes of this paragraph, "low-income families"
14 means families whose annual income does not exceed 80% of
15 the municipal, county, or regional median income, adjusted
16 for family size, as the annual income and municipal,
17 county, or regional median income are determined from time
18 to time by the United States Department of Housing and
19 Urban Development.

20 (12) Unless explicitly stated herein the cost of
21 construction of new privately-owned buildings shall not be
22 an eligible redevelopment project cost.

23 (13) After November 1, 1999 (the effective date of
24 Public Act 91-478), none of the redevelopment project costs
25 enumerated in this subsection shall be eligible
26 redevelopment project costs if those costs would provide

1 direct financial support to a retail entity initiating
2 operations in the redevelopment project area while
3 terminating operations at another Illinois location within
4 10 miles of the redevelopment project area but outside the
5 boundaries of the redevelopment project area municipality.
6 For purposes of this paragraph, termination means a closing
7 of a retail operation that is directly related to the
8 opening of the same operation or like retail entity owned
9 or operated by more than 50% of the original ownership in a
10 redevelopment project area, but it does not mean closing an
11 operation for reasons beyond the control of the retail
12 entity, as documented by the retail entity, subject to a
13 reasonable finding by the municipality that the current
14 location contained inadequate space, had become
15 economically obsolete, or was no longer a viable location
16 for the retailer or serviceman.

17 If a special service area has been established pursuant to
18 the Special Service Area Tax Act or Special Service Area Tax
19 Law, then any tax increment revenues derived from the tax
20 imposed pursuant to the Special Service Area Tax Act or Special
21 Service Area Tax Law may be used within the redevelopment
22 project area for the purposes permitted by that Act or Law as
23 well as the purposes permitted by this Act.

24 (r) "State Sales Tax Boundary" means the redevelopment
25 project area or the amended redevelopment project area
26 boundaries which are determined pursuant to subsection (9) of

1 Section 11-74.4-8a of this Act. The Department of Revenue shall
2 certify pursuant to subsection (9) of Section 11-74.4-8a the
3 appropriate boundaries eligible for the determination of State
4 Sales Tax Increment.

5 (s) "State Sales Tax Increment" means an amount equal to
6 the increase in the aggregate amount of taxes paid by retailers
7 and servicemen, other than retailers and servicemen subject to
8 the Public Utilities Act, on transactions at places of business
9 located within a State Sales Tax Boundary pursuant to the
10 Retailers' Occupation Tax Act, the Use Tax Act, the Service Use
11 Tax Act, and the Service Occupation Tax Act, except such
12 portion of such increase that is paid into the State and Local
13 Sales Tax Reform Fund, the Local Government Distributive Fund,
14 the Local Government Tax Fund and the County and Mass Transit
15 District Fund, for as long as State participation exists, over
16 and above the Initial Sales Tax Amounts, Adjusted Initial Sales
17 Tax Amounts or the Revised Initial Sales Tax Amounts for such
18 taxes as certified by the Department of Revenue and paid under
19 those Acts by retailers and servicemen on transactions at
20 places of business located within the State Sales Tax Boundary
21 during the base year which shall be the calendar year
22 immediately prior to the year in which the municipality adopted
23 tax increment allocation financing, less 3.0% of such amounts
24 generated under the Retailers' Occupation Tax Act, Use Tax Act
25 and Service Use Tax Act and the Service Occupation Tax Act,
26 which sum shall be appropriated to the Department of Revenue to

1 cover its costs of administering and enforcing this Section.
2 For purposes of computing the aggregate amount of such taxes
3 for base years occurring prior to 1985, the Department of
4 Revenue shall compute the Initial Sales Tax Amount for such
5 taxes and deduct therefrom an amount equal to 4% of the
6 aggregate amount of taxes per year for each year the base year
7 is prior to 1985, but not to exceed a total deduction of 12%.
8 The amount so determined shall be known as the "Adjusted
9 Initial Sales Tax Amount". For purposes of determining the
10 State Sales Tax Increment the Department of Revenue shall for
11 each period subtract from the tax amounts received from
12 retailers and servicemen on transactions located in the State
13 Sales Tax Boundary, the certified Initial Sales Tax Amounts,
14 Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax
15 Amounts for the Retailers' Occupation Tax Act, the Use Tax Act,
16 the Service Use Tax Act and the Service Occupation Tax Act. For
17 the State Fiscal Year 1989 this calculation shall be made by
18 utilizing the calendar year 1987 to determine the tax amounts
19 received. For the State Fiscal Year 1990, this calculation
20 shall be made by utilizing the period from January 1, 1988,
21 until September 30, 1988, to determine the tax amounts received
22 from retailers and servicemen, which shall have deducted
23 therefrom nine-twelfths of the certified Initial Sales Tax
24 Amounts, Adjusted Initial Sales Tax Amounts or the Revised
25 Initial Sales Tax Amounts as appropriate. For the State Fiscal
26 Year 1991, this calculation shall be made by utilizing the

1 period from October 1, 1988, until June 30, 1989, to determine
2 the tax amounts received from retailers and servicemen, which
3 shall have deducted therefrom nine-twelfths of the certified
4 Initial State Sales Tax Amounts, Adjusted Initial Sales Tax
5 Amounts or the Revised Initial Sales Tax Amounts as
6 appropriate. For every State Fiscal Year thereafter, the
7 applicable period shall be the 12 months beginning July 1 and
8 ending on June 30, to determine the tax amounts received which
9 shall have deducted therefrom the certified Initial Sales Tax
10 Amounts, Adjusted Initial Sales Tax Amounts or the Revised
11 Initial Sales Tax Amounts. Municipalities intending to receive
12 a distribution of State Sales Tax Increment must report a list
13 of retailers to the Department of Revenue by October 31, 1988
14 and by July 31, of each year thereafter.

15 (t) "Taxing districts" means counties, townships, cities
16 and incorporated towns and villages, school, road, park,
17 sanitary, mosquito abatement, forest preserve, public health,
18 fire protection, river conservancy, tuberculosis sanitarium
19 and any other municipal corporations or districts with the
20 power to levy taxes.

21 (u) "Taxing districts' capital costs" means those costs of
22 taxing districts for capital improvements that are found by the
23 municipal corporate authorities to be necessary and directly
24 result from the redevelopment project.

25 (v) As used in subsection (a) of Section 11-74.4-3 of this
26 Act, "vacant land" means any parcel or combination of parcels

1 of real property without industrial, commercial, and
2 residential buildings which has not been used for commercial
3 agricultural purposes within 5 years prior to the designation
4 of the redevelopment project area, unless the parcel is
5 included in an industrial park conservation area or the parcel
6 has been subdivided; provided that if the parcel was part of a
7 larger tract that has been divided into 3 or more smaller
8 tracts that were accepted for recording during the period from
9 1950 to 1990, then the parcel shall be deemed to have been
10 subdivided, and all proceedings and actions of the municipality
11 taken in that connection with respect to any previously
12 approved or designated redevelopment project area or amended
13 redevelopment project area are hereby validated and hereby
14 declared to be legally sufficient for all purposes of this Act.
15 For purposes of this Section and only for land subject to the
16 subdivision requirements of the Plat Act, land is subdivided
17 when the original plat of the proposed Redevelopment Project
18 Area or relevant portion thereof has been properly certified,
19 acknowledged, approved, and recorded or filed in accordance
20 with the Plat Act and a preliminary plat, if any, for any
21 subsequent phases of the proposed Redevelopment Project Area or
22 relevant portion thereof has been properly approved and filed
23 in accordance with the applicable ordinance of the
24 municipality.

25 (w) "Annual Total Increment" means the sum of each
26 municipality's annual Net Sales Tax Increment and each

1 municipality's annual Net Utility Tax Increment. The ratio of
2 the Annual Total Increment of each municipality to the Annual
3 Total Increment for all municipalities, as most recently
4 calculated by the Department, shall determine the proportional
5 shares of the Illinois Tax Increment Fund to be distributed to
6 each municipality.

7 (Source: P.A. 94-260, eff. 7-19-05; 94-268, eff. 7-19-05;
8 94-297, eff. 7-21-05; 94-302, eff. 7-21-05; 94-702, eff.
9 6-1-06; 94-704, eff. 12-5-05; 94-711, eff. 6-1-06; 94-778, eff.
10 5-19-06; 94-782, eff. 5-19-06; 94-783, eff. 5-19-06; 94-810,
11 eff. 5-26-06; 94-903, eff. 6-22-06; 94-1091, eff. 1-26-07;
12 94-1092, eff. 1-26-07; 95-15, eff. 7-16-07; 95-164, eff.
13 1-1-08; 95-331, eff. 8-21-07; 95-346, eff. 8-21-07; 95-459,
14 eff. 8-27-07; 95-653, eff. 1-1-08; 95-662, eff. 10-11-07;
15 95-683, eff. 10-19-07; revised 12-4-07.)

16 (65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

17 Sec. 11-74.4-7. Obligations secured by the special tax
18 allocation fund set forth in Section 11-74.4-8 for the
19 redevelopment project area may be issued to provide for
20 redevelopment project costs. Such obligations, when so issued,
21 shall be retired in the manner provided in the ordinance
22 authorizing the issuance of such obligations by the receipts of
23 taxes levied as specified in Section 11-74.4-9 against the
24 taxable property included in the area, by revenues as specified
25 by Section 11-74.4-8a and other revenue designated by the

1 municipality. A municipality may in the ordinance pledge all or
2 any part of the funds in and to be deposited in the special tax
3 allocation fund created pursuant to Section 11-74.4-8 to the
4 payment of the redevelopment project costs and obligations. Any
5 pledge of funds in the special tax allocation fund shall
6 provide for distribution to the taxing districts and to the
7 Illinois Department of Revenue of moneys not required, pledged,
8 earmarked, or otherwise designated for payment and securing of
9 the obligations and anticipated redevelopment project costs
10 and such excess funds shall be calculated annually and deemed
11 to be "surplus" funds. In the event a municipality only applies
12 or pledges a portion of the funds in the special tax allocation
13 fund for the payment or securing of anticipated redevelopment
14 project costs or of obligations, any such funds remaining in
15 the special tax allocation fund after complying with the
16 requirements of the application or pledge, shall also be
17 calculated annually and deemed "surplus" funds. All surplus
18 funds in the special tax allocation fund shall be distributed
19 annually within 180 days after the close of the municipality's
20 fiscal year by being paid by the municipal treasurer to the
21 County Collector, to the Department of Revenue and to the
22 municipality in direct proportion to the tax incremental
23 revenue received as a result of an increase in the equalized
24 assessed value of property in the redevelopment project area,
25 tax incremental revenue received from the State and tax
26 incremental revenue received from the municipality, but not to

1 exceed as to each such source the total incremental revenue
2 received from that source. The County Collector shall
3 thereafter make distribution to the respective taxing
4 districts in the same manner and proportion as the most recent
5 distribution by the county collector to the affected districts
6 of real property taxes from real property in the redevelopment
7 project area.

8 Without limiting the foregoing in this Section, the
9 municipality may in addition to obligations secured by the
10 special tax allocation fund pledge for a period not greater
11 than the term of the obligations towards payment of such
12 obligations any part or any combination of the following: (a)
13 net revenues of all or part of any redevelopment project; (b)
14 taxes levied and collected on any or all property in the
15 municipality; (c) the full faith and credit of the
16 municipality; (d) a mortgage on part or all of the
17 redevelopment project; or (e) any other taxes or anticipated
18 receipts that the municipality may lawfully pledge.

19 Such obligations may be issued in one or more series
20 bearing interest at such rate or rates as the corporate
21 authorities of the municipality shall determine by ordinance.
22 Such obligations shall bear such date or dates, mature at such
23 time or times not exceeding 20 years from their respective
24 dates, be in such denomination, carry such registration
25 privileges, be executed in such manner, be payable in such
26 medium of payment at such place or places, contain such

1 covenants, terms and conditions, and be subject to redemption
2 as such ordinance shall provide. Obligations issued pursuant to
3 this Act may be sold at public or private sale at such price as
4 shall be determined by the corporate authorities of the
5 municipalities. No referendum approval of the electors shall be
6 required as a condition to the issuance of obligations pursuant
7 to this Division except as provided in this Section.

8 In the event the municipality authorizes issuance of
9 obligations pursuant to the authority of this Division secured
10 by the full faith and credit of the municipality, which
11 obligations are other than obligations which may be issued
12 under home rule powers provided by Article VII, Section 6 of
13 the Illinois Constitution, or pledges taxes pursuant to (b) or
14 (c) of the second paragraph of this section, the ordinance
15 authorizing the issuance of such obligations or pledging such
16 taxes shall be published within 10 days after such ordinance
17 has been passed in one or more newspapers, with general
18 circulation within such municipality. The publication of the
19 ordinance shall be accompanied by a notice of (1) the specific
20 number of voters required to sign a petition requesting the
21 question of the issuance of such obligations or pledging taxes
22 to be submitted to the electors; (2) the time in which such
23 petition must be filed; and (3) the date of the prospective
24 referendum. The municipal clerk shall provide a petition form
25 to any individual requesting one.

26 If no petition is filed with the municipal clerk, as

1 hereinafter provided in this Section, within 30 days after the
2 publication of the ordinance, the ordinance shall be in effect.
3 But, if within that 30 day period a petition is filed with the
4 municipal clerk, signed by electors in the municipality
5 numbering 10% or more of the number of registered voters in the
6 municipality, asking that the question of issuing obligations
7 using full faith and credit of the municipality as security for
8 the cost of paying for redevelopment project costs, or of
9 pledging taxes for the payment of such obligations, or both, be
10 submitted to the electors of the municipality, the corporate
11 authorities of the municipality shall call a special election
12 in the manner provided by law to vote upon that question, or,
13 if a general, State or municipal election is to be held within
14 a period of not less than 30 or more than 90 days from the date
15 such petition is filed, shall submit the question at the next
16 general, State or municipal election. If it appears upon the
17 canvass of the election by the corporate authorities that a
18 majority of electors voting upon the question voted in favor
19 thereof, the ordinance shall be in effect, but if a majority of
20 the electors voting upon the question are not in favor thereof,
21 the ordinance shall not take effect.

22 The ordinance authorizing the obligations may provide that
23 the obligations shall contain a recital that they are issued
24 pursuant to this Division, which recital shall be conclusive
25 evidence of their validity and of the regularity of their
26 issuance.

1 In the event the municipality authorizes issuance of
2 obligations pursuant to this Section secured by the full faith
3 and credit of the municipality, the ordinance authorizing the
4 obligations may provide for the levy and collection of a direct
5 annual tax upon all taxable property within the municipality
6 sufficient to pay the principal thereof and interest thereon as
7 it matures, which levy may be in addition to and exclusive of
8 the maximum of all other taxes authorized to be levied by the
9 municipality, which levy, however, shall be abated to the
10 extent that monies from other sources are available for payment
11 of the obligations and the municipality certifies the amount of
12 said monies available to the county clerk.

13 A certified copy of such ordinance shall be filed with the
14 county clerk of each county in which any portion of the
15 municipality is situated, and shall constitute the authority
16 for the extension and collection of the taxes to be deposited
17 in the special tax allocation fund.

18 A municipality may also issue its obligations to refund in
19 whole or in part, obligations theretofore issued by such
20 municipality under the authority of this Act, whether at or
21 prior to maturity, provided however, that the last maturity of
22 the refunding obligations shall not be expressed to mature
23 later than December 31 of the year in which the payment to the
24 municipal treasurer as provided in subsection (b) of Section
25 11-74.4-8 of this Act is to be made with respect to ad valorem
26 taxes levied in the twenty-third calendar year after the year

1 in which the ordinance approving the redevelopment project area
2 is adopted if the ordinance was adopted on or after January 15,
3 1981, not later than December 31 of the year in which the
4 payment to the municipal treasurer as provided in subsection
5 (b) of Section 11-74.4-8 of this Act is to be made with respect
6 to ad valorem taxes levied in the thirty-third calendar year
7 after the year in which the ordinance approving the
8 redevelopment project area if the ordinance was adopted on May
9 20, 1985 by the Village of Wheeling, and not later than
10 December 31 of the year in which the payment to the municipal
11 treasurer as provided in subsection (b) of Section 11-74.4-8 of
12 this Act is to be made with respect to ad valorem taxes levied
13 in the thirty-fifth calendar year after the year in which the
14 ordinance approving the redevelopment project area is adopted
15 (A) if the ordinance was adopted before January 15, 1981, or
16 (B) if the ordinance was adopted in December 1983, April 1984,
17 July 1985, or December 1989, or (C) if the ordinance was
18 adopted in December, 1987 and the redevelopment project is
19 located within one mile of Midway Airport, or (D) if the
20 ordinance was adopted before January 1, 1987 by a municipality
21 in Mason County, or (E) if the municipality is subject to the
22 Local Government Financial Planning and Supervision Act or the
23 Financially Distressed City Law, or (F) if the ordinance was
24 adopted in December 1984 by the Village of Rosemont, or (G) if
25 the ordinance was adopted on December 31, 1986 by a
26 municipality located in Clinton County for which at least

1 \$250,000 of tax increment bonds were authorized on June 17,
2 1997, or if the ordinance was adopted on December 31, 1986 by a
3 municipality with a population in 1990 of less than 3,600 that
4 is located in a county with a population in 1990 of less than
5 34,000 and for which at least \$250,000 of tax increment bonds
6 were authorized on June 17, 1997, or (H) if the ordinance was
7 adopted on October 5, 1982 by the City of Kankakee, or (I) if
8 the ordinance was adopted on December 29, 1986 by East St.
9 Louis, or if the ordinance was adopted on November 12, 1991 by
10 the Village of Sauget, or (J) if the ordinance was adopted on
11 February 11, 1985 by the City of Rock Island, or (K) if the
12 ordinance was adopted before December 18, 1986 by the City of
13 Moline, or (L) if the ordinance was adopted in September 1988
14 by Sauk Village, or (M) if the ordinance was adopted in October
15 1993 by Sauk Village, or (N) if the ordinance was adopted on
16 December 29, 1986 by the City of Galva, or (O) if the ordinance
17 was adopted in March 1991 by the City of Centreville, or (P) if
18 the ordinance was adopted on January 23, 1991 by the City of
19 East St. Louis, or (Q) if the ordinance was adopted on December
20 22, 1986 by the City of Aledo, or (R) if the ordinance was
21 adopted on February 5, 1990 by the City of Clinton, or (S) if
22 the ordinance was adopted on September 6, 1994 by the City of
23 Freeport, or (T) if the ordinance was adopted on December 22,
24 1986 by the City of Tuscola, or (U) if the ordinance was
25 adopted on December 23, 1986 by the City of Sparta, or (V) if
26 the ordinance was adopted on December 23, 1986 by the City of

1 Beardstown, or (W) if the ordinance was adopted on April 27,
2 1981, October 21, 1985, or December 30, 1986 by the City of
3 Belleville, or (X) if the ordinance was adopted on December 29,
4 1986 by the City of Collinsville, or (Y) if the ordinance was
5 adopted on September 14, 1994 by the City of Alton, or (Z) if
6 the ordinance was adopted on November 11, 1996 by the City of
7 Lexington, or (AA) if the ordinance was adopted on November 5,
8 1984 by the City of LeRoy, or (BB) if the ordinance was adopted
9 on April 3, 1991 or June 3, 1992 by the City of Markham, or (CC)
10 if the ordinance was adopted on November 11, 1986 by the City
11 of Pekin, or (DD) if the ordinance was adopted on December 15,
12 1981 by the City of Champaign, or (EE) if the ordinance was
13 adopted on December 15, 1986 by the City of Urbana, or (FF) if
14 the ordinance was adopted on December 15, 1986 by the Village
15 of Heyworth, or (GG) if the ordinance was adopted on February
16 24, 1992 by the Village of Heyworth, or (HH) if the ordinance
17 was adopted on March 16, 1995 by the Village of Heyworth, or
18 (II) if the ordinance was adopted on December 23, 1986 by the
19 Town of Cicero, or (JJ) if the ordinance was adopted on
20 December 30, 1986 by the City of Effingham, or (KK) if the
21 ordinance was adopted on May 9, 1991 by the Village of Tilton,
22 or (LL) if the ordinance was adopted on October 20, 1986 by the
23 City of Elmhurst, or (MM) if the ordinance was adopted on
24 January 19, 1988 by the City of Waukegan, or (NN) if the
25 ordinance was adopted on September 21, 1998 by the City of
26 Waukegan, or (OO) if the ordinance was adopted on December 31,

1 1986 by the City of Sullivan, or (PP) if the ordinance was
2 adopted on December 23, 1991 by the City of Sullivan, or (QQ)
3 if the ordinance was adopted on December 31, 1986 by the City
4 of Oglesby, or (RR) if the ordinance was adopted on July 28,
5 1987 by the City of Marion, or (SS) if the ordinance was
6 adopted on April 23, 1990 by the City of Marion, or (TT) if the
7 ordinance was adopted on August 20, 1985 by the Village of
8 Mount Prospect, or (UU) if the ordinance was adopted on
9 February 2, 1998 by the Village of Woodhull, or (VV) if the
10 ordinance was adopted on April 20, 1993 by the Village of
11 Princeville, or (WW) if the ordinance was adopted on July 1,
12 1986 by the City of Granite City, or (XX) if the ordinance was
13 adopted on February 2, 1989 by the Village of Lombard, or (YY)
14 if the ordinance was adopted on December 29, 1986 by the
15 Village of Gardner, or (ZZ) if the ordinance was adopted on
16 July 14, 1999 by the Village of Paw Paw, or (AAA) if the
17 ordinance was adopted on November 17, 1986 by the Village of
18 Franklin Park, or (BBB) if the ordinance was adopted on
19 November 20, 1989 by the Village of South Holland, or (CCC) if
20 the ordinance was adopted on July 14, 1992 by the Village of
21 Riverdale, or DDD ~~(CCC)~~ if the ordinance was adopted on
22 December 29, 1986 by the City of Galesburg, or (EEE) ~~(DDD)~~ if
23 the ordinance was adopted on April 1, 1985 by the City of
24 Galesburg, or (FFF) ~~(CCC)~~ if the ordinance was adopted on May
25 21, 1990 by the City of West Chicago, or (GGG) ~~(CCC)~~ if the
26 ordinance was adopted on December 16, 1986 by the City of Oak

1 Forest, ~~or~~ (HHH) ~~(AAA)~~ if the ordinance was adopted in 1999 by
2 the City of Villa Grove, or (III) ~~(CCC)~~ if the ordinance was
3 adopted on January 13, 1987 by the Village of Mt. Zion, or
4 (JJJ) ~~(CCC)~~ if the ordinance was adopted on December 30, 1986
5 by the Village of Manteno, or (KKK) ~~(DDD)~~ if the ordinance was
6 adopted on April 3, 1989 by the City of Chicago Heights, or
7 (LLL) ~~(EEE)~~ if the ordinance was adopted on January 6, 1999 by
8 the Village of Rosemont, or (MMM) ~~(FFF)~~ if the ordinance was
9 adopted on December 19, 2000 by the Village of Stone Park and,
10 for redevelopment project areas for which bonds were issued
11 before July 29, 1991, in connection with a redevelopment
12 project in the area within the State Sales Tax Boundary and
13 which were extended by municipal ordinance under subsection (n)
14 of Section 11-74.4-3, the last maturity of the refunding
15 obligations shall not be expressed to mature later than the
16 date on which the redevelopment project area is terminated or
17 December 31, 2013, whichever date occurs first.

18 In the event a municipality issues obligations under home
19 rule powers or other legislative authority the proceeds of
20 which are pledged to pay for redevelopment project costs, the
21 municipality may, if it has followed the procedures in
22 conformance with this division, retire said obligations from
23 funds in the special tax allocation fund in amounts and in such
24 manner as if such obligations had been issued pursuant to the
25 provisions of this division.

26 All obligations heretofore or hereafter issued pursuant to

1 this Act shall not be regarded as indebtedness of the
2 municipality issuing such obligations or any other taxing
3 district for the purpose of any limitation imposed by law.

4 (Source: P.A. 94-260, eff. 7-19-05; 94-297, eff. 7-21-05;
5 94-302, eff. 7-21-05; 94-702, eff. 6-1-06; 94-704, eff.
6 12-5-05; 94-711, eff. 6-1-06; 94-778, eff. 5-19-06; 94-782,
7 eff. 5-19-06; 94-783, eff. 5-19-06; 94-810, eff. 5-26-06;
8 94-903, eff. 6-22-06; 94-1091, eff. 1-26-07; 94-1092, eff.
9 1-26-07; 95-15, eff. 7-16-07; 95-164, eff. 1-1-08; 95-331, eff.
10 8-21-07; 95-346, eff. 8-21-07; 95-459, eff. 8-27-07; 95-653,
11 eff. 1-1-08; 95-662, eff. 10-11-07; 95-683, eff. 10-19-07;
12 revised 11-8-07.)

13 Section 175. The School Code is amended by changing
14 Sections 2-3.12, 5-1, 10-22.3f, 10-22.22b, 10-23.5, 14-8.02,
15 14C-8, 18-12, 27-8.1, 27-17, and 27-23.7 and by setting forth
16 and renumbering multiple versions of Sections 2-3.142,
17 10-20.40, and 34-18.34 as follows:

18 (105 ILCS 5/2-3.12) (from Ch. 122, par. 2-3.12)

19 Sec. 2-3.12. School building code.

20 (a) To prepare for school boards with the advice of the
21 Department of Public Health, the Capital Development Board, and
22 the State Fire Marshal a school building code that will
23 conserve the health and safety and general welfare of the
24 pupils and school personnel and others who use public school

1 facilities. ~~(now repealed)~~

2 (b) Within 2 years after September 23, 1983, and every 10
3 years thereafter, or at such other times as the State Board of
4 Education deems necessary or the regional superintendent so
5 orders, each school board subject to the provisions of this
6 Section shall again survey its school buildings and effectuate
7 any recommendations in accordance with the procedures set forth
8 herein.

9 (1) An architect or engineer licensed in the State of
10 Illinois is required to conduct the surveys under the
11 provisions of this Section and shall make a report of the
12 findings of the survey titled "safety survey report" to the
13 school board.

14 (2) The school board shall approve the safety survey
15 report, including any recommendations to effectuate
16 compliance with the code, and submit it to the Regional
17 Superintendent.

18 (3) The Regional Superintendent shall render a
19 decision regarding approval or denial and submit the safety
20 survey report to the State Superintendent of Education.

21 (4) The State Superintendent of Education shall
22 approve or deny the report including recommendations to
23 effectuate compliance with the code and, if approved, issue
24 a certificate of approval.

25 (5) Upon receipt of the certificate of approval, the
26 Regional Superintendent shall issue an order to effect any

1 approved recommendations included in the report. The
2 report shall meet all of the following requirements:

3 (A) Items in the report shall be prioritized.

4 (B) Urgent items shall be considered as those items
5 related to life safety problems that present an
6 immediate hazard to the safety of students.

7 (C) Required items shall be considered as those
8 items that are necessary for a safe environment but
9 present less of an immediate hazard to the safety of
10 students.

11 (D) Urgent and required items shall reference a
12 specific rule in the code authorized by this Section
13 that is currently being violated or will be violated
14 within the next 12 months if the violation is not
15 remedied.

16 (6) The school board of each district so surveyed and
17 receiving a report of needed recommendations to be made to
18 maintain standards of safety and health of the pupils
19 enrolled shall effectuate the correction of urgent items as
20 soon as achievable to ensure the safety of the students,
21 but in no case more than one year after the date of the
22 State Superintendent of Education's approval of the
23 recommendation.

24 (7) Required items shall be corrected in a timely
25 manner, but in no case more than 5 years from the date of
26 the State Superintendent of Education's approval of the

1 recommendation.

2 (8) Once each year the school board shall submit a
3 report of progress on completion of any recommendations to
4 effectuate compliance with the code.

5 (c) As soon as practicable, but not later than 2 years
6 after January 1, 1993, the State Board of Education shall
7 combine the document known as "Efficient and Adequate Standards
8 for the Construction of Schools" with the document known as
9 "Building Specifications for Health and Safety in Public
10 Schools" together with any modifications or additions that may
11 be deemed necessary. The combined document shall be known as
12 the "Health/Life Safety Code for Public Schools" and shall be
13 the governing code for all facilities that house public school
14 students or are otherwise used for public school purposes,
15 whether such facilities are permanent or temporary and whether
16 they are owned, leased, rented, or otherwise used by the
17 district. Facilities owned by a school district but that are
18 not used to house public school students or are not used for
19 public school purposes shall be governed by separate provisions
20 within the code authorized by this Section.

21 (d) The 10 year survey cycle specified in this Section
22 shall continue to apply based upon the standards contained in
23 the "Health/Life Safety Code for Public Schools", which shall
24 specify building standards for buildings that are constructed
25 prior to January 1, 1993 and for buildings that are constructed
26 after that date.

1 (e) The "Health/Life Safety Code for Public Schools" shall
2 be the governing code for public schools; however, the
3 provisions of this Section shall not preclude inspection of
4 school premises and buildings pursuant to Section 9 of the Fire
5 Investigation Act, provided that the provisions of the
6 "Health/Life Safety Code for Public Schools", or such
7 predecessor document authorized by this Section as may be
8 applicable are used, and provided that those inspections are
9 coordinated with the Regional Superintendent having
10 jurisdiction over the public school facility.

11 (f) Nothing in this Section shall be construed to prohibit
12 the State Fire Marshal or a qualified fire official to whom the
13 State Fire Marshal has delegated his or her authority from
14 conducting a fire safety check in a public school.

15 (g) The Regional Superintendent shall address any
16 violations that are not corrected in a timely manner pursuant
17 to subsection (b) of Section 3-14.21 of this Code.

18 (h) Any agency having jurisdiction beyond the scope of the
19 applicable document authorized by this Section may issue a
20 lawful order to a school board to effectuate recommendations,
21 and the school board receiving the order shall certify to the
22 Regional Superintendent and the State Superintendent of
23 Education when it has complied with the order.

24 (i) The State Board of Education is authorized to adopt any
25 rules that are necessary relating to the administration and
26 enforcement of the provisions of this Section.

1 (j) The code authorized by this Section shall apply only to
2 those school districts having a population of less than 500,000
3 inhabitants.

4 (k) In this Section, a "qualified fire official" means an
5 individual that meets the requirements of rules adopted by the
6 State Fire Marshal in cooperation with the State Board of
7 Education to administer this Section. These rules shall be
8 based on recommendations made by the task force established
9 under Section 2-3.137 of this Code.

10 (Source: P.A. 94-225, eff. 7-14-05; 94-875, eff. 7-1-06;
11 94-1105, eff. 6-1-07; revised 2-20-07.)

12 (105 ILCS 5/2-3.142)

13 Sec. 2-3.142. Grants to Illinois School Psychology
14 Internship Consortium. Subject to appropriations for this
15 purpose, the State Board of Education shall provide grants to
16 the Illinois School Psychology Internship Consortium for aid in
17 providing training programs and facilitating interns to
18 improve the educational and mental health services of children
19 in this State.

20 (Source: P.A. 95-102, eff. 1-1-08.)

21 (105 ILCS 5/2-3.144)

22 Sec. 2-3.144 ~~2-3.142~~. Community college enrollments. The
23 State Board of Education shall annually assemble all data
24 reported to the State Board of Education under Section 10-21.4

1 or 34-8 of this Code by district superintendents, relating to
2 the number of high school students in the educational service
3 region who are enrolled in accredited courses at any community
4 college, together with the name and number of the course or
5 courses that each such student is taking, assembled both by
6 individual school district and by educational service region
7 totals.

8 (Source: P.A. 95-496, eff. 8-28-07; revised 12-7-07.)

9 (105 ILCS 5/2-3.145)

10 Sec. 2-3.145 ~~2-3.142~~. Special education expenditure and
11 receipt report. The State Board of Education shall issue an
12 annual report to the General Assembly and Governor identifying
13 each school district's special education expenditures;
14 receipts received from State, federal, and local sources; and
15 net special education expenditures over receipts received, if
16 applicable. Expenditures and receipts shall be calculated in a
17 manner specified by the State Board using data obtained from
18 the Annual Financial Report, the Funding and Child Tracking
19 System, and district enrollment information. This report must
20 be issued on or before May 1, 2008 and on or before each May 1
21 thereafter.

22 (Source: P.A. 95-555, eff. 8-30-07; revised 12-7-07.)

23 (105 ILCS 5/2-3.147)

24 Sec. 2-3.147 ~~2-3.142~~. The Ensuring Success in School Task

1 Force.

2 (a) In this Section:

3 "Domestic violence" means abuse by a family or household
4 member, as "abuse" and "family or household members" are
5 defined in Section 103 of the Illinois Domestic Violence Act of
6 1986.

7 "Sexual violence" means sexual assault, abuse, or stalking
8 of an adult or minor child proscribed in the Criminal Code of
9 1961 in Sections 12-7.3, 12-7.4, 12-7.5, 12-12, 12-13, 12-14,
10 12-14.1, 12-15, and 12-16, including sexual violence committed
11 by perpetrators who are strangers to the victim and sexual
12 violence committed by perpetrators who are known or related by
13 blood or marriage to the victim.

14 (b) The State Board of Education shall convene an Ensuring
15 Success in School Task Force to develop policies, procedures,
16 and protocols to be adopted by school districts for addressing
17 the educational and related needs of children and youth who are
18 parents, expectant parents, or victims of domestic or sexual
19 violence to ensure their ability to stay in school, stay safe
20 while in school, and successfully complete their education. The
21 State Board of Education shall be the agency responsible for
22 providing staff and administrative support to the task force.

23 (c) The Ensuring Success in School Task Force shall do all
24 of the following:

25 (1) Conduct a thorough examination of the barriers to
26 school attendance, safety, and completion for children and

1 youth who are parents, expectant parents, or victims of
2 domestic or sexual violence.

3 (2) Conduct a discovery process that includes relevant
4 research and the identification of effective policies,
5 protocols, and programs within this State and elsewhere.

6 (3) Conduct meetings and public hearings in
7 geographically diverse locations throughout the State to
8 ensure the maximum input from area advocates and service
9 providers, from local education agencies, and from
10 children and youth who are parents, expectant parents, or
11 victims of domestic or sexual violence and their parents or
12 guardians.

13 (4) Establish and adhere to procedures and protocols to
14 allow children and youth who are parents, expectant
15 parents, or victims of domestic or sexual violence, their
16 parents or guardians, and advocates who work on behalf of
17 such children and youth to participate in the task force
18 anonymously and confidentially.

19 (5) Invite the testimony of and confer with experts on
20 relevant topics.

21 (6) Produce a report of the task force's findings on
22 best practices and policies, which shall include a plan
23 with a phased and prioritized implementation timetable
24 with focus on ensuring the successful and safe completion
25 of school for children and youth who are parents, expectant
26 parents, or victims of domestic or sexual violence. The

1 task force shall submit a report to the General Assembly on
2 or before January 1, 2009 on its findings, recommendations,
3 and implementation plan. Any task force reports shall be
4 published on the State Board of Education's Internet
5 website on the date the report is delivered to the General
6 Assembly.

7 (7) Recommend new legislation or proposed rules
8 developed by the task force.

9 (d) The President of the Senate and the Speaker of the
10 House of Representatives shall each appoint one co-chairperson
11 of the Ensuring Success in School Task Force. In addition to
12 the 2 co-chairpersons, the task force shall be comprised of
13 each of the following members, appointed by the State Board of
14 Education, and shall be representative of the geographic,
15 racial, ethnic, and cultural diversity of this State:

16 (1) A representative of a statewide nonprofit,
17 nongovernmental domestic violence organization.

18 (2) A domestic violence victims' advocate or service
19 provider from a different nonprofit, nongovernmental
20 domestic violence organization.

21 (3) A representative of a statewide nonprofit,
22 nongovernmental sexual assault organization.

23 (4) A sexual assault victims' advocate or service
24 provider from a different nonprofit, nongovernmental
25 sexual assault organization.

26 (5) A teen parent advocate or service provider from a

1 nonprofit, nongovernmental organization.

2 (6) A school social worker.

3 (7) A school psychologist.

4 (8) A school counselor.

5 (9) A representative of a statewide professional
6 teachers' organization.

7 (10) A representative of a different statewide
8 professional teachers' organization.

9 (11) A representative of a statewide organization that
10 represents school boards.

11 (12) A representative of a statewide organization
12 representing principals.

13 (13) A representative of City of Chicago School
14 District 299.

15 (14) A representative of a nonprofit, nongovernmental
16 youth services provider.

17 (15) A representative of a statewide nonprofit,
18 nongovernmental multi-issue advocacy organization with
19 expertise in a cross-section of relevant issues.

20 (16) An alternative education service provider.

21 (17) A representative from a regional office of
22 education.

23 (18) A truancy intervention services provider.

24 (19) A youth who is a parent or expectant parent
25 directly affected by the issues, problems, and concerns of
26 staying in school and successfully completing his or her

1 education through high school.

2 (20) A youth who is a victim of domestic or sexual
3 violence directly affected by the issues, problems, and
4 concerns of staying in school and successfully completing
5 his or her education.

6 (21) A parent or guardian of a child or youth who is a
7 parent or expectant parent directly affected by the issues,
8 problems, and concerns of staying in school and
9 successfully completing his or her education.

10 (22) A parent or guardian of a child or youth who is a
11 victim of domestic or sexual violence directly affected by
12 the issues, problems, and concerns of staying in school and
13 successfully completing his or her education.

14 The task force shall also consist of one member appointed by
15 the Minority Leader of the Senate, one member appointed by the
16 Minority Leader of the House of Representatives, the State
17 Superintendent of Education, the Secretary of Human Services,
18 the Director of Healthcare and Family Services, the Director of
19 Children and Family Services, and the Director of Public Health
20 or their designees.

21 (e) Members of the Ensuring Success in School Task Force
22 shall receive no compensation for their participation, but may
23 be reimbursed by the State Board of Education for expenses in
24 connection with their participation, including travel, if
25 funds are available. However, members of the task force who are
26 youth who are parents, expectant parents, or victims of

1 domestic or sexual violence and the parents or guardians of
2 such youth shall be reimbursed for their travel expenses
3 connected to their participation in the task force.

4 (Source: P.A. 95-558, eff. 8-30-07; revised 12-7-07.)

5 (105 ILCS 5/5-1) (from Ch. 122, par. 5-1)

6 Sec. 5-1. County school units.

7 (a) The territory in each county, exclusive of any school
8 district governed by any special act which requires the
9 district to appoint its own school treasurer, shall constitute
10 a county school unit. County school units of less than
11 2,000,000 inhabitants shall be known as Class I county school
12 units and the office of township trustees, where existing on
13 July 1, 1962, in such units shall be abolished on that date and
14 all books and records of such former township trustees shall be
15 forthwith thereafter transferred to the county board of school
16 trustees. County school units of 2,000,000 or more inhabitants
17 shall be known as Class II county school units and shall retain
18 the office of township trustees unless otherwise provided in
19 subsection (b) or (c).

20 (b) Notwithstanding subsections (a) and (c), the school
21 board of any elementary school district having a fall, 1989
22 aggregate enrollment of at least 2,500 but less than 6,500
23 pupils and having boundaries that are coterminous with the
24 boundaries of a high school district, and the school board of
25 any high school district having a fall, 1989 aggregate

1 enrollment of at least 2,500 but less than 6,500 pupils and
2 having boundaries that are coterminous with the boundaries of
3 an elementary school district, may, whenever the territory of
4 such school district forms a part of a Class II county school
5 unit, by proper resolution withdraw such school district from
6 the jurisdiction and authority of the trustees of schools of
7 the township in which such school district is located and from
8 the jurisdiction and authority of the township treasurer in
9 such Class II county school unit; provided that the school
10 board of any such school district shall, upon the adoption and
11 passage of such resolution, thereupon elect or appoint its own
12 school treasurer as provided in Section 8-1. Upon the adoption
13 and passage of such resolution and the election or appointment
14 by the school board of its own school treasurer: (1) the
15 trustees of schools in such township shall no longer have or
16 exercise any powers and duties with respect to the school
17 district governed by such school board or with respect to the
18 school business, operations or assets of such school district;
19 and (2) all books and records of the township trustees relating
20 to the school business and affairs of such school district
21 shall be transferred and delivered to the school board of such
22 school district. Upon the effective date of this amendatory Act
23 of 1993, the legal title to, and all right, title and interest
24 formerly held by the township trustees in any school buildings
25 and school sites used and occupied by the school board of such
26 school district for school purposes, that legal title, right,

1 title and interest thereafter having been transferred to and
2 vested in the regional board of school trustees under P.A.
3 87-473 until the abolition of that regional board of school
4 trustees by P.A. 87-969, shall be deemed transferred by
5 operation of law to and shall vest in the school board of that
6 school district.

7 Notwithstanding subsections (a) and (c), the school boards
8 of Oak Park & River Forest District 200, Oak Park Elementary
9 School District 97, and River Forest School District 90 may, by
10 proper resolution, withdraw from the jurisdiction and
11 authority of the trustees of schools of Proviso and Cicero
12 Townships and the township treasurer, provided that the school
13 board shall, upon the adoption and passage of the resolution,
14 elect or appoint its own school treasurer as provided in
15 Section 8-1 of this Code. Upon the adoption and passage of the
16 resolution and the election or appointment by the school board
17 of its own school treasurer: (1) the trustees of schools in the
18 township or townships shall no longer have or exercise any
19 powers or duties with respect to the school district or with
20 respect to the school business, operations, or assets of the
21 school district; (2) all books and records of the trustees of
22 schools and all moneys, securities, loanable funds, and other
23 assets relating to the school business and affairs of the
24 school district shall be transferred and delivered to the
25 school board; and (3) all legal title to and all right, title,
26 and interest formerly held by the trustees of schools in any

1 common school lands, school buildings, or school sites used and
2 occupied by the school board and all rights of property and
3 causes of action pertaining to or constituting a part of the
4 common school lands, buildings, or sites shall be deemed
5 transferred by operation of law to and shall vest in the school
6 board.

7 Notwithstanding subsections (a) and (c), the respective
8 school boards of Berwyn North School District 98, Berwyn South
9 School District 100, Cicero School District 99, and J.S. Morton
10 High School District 201 may, by proper resolution, withdraw
11 from the jurisdiction and authority of the trustees of schools
12 of Cicero Township and the township treasurer, provided that
13 the school board shall, upon the adoption and passage of the
14 resolution, elect or appoint its own school treasurer as
15 provided in Section 8-1 of this Code. Upon the adoption and
16 passage of the resolution and the election or appointment by
17 the school board of its own school treasurer: (1) the trustees
18 of schools in the township shall no longer have or exercise any
19 powers or duties with respect to the school district or with
20 respect to the school business, operations, or assets of the
21 school district; (2) all books and records of the trustees of
22 schools and all moneys, securities, loanable funds, and other
23 assets relating to the school business and affairs of the
24 school district shall be transferred and delivered to the
25 school board; and (3) all legal title to and all right, title,
26 and interest formerly held by the trustees of schools in any

1 common school lands, school buildings, or school sites used and
2 occupied by the school board and all rights of property and
3 causes of action pertaining to or constituting a part of the
4 common school lands, buildings, or sites shall be deemed
5 transferred by operation of law to and shall vest in the school
6 board.

7 (c) Notwithstanding the provisions of subsection (a), the
8 offices of township treasurer and trustee of schools of any
9 township located in a Class II county school unit shall be
10 abolished as provided in this subsection if all of the
11 following conditions are met:

12 (1) During the same 30 day period, each school board of
13 each elementary and unit school district that is subject to
14 the jurisdiction and authority of the township treasurer
15 and trustees of schools of the township in which those
16 offices are sought to be abolished gives written notice by
17 certified mail, return receipt requested to the township
18 treasurer and trustees of schools of that township of the
19 date of a meeting of the school board, to be held not more
20 than 90 nor less than 60 days after the date when the
21 notice is given, at which meeting the school board is to
22 consider and vote upon the question of whether there shall
23 be submitted to the electors of the school district a
24 proposition to abolish the offices of township treasurer
25 and trustee of schools of that township. None of the
26 notices given under this paragraph to the township

1 treasurer and trustees of schools of a township shall be
2 deemed sufficient or in compliance with the requirements of
3 this paragraph unless all of those notices are given within
4 the same 30 day period.

5 (2) Each school board of each elementary and unit
6 school district that is subject to the jurisdiction and
7 authority of the township treasurer and trustees of schools
8 of the township in which those offices are sought to be
9 abolished, by the affirmative vote of at least 5 members of
10 the school board at a school board meeting of which notice
11 is given as required by paragraph (1) of this subsection,
12 adopts a resolution requiring the secretary of the school
13 board to certify to the proper election authorities for
14 submission to the electors of the school district at the
15 next consolidated election in accordance with the general
16 election law a proposition to abolish the offices of
17 township treasurer and trustee of schools of that township.
18 None of the resolutions adopted under this paragraph by any
19 elementary or unit school districts that are subject to the
20 jurisdiction and authority of the township treasurer and
21 trustees of schools of the township in which those offices
22 are sought to be abolished shall be deemed in compliance
23 with the requirements of this paragraph or sufficient to
24 authorize submission of the proposition to abolish those
25 offices to a referendum of the electors in any such school
26 district unless all of the school boards of all of the

1 elementary and unit school districts that are subject to
 2 the jurisdiction and authority of the township treasurer
 3 and trustees of schools of that township adopt such a
 4 resolution in accordance with the provisions of this
 5 paragraph.

6 (3) The school boards of all of the elementary and unit
 7 school districts that are subject to the jurisdiction and
 8 authority of the township treasurer and trustees of schools
 9 of the township in which those offices are sought to be
 10 abolished submit a proposition to abolish the offices of
 11 township treasurer and trustee of schools of that township
 12 to the electors of their respective school districts at the
 13 same consolidated election in accordance with the general
 14 election law, the ballot in each such district to be in
 15 substantially the following form:

16 -----
 17 OFFICIAL BALLOT
 18 Shall the offices of township
 19 treasurer and YES
 20 trustee of -----
 21 schools of Township NO
 22 Range be abolished?
 23 -----

24 (4) At the consolidated election at which the
 25 proposition to abolish the offices of township treasurer
 26 and trustee of schools of a township is submitted to the

1 electors of each elementary and unit school district that
2 is subject to the jurisdiction and authority of the
3 township treasurer and trustee of schools of that township,
4 a majority of the electors voting on the proposition in
5 each such elementary and unit school district votes in
6 favor of the proposition as submitted to them.

7 If in each elementary and unit school district that is
8 subject to the jurisdiction and authority of the township
9 treasurer and trustees of schools of the township in which
10 those offices are sought to be abolished a majority of the
11 electors in each such district voting at the consolidated
12 election on the proposition to abolish the offices of township
13 treasurer and trustee of schools of that township votes in
14 favor of the proposition as submitted to them, the proposition
15 shall be deemed to have passed; but if in any such elementary
16 or unit school district a majority of the electors voting on
17 that proposition in that district fails to vote in favor of the
18 proposition as submitted to them, then notwithstanding the vote
19 of the electors in any other such elementary or unit school
20 district on that proposition the proposition shall not be
21 deemed to have passed in any of those elementary or unit school
22 districts, and the offices of township treasurer and trustee of
23 schools of the township in which those offices were sought to
24 be abolished shall not be abolished, unless in each of those
25 elementary and unit school districts remaining subject to the
26 jurisdiction and authority of the township treasurer and

1 trustees of schools of that township proceedings are again
2 initiated to abolish those offices and all of the proceedings
3 and conditions prescribed in paragraphs (1) through (4) of this
4 subsection are repeated and met in each of those elementary and
5 unit school districts.

6 Notwithstanding the foregoing provisions of this Section
7 or any other provision of the School Code, the offices of
8 township treasurer and trustee of schools of a township that
9 has a population of less than 200,000 and that contains a unit
10 school district and is located in a Class II county school unit
11 shall also be abolished as provided in this subsection if all
12 of the conditions set forth in paragraphs (1), (2), and (3) of
13 this subsection are met and if the following additional
14 condition is met:

15 The electors in all of the school districts subject to
16 the jurisdiction and authority of the township treasurer
17 and trustees of schools of the township in which those
18 offices are sought to be abolished shall vote at the
19 consolidated election on the proposition to abolish the
20 offices of township treasurer and trustee of schools of
21 that township. If a majority of the electors in all of the
22 school districts combined voting on the proposition vote in
23 favor of the proposition, then the proposition shall be
24 deemed to have passed; but if a majority of the electors
25 voting on the proposition in all of the school district
26 fails to vote in favor of the proposition as submitted to

1 them, then the proposition shall not be deemed to have
2 passed and the offices of township treasurer and trustee of
3 schools of the township in which those offices were sought
4 to be abolished shall not be abolished, unless and until
5 the proceedings detailed in paragraphs (1) through (3) of
6 this subsection and the conditions set forth in this
7 paragraph are met.

8 If the proposition to abolish the offices of township
9 treasurer and trustee of schools of a township is deemed to
10 have passed at the consolidated election as provided in this
11 subsection, those offices shall be deemed abolished by
12 operation of law effective on January 1 of the calendar year
13 immediately following the calendar year in which that
14 consolidated election is held, provided that if after the
15 election, the trustees of schools by resolution elect to
16 abolish the offices of township treasurer and trustee of
17 schools effective on July 1 immediately following the election,
18 then the offices shall be abolished on July 1 immediately
19 following the election. On the date that the offices of
20 township treasurer and trustee of schools of a township are
21 deemed abolished by operation of law, the school board of each
22 elementary and unit school district and the school board of
23 each high school district that is subject to the jurisdiction
24 and authority of the township treasurer and trustees of schools
25 of that township at the time those offices are abolished: (i)
26 shall appoint its own school treasurer as provided in Section

1 8-1; and (ii) unless the term of the contract of a township
2 treasurer expires on the date that the office of township
3 treasurer is abolished, shall pay to the former township
4 treasurer its proportionate share of any aggregate
5 compensation that, were the office of township treasurer not
6 abolished at that time, would have been payable to the former
7 township treasurer after that date over the remainder of the
8 term of the contract of the former township treasurer that
9 began prior to but ends after that date. In addition, on the
10 date that the offices of township treasurer and trustee of
11 schools of a township are deemed abolished as provided in this
12 subsection, the school board of each elementary school, high
13 school and unit school district that until that date is subject
14 to the jurisdiction and authority of the township treasurer and
15 trustees of schools of that township shall be deemed by
16 operation of law to have agreed and assumed to pay and, when
17 determined, shall pay to the Illinois Municipal Retirement Fund
18 a proportionate share of the unfunded liability existing in
19 that Fund at the time these offices are abolished in that
20 calendar year for all annuities or other benefits then or
21 thereafter to become payable from that Fund with respect to all
22 periods of service performed prior to that date as a
23 participating employee in that Fund by persons serving during
24 those periods of service as a trustee of schools, township
25 treasurer or regular employee in the office of the township
26 treasurer of that township. That unfunded liability shall be

1 actuarially determined by the board of trustees of the Illinois
2 Municipal Retirement Fund, and the board of trustees shall
3 thereupon notify each school board required to pay a
4 proportionate share of that unfunded liability of the aggregate
5 amount of the unfunded liability so determined. The amount so
6 paid to the Illinois Municipal Retirement Fund by each of those
7 school districts shall be credited to the account of the
8 township in that Fund. For each elementary school, high school
9 and unit school district under the jurisdiction and authority
10 of a township treasurer and trustees of schools of a township
11 in which those offices are abolished as provided in this
12 subsection, each such district's proportionate share of the
13 aggregate compensation payable to the former township
14 treasurer as provided in this paragraph and each such
15 district's proportionate share of the aggregate amount of the
16 unfunded liability payable to the Illinois Municipal
17 Retirement Fund as provided in this paragraph shall be computed
18 in accordance with the ratio that the number of pupils in
19 average daily attendance in each such district for the school
20 year last ending prior to the date on which the offices of
21 township treasurer and trustee of schools of that township are
22 abolished bears to the aggregate number of pupils in average
23 daily attendance in all of those districts as so reported for
24 that school year.

25 Upon abolition of the offices of township treasurer and
26 trustee of schools of a township as provided in this

1 subsection: (i) the regional board of school trustees, in its
2 corporate capacity, shall be deemed the successor in interest
3 to the former trustees of schools of that township with respect
4 to the common school lands and township loanable funds of the
5 township; (ii) all right, title and interest existing or vested
6 in the former trustees of schools of that township in the
7 common school lands and township loanable funds of the
8 township, and all records, moneys, securities and other assets,
9 rights of property and causes of action pertaining to or
10 constituting a part of those common school lands or township
11 loanable funds, shall be transferred to and deemed vested by
12 operation of law in the regional board of school trustees,
13 which shall hold legal title to, manage and operate all common
14 school lands and township loanable funds of the township,
15 receive the rents, issues and profits therefrom, and have and
16 exercise with respect thereto the same powers and duties as are
17 provided by this Code to be exercised by regional boards of
18 school trustees when acting as township land commissioners in
19 counties having at least 220,000 but fewer than 2,000,000
20 inhabitants; (iii) the regional board of school trustees shall
21 select to serve as its treasurer with respect to the common
22 school lands and township loanable funds of the township a
23 person from time to time also serving as the appointed school
24 treasurer of any school district that was subject to the
25 jurisdiction and authority of the township treasurer and
26 trustees of schools of that township at the time those offices

1 were abolished, and the person selected to also serve as
2 treasurer of the regional board of school trustees shall have
3 his compensation for services in that capacity fixed by the
4 regional board of school trustees, to be paid from the township
5 loanable funds, and shall make to the regional board of school
6 trustees the reports required to be made by treasurers of
7 township land commissioners, give bond as required by
8 treasurers of township land commissioners, and perform the
9 duties and exercise the powers of treasurers of township land
10 commissioners; (iv) the regional board of school trustees shall
11 designate in the manner provided by Section 8-7, insofar as
12 applicable, a depository for its treasurer, and the proceeds of
13 all rents, issues and profits from the common school lands and
14 township loanable funds of that township shall be deposited and
15 held in the account maintained for those purposes with that
16 depository and shall be expended and distributed therefrom as
17 provided in Section 15-24 and other applicable provisions of
18 this Code; and (v) whenever there is vested in the trustees of
19 schools of a township at the time that office is abolished
20 under this subsection the legal title to any school buildings
21 or school sites used or occupied for school purposes by any
22 elementary school, high school or unit school district subject
23 to the jurisdiction and authority of those trustees of school
24 at the time that office is abolished, the legal title to those
25 school buildings and school sites shall be deemed transferred
26 by operation of law to and invested in the school board of that

1 school district, in its corporate capacity Section 7-28, the
2 same to be held, sold, exchanged leased or otherwise
3 transferred in accordance with applicable provisions of this
4 Code.

5 Notwithstanding Section 2-3.25g of this Code, a waiver of a
6 mandate established under this Section may not be requested.

7 (Source: P.A. 94-1078, eff. 1-9-07; 94-1105, eff. 6-1-07; 95-4,
8 eff. 5-31-07; revised 7-5-07.)

9 (105 ILCS 5/10-20.40)

10 Sec. 10-20.40. Student biometric information.

11 (a) For the purposes of this Section, "biometric
12 information" means any information that is collected through an
13 identification process for individuals based on their unique
14 behavioral or physiological characteristics, including
15 fingerprint, hand geometry, voice, or facial recognition or
16 iris or retinal scans.

17 (b) School districts that collect biometric information
18 from students shall adopt policies that require, at a minimum,
19 all of the following:

20 (1) Written permission from the individual who has
21 legal custody of the student, as defined in Section
22 10-20.12b of this Code, or from the student if he or she
23 has reached the age of 18.

24 (2) The discontinuation of use of a student's biometric
25 information under either of the following conditions:

1 (A) upon the student's graduation or withdrawal
2 from the school district; or

3 (B) upon receipt in writing of a request for
4 discontinuation by the individual having legal custody
5 of the student or by the student if he or she has
6 reached the age of 18.

7 (3) The destruction of all of a student's biometric
8 information within 30 days after the biometric information
9 is discontinued in accordance with item (2) of this
10 subsection (b).

11 (4) The use of biometric information solely for
12 identification or fraud prevention.

13 (5) A prohibition on the sale, lease, or other
14 disclosure of biometric information to another person or
15 entity, unless:

16 (A) the individual who has legal custody of the
17 student or the student, if he or she has reached the
18 age of 18, consents to the disclosure; or

19 (B) the disclosure is required by court order.

20 (6) The storage, transmittal, and protection of all
21 biometric information from disclosure.

22 (c) Failure to provide written consent under item (1) of
23 subsection (b) of this Section by the individual who has legal
24 custody of the student or by the student, if he or she has
25 reached the age of 18, must not be the basis for refusal of any
26 services otherwise available to the student.

1 (Source: P.A. 95-232, eff. 8-16-07.)

2 (105 ILCS 5/10-20.41)

3 Sec. 10-20.41 ~~10-20.40~~. Use of facilities by community
4 organizations. School boards are encouraged to allow community
5 organizations to use school facilities during non-school
6 hours. If a school board allows a community organization to use
7 school facilities during non-school hours, the board must adopt
8 a formal policy governing the use of school facilities by
9 community organizations during non-school hours. The policy
10 shall prohibit such use if it interferes with any school
11 functions or the safety of students or school personnel or
12 affects the property or liability of the school district.

13 (Source: P.A. 95-308, eff. 8-20-07; revised 12-7-07.)

14 (105 ILCS 5/10-20.42)

15 Sec. 10-20.42 ~~10-20.40~~. Wind farm. A school district may
16 own and operate a wind generation turbine farm, either
17 individually or jointly, that directly or indirectly reduces
18 the energy or other operating costs of the school district. The
19 school district may ask for the assistance of any State agency,
20 including without limitation the State Board of Education or
21 the Environmental Protection Agency, in obtaining financing
22 options for a wind generation turbine farm.

23 (Source: P.A. 95-390, eff. 8-23-07; revised 12-7-07.)

1 (105 ILCS 5/10-20.43)

2 Sec. 10-20.43 ~~10-20.40~~. School facility occupation tax
3 fund. All proceeds received by a school district from a
4 distribution under 3-14.31 must be maintained in a special fund
5 known as the school facility occupation tax fund. The district
6 may use moneys in that fund only for school facility purposes,
7 as that term is defined under Section 5-1006.7 of the Counties
8 Code.

9 (Source: P.A. 95-675, eff. 10-11-07; revised 12-7-07.)

10 (105 ILCS 5/10-22.3f)

11 Sec. 10-22.3f. Required health benefits. Insurance
12 protection and benefits for employees shall provide the
13 post-mastectomy care benefits required to be covered by a
14 policy of accident and health insurance under Section 356t and
15 the coverage required under Sections 356g.5, 356u, 356w, 356x,
16 356z.6, and 356z.9 of the Illinois Insurance Code.

17 (Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07;
18 revised 12-4-07.)

19 (105 ILCS 5/10-22.22b) (from Ch. 122, par. 10-22.22b)

20 Sec. 10-22.22b. (a) The provisions of this subsection shall
21 not apply to the deactivation of a high school facility under
22 subsection (c). Where in its judgment the interests of the
23 district and of the students therein will be best served, to
24 deactivate any high school facility or elementary school

1 facility in the district and send the students of such high
 2 school in grades 9 through 12 or such elementary school in
 3 grades kindergarten through 8, as applicable, to schools in
 4 other districts. Such action may be taken only with the
 5 approval of the voters in the district and the approval, by
 6 proper resolution, of the school board of the receiving
 7 district. The board of the district contemplating deactivation
 8 shall, by proper resolution, cause the proposition to
 9 deactivate the school facility to be submitted to the voters of
 10 the district at a regularly scheduled election. Notice shall be
 11 published at least 10 days prior to the date of the election at
 12 least once in one or more newspapers published in the district
 13 or, if no newspaper is published in the district, in one or
 14 more newspapers with a general circulation within the district.
 15 The notice shall be substantially in the following form:

16 NOTICE OF REFERENDUM TO
 17 DEACTIVATE THE ... SCHOOL FACILITY
 18 IN SCHOOL DISTRICT NO.

19 Notice is hereby given that on (insert date), a referendum
 20 will be held in County (Counties) for the purpose of
 21 voting for or against the proposition to deactivate the
 22 School facility in School District No. and to send
 23 pupils in School to School District(s) No.

24 The polls will be open at o'clock ... m., and close at
 25 o'clock ... m. of the same day.

26

1 Dated (insert date).

2 The proposition shall be in substantially the following form:

3 -----

4 Shall the Board

5 of Education of School

6 District No., YES

7 County, Illinois, be

8 authorized to deactivate -----

9 the School facility

10 and to send pupils in NO

11 School to School

12 District(s) No.?

13 -----

14 If the majority of those voting upon the proposition in the
15 district contemplating deactivation vote in favor of the
16 proposition, the board of that district, upon approval of the
17 board of the receiving district, shall execute a contract with
18 the receiving district providing for the reassignment of
19 students to the receiving district. If the deactivating
20 district seeks to send its students to more than one district,
21 it shall execute a contract with each receiving district. The
22 length of the contract shall be for 2 school years, but the
23 districts may renew the contract for additional one year or 2
24 year periods. Contract renewals shall be executed by January 1
25 of the year in which the existing contract expires. If the

1 majority of those voting upon the proposition do not vote in
2 favor of the proposition, the school facility may not be
3 deactivated.

4 The sending district shall pay to the receiving district an
5 amount agreed upon by the 2 districts.

6 When the deactivation of school facilities becomes
7 effective pursuant to this Section, the provisions of Section
8 24-12 relative to the contractual continued service status of
9 teachers having contractual continued service whose positions
10 are transferred from one board to the control of a different
11 board shall apply, and the positions at the school facilities
12 being deactivated held by teachers, as that term is defined in
13 Section 24-11, having contractual continued service with the
14 school district at the time of the deactivation shall be
15 transferred to the control of the board or boards who shall be
16 receiving the district's students on the following basis:

17 (1) positions of such teachers in contractual
18 continued service that were full time positions shall be
19 transferred to the control of whichever of such boards such
20 teachers shall request with the teachers making such
21 requests proceeding in the order of those with the greatest
22 length of continuing service with the board to those with
23 the shortest length of continuing service with the board,
24 provided that the number selecting one board over another
25 board or other boards shall not exceed that proportion of
26 the school students going to such board or boards; and

1 (2) positions of such teachers in contractual
2 continued service that were full time positions and as to
3 which there is no selection left under subparagraph 1
4 hereof shall be transferred to the appropriate board.

5 The contractual continued service status of any teacher
6 thereby transferred to another district is not lost and the
7 receiving board is subject to the School Code with respect to
8 such transferred teacher in the same manner as if such teacher
9 was the district's employee during the time such teacher was
10 actually employed by the board of the deactivating district
11 from which the position was transferred.

12 When the deactivation of school facilities becomes
13 effective pursuant to this Section, the provisions of
14 subsection (b) of Section 10-23.5 of this Code relative to the
15 transfer of educational support personnel employees shall
16 apply, and the positions at the school facilities being
17 deactivated that are held by educational support personnel
18 employees at the time of the deactivation shall be transferred
19 to the control of the board or boards that will be receiving
20 the district's students on the following basis:

21 (A) positions of such educational support personnel
22 employees that were full-time positions shall be
23 transferred to the control of whichever of the boards the
24 employees request, with the educational support personnel
25 employees making these requests proceeding in the order of
26 those with the greatest length of continuing service with

1 the board to those with the shortest length of continuing
2 service with the board, provided that the number selecting
3 one board over another board or other boards must not
4 exceed that proportion of students going to such board or
5 boards; and

6 (B) positions of such educational support personnel
7 employees that were full-time positions and as to which
8 there is no selection left under subdivision (A) shall be
9 transferred to the appropriate board.

10 The length of continuing service of any educational support
11 personnel employee thereby transferred to another district is
12 not lost and the receiving board is subject to this Code with
13 respect to that transferred educational support personnel
14 employee in the same manner as if the educational support
15 personnel employee was the district's employee during the time
16 the educational support personnel employee was actually
17 employed by the board of the deactivating district from which
18 the position was transferred.

19 (b) The provisions of this subsection shall not apply to
20 the reactivation of a high school facility which is deactivated
21 under subsection (c). The sending district may, with the
22 approval of the voters in the district, reactivate the school
23 facility which was deactivated. The board of the district
24 seeking to reactivate the school facility shall, by proper
25 resolution, cause the proposition to reactivate to be submitted
26 to the voters of the district at a regularly scheduled

1 election. Notice shall be published at least 10 days prior to
 2 the date of the election at least once in one or more
 3 newspapers published in the district or, if no newspaper is
 4 published in the district, in one or more newspapers with a
 5 general circulation within the district. The notice shall be
 6 substantially in the following form:

7 NOTICE OF REFERENDUM TO
 8 REACTIVATE THE SCHOOL FACILITY
 9 IN SCHOOL DISTRICT NO.

10 Notice is hereby given that on (insert date), a referendum
 11 will be held in County (Counties) for the purpose of
 12 voting for or against the proposition to reactivate the
 13 School facility in School District No. and to discontinue
 14 sending pupils of School District No. to School
 15 District(s) No.

16 The polls will be opened at ... o'clock .. m., and closed
 17 at ... o'clock .. m. of the same day.

18

19 Dated (insert date).

20 The proposition shall be in substantially the following form:

21 -----

22 Shall the Board
 23 of Education of School YES
 24 District No.,
 25 County, Illinois,

1 be authorized to -----
 2 reactivate the School
 3 facility and to discontinue sending
 4 pupils of School District No. NO
 5 to School District(s) No.?

6 -----

7 (c) The school board of any unit school district which
 8 experienced a strike by a majority of its certified employees
 9 that endured for over 6 months during the regular school term
 10 of the 1986-1987 school year, and which during the ensuing
 11 1987-1988 school year had an enrollment in grades 9 through 12
 12 of less than 125 students may, when in its judgment the
 13 interests of the district and of the students therein will be
 14 best served thereby, deactivate the high school facilities
 15 within the district for the regular term of the 1988-1989
 16 school year and, for that school year only, send the students
 17 of such high school in grades 9 through 12 to schools in
 18 adjoining or adjacent districts. Such action may only be taken:
 19 (a) by proper resolution of the school board deactivating its
 20 high school facilities and the approval, by proper resolution,
 21 of the school board of the receiving district or districts, and
 22 (b) pursuant to a contract between the sending and each
 23 receiving district, which contract or contracts: (i) shall
 24 provide for the reassignment of all students of the deactivated
 25 high school in grades 9 through 12 to the receiving district or
 26 districts; (ii) shall apply only to the regular school term of

1 the 1988-1989 school year; (iii) shall not be subject to
2 renewal or extension; and (iv) shall require the sending
3 district to pay to the receiving district the cost of educating
4 each student who is reassigned to the receiving district, such
5 costs to be an amount agreed upon by the sending and receiving
6 district but not less than the per capita cost of maintaining
7 the high school in the receiving district during the 1987-1988
8 school year. Any high school facility deactivated pursuant to
9 this subsection for the regular school term of the 1988-1989
10 school year shall be reactivated by operation of law as of the
11 end of the regular term of the 1988-1989 school year. The
12 status as a unit school district of a district which
13 deactivates its high school facilities pursuant to this
14 subsection shall not be affected by reason of such deactivation
15 of its high school facilities and such district shall continue
16 to be deemed in law a school district maintaining grades
17 kindergarten through 12 for all purposes relating to the levy,
18 extension, collection and payment of the taxes of the district
19 under Article 17 for the 1988-1989 school year.

20 (d) Whenever a school facility is reactivated pursuant to
21 the provisions of this Section, then all teachers in
22 contractual continued service who were honorably dismissed or
23 transferred as part of the deactivation process, in addition to
24 other rights they may have under the School Code, shall be
25 recalled or transferred back to the original district.

26 (Source: P.A. 94-213, eff. 7-14-05; 95-110, eff. 1-1-08;

1 95-148, eff. 8-14-07; revised 11-15-07.)

2 (105 ILCS 5/10-23.5) (from Ch. 122, par. 10-23.5)

3 Sec. 10-23.5. Educational support personnel employees.

4 (a) To employ such educational support personnel employees
5 as it deems advisable and to define their employment duties;
6 provided that residency within any school district shall not be
7 considered in determining the employment or the compensation of
8 any such employee, or whether to retain, promote, assign or
9 transfer such employee. If an educational support personnel
10 employee is removed or dismissed or the hours he or she works
11 are reduced as a result of a decision of the school board (i)
12 to decrease the number of educational support personnel
13 employees employed by the board or (ii) to discontinue some
14 particular type of educational support service, written notice
15 shall be mailed to the employee and also given to the employee
16 either by certified mail, return receipt requested, or personal
17 delivery with receipt, at least 30 days before the employee is
18 removed or dismissed or the hours he or she works are reduced,
19 together with a statement of honorable dismissal and the reason
20 therefor if applicable. However, if a reduction in hours is due
21 to an unforeseen reduction in the student population, then the
22 written notice must be mailed and given to the employee at
23 least 5 days before the hours are reduced. The employee with
24 the shorter length of continuing service with the district,
25 within the respective category of position, shall be dismissed

1 first unless an alternative method of determining the sequence
2 of dismissal is established in a collective bargaining
3 agreement or contract between the board and any exclusive
4 bargaining agent and except that this provision shall not
5 impair the operation of any affirmative action program in the
6 district, regardless of whether it exists by operation of law
7 or is conducted on a voluntary basis by the board. If the board
8 has any vacancies for the following school term or within one
9 calendar year from the beginning of the following school term,
10 the positions thereby becoming available within a specific
11 category of position shall be tendered to the employees so
12 removed or dismissed from that category or any other category
13 of position, so far as they are qualified to hold such
14 positions. Each board shall, in consultation with any exclusive
15 employee representative or bargaining agent, each year
16 establish a list, categorized by positions, showing the length
17 of continuing service of each full time educational support
18 personnel employee who is qualified to hold any such positions,
19 unless an alternative method of determining a sequence of
20 dismissal is established as provided for in this Section, in
21 which case a list shall be made in accordance with the
22 alternative method. Copies of the list shall be distributed to
23 the exclusive employee representative or bargaining agent on or
24 before February 1 of each year. Where an educational support
25 personnel employee is dismissed by the board as a result of a
26 decrease in the number of employees or the discontinuance of

1 the employee's job, the employee shall be paid all earned
2 compensation on or before the third business day following his
3 or her last day of employment.

4 The provisions of this amendatory Act of 1986 relating to
5 residency within any school district shall not apply to cities
6 having a population exceeding 500,000 inhabitants.

7 (b) In the case of a new school district or districts
8 formed in accordance with Article 11E of this Code, a school
9 district or districts that annex all of the territory of one or
10 more entire other school districts in accordance with Article 7
11 of this Code, or a school district receiving students from a
12 deactivated school facility in accordance with Section
13 10-22.22b of this Code, the employment of educational support
14 personnel in the new, annexing, or receiving school district
15 immediately following the reorganization shall be governed by
16 this subsection (b). Lists of the educational support personnel
17 employed in the individual districts for the school year
18 immediately prior to the effective date of the new district or
19 districts, annexation, or deactivation shall be combined for
20 the districts forming the new district or districts, for the
21 annexed and annexing districts, or for the deactivating and
22 receiving districts, as the case may be. The combined list
23 shall be categorized by positions, showing the length of
24 continuing service of each full-time educational support
25 personnel employee who is qualified to hold any such position.
26 If there are more full-time educational support personnel

1 employees on the combined list than there are available
2 positions in the new, annexing, or receiving school district,
3 then the employing school board shall first remove or dismiss
4 those educational support personnel employees with the shorter
5 length of continuing service within the respective category of
6 position, following the procedures outlined in subsection (a)
7 of this Section. The employment and position of each
8 educational support personnel employee on the combined list not
9 so removed or dismissed shall be transferred to the new,
10 annexing, or receiving school board, and the new, annexing, or
11 receiving school board is subject to this Code with respect to
12 any educational support personnel employee so transferred as if
13 the educational support personnel employee had been the new,
14 annexing, or receiving board's employee during the time the
15 educational support personnel employee was actually employed
16 by the school board of the district from which the employment
17 and position were transferred.

18 The changes made by Public Act 95-148 ~~this amendatory Act~~
19 ~~of the 95th General Assembly~~ shall not apply to the formation
20 of a new district or districts in accordance with Article 11E
21 of this Code, the annexation of one or more entire districts in
22 accordance with Article 7 of this Code, or the deactivation of
23 a school facility in accordance with Section 10-22.22b of this
24 Code effective on or before July 1, 2007.

25 (Source: P.A. 95-148, eff. 8-14-07; 95-396, eff. 8-23-07;
26 revised 11-15-07.)

1 (105 ILCS 5/14-8.02) (from Ch. 122, par. 14-8.02)

2 Sec. 14-8.02. Identification, Evaluation and Placement of
3 Children.

4 (a) The State Board of Education shall make rules under
5 which local school boards shall determine the eligibility of
6 children to receive special education. Such rules shall ensure
7 that a free appropriate public education be available to all
8 children with disabilities as defined in Section 14-1.02. The
9 State Board of Education shall require local school districts
10 to administer non-discriminatory procedures or tests to
11 limited English proficiency students coming from homes in which
12 a language other than English is used to determine their
13 eligibility to receive special education. The placement of low
14 English proficiency students in special education programs and
15 facilities shall be made in accordance with the test results
16 reflecting the student's linguistic, cultural and special
17 education needs. For purposes of determining the eligibility of
18 children the State Board of Education shall include in the
19 rules definitions of "case study", "staff conference",
20 "individualized educational program", and "qualified
21 specialist" appropriate to each category of children with
22 disabilities as defined in this Article. For purposes of
23 determining the eligibility of children from homes in which a
24 language other than English is used, the State Board of
25 Education shall include in the rules definitions for "qualified

1 bilingual specialists" and "linguistically and culturally
2 appropriate individualized educational programs". For purposes
3 of this Section, as well as Sections 14-8.02a, 14-8.02b, and
4 14-8.02c of this Code, "parent" means a parent as defined in
5 the federal Individuals with Disabilities Education Act (20
6 U.S.C. 1401(23)).

7 (b) No child shall be eligible for special education
8 facilities except with a carefully completed case study fully
9 reviewed by professional personnel in a multidisciplinary
10 staff conference and only upon the recommendation of qualified
11 specialists or a qualified bilingual specialist, if available.
12 At the conclusion of the multidisciplinary staff conference,
13 the parent of the child shall be given a copy of the
14 multidisciplinary conference summary report and
15 recommendations, which includes options considered, and be
16 informed of their right to obtain an independent educational
17 evaluation if they disagree with the evaluation findings
18 conducted or obtained by the school district. If the school
19 district's evaluation is shown to be inappropriate, the school
20 district shall reimburse the parent for the cost of the
21 independent evaluation. The State Board of Education shall,
22 with advice from the State Advisory Council on Education of
23 Children with Disabilities on the inclusion of specific
24 independent educational evaluators, prepare a list of
25 suggested independent educational evaluators. The State Board
26 of Education shall include on the list clinical psychologists

1 licensed pursuant to the Clinical Psychologist Licensing Act.
2 Such psychologists shall not be paid fees in excess of the
3 amount that would be received by a school psychologist for
4 performing the same services. The State Board of Education
5 shall supply school districts with such list and make the list
6 available to parents at their request. School districts shall
7 make the list available to parents at the time they are
8 informed of their right to obtain an independent educational
9 evaluation. However, the school district may initiate an
10 impartial due process hearing under this Section within 5 days
11 of any written parent request for an independent educational
12 evaluation to show that its evaluation is appropriate. If the
13 final decision is that the evaluation is appropriate, the
14 parent still has a right to an independent educational
15 evaluation, but not at public expense. An independent
16 educational evaluation at public expense must be completed
17 within 30 days of a parent written request unless the school
18 district initiates an impartial due process hearing or the
19 parent or school district offers reasonable grounds to show
20 that such 30 day time period should be extended. If the due
21 process hearing decision indicates that the parent is entitled
22 to an independent educational evaluation, it must be completed
23 within 30 days of the decision unless the parent or the school
24 district offers reasonable grounds to show that such 30 day
25 period should be extended. If a parent disagrees with the
26 summary report or recommendations of the multidisciplinary

1 conference or the findings of any educational evaluation which
2 results therefrom, the school district shall not proceed with a
3 placement based upon such evaluation and the child shall remain
4 in his or her regular classroom setting. No child shall be
5 eligible for admission to a special class for the educable
6 mentally disabled or for the trainable mentally disabled except
7 with a psychological evaluation and recommendation by a school
8 psychologist. Consent shall be obtained from the parent of a
9 child before any evaluation is conducted. If consent is not
10 given by the parent or if the parent disagrees with the
11 findings of the evaluation, then the school district may
12 initiate an impartial due process hearing under this Section.
13 The school district may evaluate the child if that is the
14 decision resulting from the impartial due process hearing and
15 the decision is not appealed or if the decision is affirmed on
16 appeal. The determination of eligibility shall be made and the
17 IEP meeting shall be completed within 60 school days from the
18 date of written parental consent. In those instances when
19 written parental consent is obtained with fewer than 60 pupil
20 attendance days left in the school year, the eligibility
21 determination shall be made and the IEP meeting shall be
22 completed prior to the first day of the following school year.
23 After a child has been determined to be eligible for a special
24 education class, such child must be placed in the appropriate
25 program pursuant to the individualized educational program by
26 or no later than the beginning of the next school semester. The

1 appropriate program pursuant to the individualized educational
2 program of students whose native tongue is a language other
3 than English shall reflect the special education, cultural and
4 linguistic needs. No later than September 1, 1993, the State
5 Board of Education shall establish standards for the
6 development, implementation and monitoring of appropriate
7 bilingual special individualized educational programs. The
8 State Board of Education shall further incorporate appropriate
9 monitoring procedures to verify implementation of these
10 standards. The district shall indicate to the parent and the
11 State Board of Education the nature of the services the child
12 will receive for the regular school term while waiting
13 placement in the appropriate special education class.

14 If the child is deaf, hard of hearing, blind, or visually
15 impaired and he or she might be eligible to receive services
16 from the Illinois School for the Deaf or the Illinois School
17 for the Visually Impaired, the school district shall notify the
18 parents, in writing, of the existence of these schools and the
19 services they provide and shall make a reasonable effort to
20 inform the parents of the existence of other, local schools
21 that provide similar services and the services that these other
22 schools provide. This notification shall include without
23 limitation information on school services, school admissions
24 criteria, and school contact information.

25 In the development of the individualized education program
26 for a student who has a disability on the autism spectrum

1 (which includes autistic disorder, Asperger's disorder,
2 pervasive developmental disorder not otherwise specified,
3 childhood disintegrative disorder, and Rett Syndrome, as
4 defined in the Diagnostic and Statistical Manual of Mental
5 Disorders, fourth edition (DSM-IV, 2000)), the IEP team shall
6 consider all of the following factors:

7 (1) The verbal and nonverbal communication needs of the
8 child.

9 (2) The need to develop social interaction skills and
10 proficiencies.

11 (3) The needs resulting from the child's unusual
12 responses to sensory experiences.

13 (4) The needs resulting from resistance to
14 environmental change or change in daily routines.

15 (5) The needs resulting from engagement in repetitive
16 activities and stereotyped movements.

17 (6) The need for any positive behavioral
18 interventions, strategies, and supports to address any
19 behavioral difficulties resulting from autism spectrum
20 disorder.

21 (7) Other needs resulting from the child's disability
22 that impact progress in the general curriculum, including
23 social and emotional development.

24 Public Act 95-257 ~~This amendatory Act of the 95th General~~
25 ~~Assembly~~ does not create any new entitlement to a service,
26 program, or benefit, but must not affect any entitlement to a

1 service, program, or benefit created by any other law.

2 If the student may be eligible to participate in the
3 Home-Based Support Services Program for Mentally Disabled
4 Adults authorized under the Developmental Disability and
5 Mental Disability Services Act upon becoming an adult, the
6 student's individualized education program shall include plans
7 for (i) determining the student's eligibility for those
8 home-based services, (ii) enrolling the student in the program
9 of home-based services, and (iii) developing a plan for the
10 student's most effective use of the home-based services after
11 the student becomes an adult and no longer receives special
12 educational services under this Article. The plans developed
13 under this paragraph shall include specific actions to be taken
14 by specified individuals, agencies, or officials.

15 (c) In the development of the individualized education
16 program for a student who is functionally blind, it shall be
17 presumed that proficiency in Braille reading and writing is
18 essential for the student's satisfactory educational progress.
19 For purposes of this subsection, the State Board of Education
20 shall determine the criteria for a student to be classified as
21 functionally blind. Students who are not currently identified
22 as functionally blind who are also entitled to Braille
23 instruction include: (i) those whose vision loss is so severe
24 that they are unable to read and write at a level comparable to
25 their peers solely through the use of vision, and (ii) those
26 who show evidence of progressive vision loss that may result in

1 functional blindness. Each student who is functionally blind
2 shall be entitled to Braille reading and writing instruction
3 that is sufficient to enable the student to communicate with
4 the same level of proficiency as other students of comparable
5 ability. Instruction should be provided to the extent that the
6 student is physically and cognitively able to use Braille.
7 Braille instruction may be used in combination with other
8 special education services appropriate to the student's
9 educational needs. The assessment of each student who is
10 functionally blind for the purpose of developing the student's
11 individualized education program shall include documentation
12 of the student's strengths and weaknesses in Braille skills.
13 Each person assisting in the development of the individualized
14 education program for a student who is functionally blind shall
15 receive information describing the benefits of Braille
16 instruction. The individualized education program for each
17 student who is functionally blind shall specify the appropriate
18 learning medium or media based on the assessment report.

19 (d) To the maximum extent appropriate, the placement shall
20 provide the child with the opportunity to be educated with
21 children who are not disabled; provided that children with
22 disabilities who are recommended to be placed into regular
23 education classrooms are provided with supplementary services
24 to assist the children with disabilities to benefit from the
25 regular classroom instruction and are included on the teacher's
26 regular education class register. Subject to the limitation of

1 the preceding sentence, placement in special classes, separate
2 schools or other removal of the disabled child from the regular
3 educational environment shall occur only when the nature of the
4 severity of the disability is such that education in the
5 regular classes with the use of supplementary aids and services
6 cannot be achieved satisfactorily. The placement of limited
7 English proficiency students with disabilities shall be in
8 non-restrictive environments which provide for integration
9 with non-disabled peers in bilingual classrooms. Annually,
10 each January, school districts shall report data on students
11 from non-English speaking backgrounds receiving special
12 education and related services in public and private facilities
13 as prescribed in Section 2-3.30. If there is a disagreement
14 between parties involved regarding the special education
15 placement of any child, either in-state or out-of-state, the
16 placement is subject to impartial due process procedures
17 described in Article 10 of the Rules and Regulations to Govern
18 the Administration and Operation of Special Education.

19 (e) No child who comes from a home in which a language
20 other than English is the principal language used may be
21 assigned to any class or program under this Article until he
22 has been given, in the principal language used by the child and
23 used in his home, tests reasonably related to his cultural
24 environment. All testing and evaluation materials and
25 procedures utilized for evaluation and placement shall not be
26 linguistically, racially or culturally discriminatory.

1 (f) Nothing in this Article shall be construed to require
2 any child to undergo any physical examination or medical
3 treatment whose parents object thereto on the grounds that such
4 examination or treatment conflicts with his religious beliefs.

5 (g) School boards or their designee shall provide to the
6 parents of a child prior written notice of any decision (a)
7 proposing to initiate or change, or (b) refusing to initiate or
8 change, the identification, evaluation, or educational
9 placement of the child or the provision of a free appropriate
10 public education to their child, and the reasons therefor. Such
11 written notification shall also inform the parent of the
12 opportunity to present complaints with respect to any matter
13 relating to the educational placement of the student, or the
14 provision of a free appropriate public education and to have an
15 impartial due process hearing on the complaint. The notice
16 shall inform the parents in the parents' native language,
17 unless it is clearly not feasible to do so, of their rights and
18 all procedures available pursuant to this Act and the federal
19 Individuals with Disabilities Education Improvement Act of
20 2004 (Public Law 108-446); it shall be the responsibility of
21 the State Superintendent to develop uniform notices setting
22 forth the procedures available under this Act and the federal
23 Individuals with Disabilities Education Improvement Act of
24 2004 (Public Law 108-446) to be used by all school boards. The
25 notice shall also inform the parents of the availability upon
26 request of a list of free or low-cost legal and other relevant

1 services available locally to assist parents in initiating an
2 impartial due process hearing. Any parent who is deaf, or does
3 not normally communicate using spoken English, who
4 participates in a meeting with a representative of a local
5 educational agency for the purposes of developing an
6 individualized educational program shall be entitled to the
7 services of an interpreter.

8 (h) (Blank).

9 (i) (Blank).

10 (j) (Blank).

11 (k) (Blank).

12 (l) (Blank).

13 (m) (Blank).

14 (n) (Blank).

15 (o) (Blank).

16 (Source: P.A. 94-376, eff. 7-29-05; 94-1100, eff. 2-2-07;
17 95-257, eff. 1-1-08; revised 11-15-07.)

18 (105 ILCS 5/14C-8) (from Ch. 122, par. 14C-8)

19 Sec. 14C-8. Teacher certification - Qualifications -
20 Issuance of certificates. No person shall be eligible for
21 employment by a school district as a teacher of transitional
22 bilingual education without either (a) holding a valid teaching
23 certificate issued pursuant to Article 21 of this Code and
24 meeting such additional language and course requirements as
25 prescribed by the State Board of Education or (b) meeting the

1 requirements set forth in this Section. The Certification Board
2 shall issue certificates valid for teaching in all grades of
3 the common school in transitional bilingual education programs
4 to any person who presents it with satisfactory evidence that
5 he possesses an adequate speaking and reading ability in a
6 language other than English in which transitional bilingual
7 education is offered and communicative skills in English, and
8 possessed within 5 years previous to his or her applying for a
9 certificate under this Section a valid teaching certificate
10 issued by a foreign country, or by a State or possession or
11 territory of the United States, or other evidence of teaching
12 preparation as may be determined to be sufficient by the
13 Certification Board, or holds a degree from an institution of
14 higher learning in a foreign country which the Certification
15 Board determines to be the equivalent of a bachelor's degree
16 from a recognized institution of higher learning in the United
17 States; provided that any person seeking a certificate under
18 this Section must meet the following additional requirements:

19 (1) Such persons must be in good health;

20 (2) Such persons must be of sound moral character;

21 (3) Such persons must be legally present in the United
22 States and possess legal authorization for employment;

23 (4) Such persons must not be employed to replace any
24 presently employed teacher who otherwise would not be
25 replaced for any reason.

26 Certificates issuable pursuant to this Section shall be

1 issuable only during the 5 years immediately following the
2 effective date of this Act and thereafter for additional
3 periods of one year only upon a determination by the State
4 Board of Education that a school district lacks the number of
5 teachers necessary to comply with the mandatory requirements of
6 Section 14C-3 of this Article for the establishment and
7 maintenance of programs of transitional bilingual education
8 and said certificates issued by the Certification Board shall
9 be valid for a period of 6 years following their date of
10 issuance and shall not be renewed, except that one renewal for
11 a period of two years may be granted if necessary to permit the
12 holder of a certificate issued under this Section to acquire a
13 teaching certificate pursuant to Article 21 of this Code. Such
14 certificates and the persons to whom they are issued shall be
15 exempt from the provisions of Article 21 of this Code except
16 that Sections 21-12, 21-13, 21-16, 21-17, 21-21, 21-22, 21-23
17 and 21-24 shall continue to be applicable to all such
18 certificates.

19 After the effective date of this amendatory Act of 1984, an
20 additional renewal for a period to expire August 31, 1985, may
21 be granted. The State Board of Education shall report to the
22 General Assembly on or before January 31, 1985 its
23 recommendations for the qualification of teachers of bilingual
24 education and for the qualification of teachers of English as a
25 second language. Said qualification program shall take effect
26 no later than August 31, 1985.

1 Beginning July 1, 2001, the State Board of Education shall
2 implement a test or tests to assess the speaking, reading,
3 writing, and grammar skills of applicants for a certificate
4 issued under this Section in the English language and in the
5 language of the transitional bilingual education program
6 requested by the applicant and shall establish appropriate fees
7 for these tests. The State Board of Education, in consultation
8 with the Certification Board, shall promulgate rules to
9 implement the required tests, including specific provisions to
10 govern test selection, test validation, determination of a
11 passing score, administration of the test or tests, frequency
12 of administration, applicant fees, identification requirements
13 for test takers, frequency of applicants taking the tests, the
14 years for which a score is valid, waiving tests for individuals
15 who have satisfactorily passed other tests, and the
16 consequences of dishonest conduct in the application for or
17 taking of the tests.

18 If the qualifications of an applicant for a certificate
19 valid for teaching in transitional bilingual education
20 programs in all grades of the common schools do not meet the
21 requirements established for the issuance of that certificate,
22 the Certification Board nevertheless shall issue the applicant
23 a substitute teacher's certificate under Section 21-9 whenever
24 it appears from the face of the application submitted for
25 certification as a teacher of transitional bilingual education
26 and the evidence presented in support thereof that the

1 applicant's qualifications meet the requirements established
2 for the issuance of a certificate under Section 21-9; provided,
3 that if it does not appear from the face of such application
4 and supporting evidence that the applicant is qualified for
5 issuance of a certificate under Section 21-9 the Certification
6 Board shall evaluate the application with reference to the
7 requirements for issuance of certificates under Section 21-9
8 and shall inform the applicant, at the time it denies the
9 application submitted for certification as a teacher of
10 transitional bilingual education, of the additional
11 qualifications which the applicant must possess in order to
12 meet the requirements established for issuance of (i) a
13 certificate valid for teaching in transitional bilingual
14 education programs in all grades of the common schools and (ii)
15 a substitute teacher's certificate under Section 21-9.

16 (Source: P.A. 94-1105, eff. 6-1-07; 95-496, eff. 8-28-07;
17 revised 11-15-07.)

18 (105 ILCS 5/18-12) (from Ch. 122, par. 18-12)

19 Sec. 18-12. Dates for filing State aid claims. The school
20 board of each school district shall require teachers,
21 principals, or superintendents to furnish from records kept by
22 them such data as it needs in preparing and certifying to the
23 regional superintendent its school district report of claims
24 provided in Sections 18-8.05 through 18-9 as required by the
25 State Superintendent of Education. The district claim shall be

1 based on the latest available equalized assessed valuation and
2 tax rates, as provided in Section 18-8.05 and shall use the
3 average daily attendance as determined by the method outlined
4 in Section 18-8.05 and shall be certified and filed with the
5 regional superintendent by June 21 for districts with an
6 official school calendar end date before June 15 or within 2
7 weeks following the official school calendar end date for
8 districts with a school year end date of June 15 or later. The
9 regional superintendent shall certify and file with the State
10 Superintendent of Education district State aid claims by July 1
11 for districts with an official school calendar end date before
12 June 15 or no later than July 15 for districts with an official
13 school calendar end date of June 15 or later. Failure to so
14 file by these deadlines constitutes a forfeiture of the right
15 to receive payment by the State until such claim is filed and
16 vouchered for payment. The regional superintendent of schools
17 shall certify the county report of claims by July 15; and the
18 State Superintendent of Education shall voucher for payment
19 those claims to the State Comptroller as provided in Section
20 18-11.

21 Except as otherwise provided in this Section, if any school
22 district fails to provide the minimum school term specified in
23 Section 10-19, the State aid claim for that year shall be
24 reduced by the State Superintendent of Education in an amount
25 equivalent to .56818% for each day less than the number of days
26 required by this Code.

1 If the State Superintendent of Education determines that
2 the failure to provide the minimum school term was occasioned
3 by an act or acts of God, or was occasioned by conditions
4 beyond the control of the school district which posed a
5 hazardous threat to the health and safety of pupils, the State
6 aid claim need not be reduced.

7 If the State Superintendent of Education determines that
8 the failure to provide the minimum school term was due to a
9 school being closed on or after September 11, 2001 for more
10 than one-half day of attendance due to a bioterrorism or
11 terrorism threat that was investigated by a law enforcement
12 agency, the State aid claim shall not be reduced.

13 If, during any school day, (i) a school district has
14 provided at least one clock hour of instruction but must close
15 the schools due to adverse weather conditions or due to a
16 condition beyond the control of the school district that poses
17 a hazardous threat to the health and safety of pupils prior to
18 providing the minimum hours of instruction required for a full
19 day of attendance, (ii) the school district must delay the
20 start of the school day due to adverse weather conditions and
21 this delay prevents the district from providing the minimum
22 hours of instruction required for a full day of attendance, or
23 (iii) a school district has provided at least one clock hour of
24 instruction but must dismiss students from one or more
25 recognized school buildings due to a condition beyond the
26 control of the school district, the partial day of attendance

1 may be counted as a full day of attendance. The partial day of
2 attendance and the reasons therefor shall be certified in
3 writing within a month of the closing or delayed start by the
4 local school district superintendent to the Regional
5 Superintendent of Schools for forwarding to the State
6 Superintendent of Education for approval.

7 If a school building is ordered to be closed by the school
8 board, in consultation with a local emergency response agency,
9 due to a condition that poses a hazardous threat to the health
10 and safety of pupils, then the school district shall have a
11 grace period of 4 days in which the general State aid claim
12 shall not be reduced so that alternative housing of the pupils
13 may be located.

14 No exception to the requirement of providing a minimum
15 school term may be approved by the State Superintendent of
16 Education pursuant to this Section unless a school district has
17 first used all emergency days provided for in its regular
18 calendar.

19 If the State Superintendent of Education declares that an
20 energy shortage exists during any part of the school year for
21 the State or a designated portion of the State, a district may
22 operate the school attendance centers within the district 4
23 days of the week during the time of the shortage by extending
24 each existing school day by one clock hour of school work, and
25 the State aid claim shall not be reduced, nor shall the
26 employees of that district suffer any reduction in salary or

1 benefits as a result thereof. A district may operate all
2 attendance centers on this revised schedule, or may apply the
3 schedule to selected attendance centers, taking into
4 consideration such factors as pupil transportation schedules
5 and patterns and sources of energy for individual attendance
6 centers.

7 No State aid claim may be filed for any district unless the
8 district superintendent executes and files with the State
9 Superintendent of Education, in the method prescribed by the
10 Superintendent, certification that the district has complied
11 with the requirements of Section 10-22.5 in regard to the
12 nonsegregation of pupils on account of color, creed, race, sex
13 or nationality.

14 No State aid claim may be filed for any district unless the
15 district superintendent executes and files with the State
16 Superintendent of Education, in the method prescribed by the
17 Superintendent, a sworn statement that to the best of his or
18 her knowledge or belief the employing or assigning personnel
19 have complied with Section 24-4 in all respects.

20 Electronically submitted State aid claims shall be
21 submitted by duly authorized district or regional individuals
22 over a secure network that is password protected. The
23 electronic submission of a State aid claim must be accompanied
24 with an affirmation that all of the provisions of Sections
25 18-8.05 through 18-9, 10-22.5, and 24-4 of this Code are met in
26 all respects.

1 (Source: P.A. 94-1105, eff. 6-1-07; 95-152, eff. 8-14-07;
2 revised 11-15-07.)

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.

18 A tuberculosis skin test screening shall be included as a
19 required part of each health examination included under this
20 Section if the child resides in an area designated by the
21 Department of Public Health as having a high incidence of
22 tuberculosis. Additional health examinations of pupils,
23 including eye examinations, may be required when deemed
24 necessary by school authorities. Parents are encouraged to have
25 their children undergo eye examinations at the same points in

1 time required for health examinations.

2 (1.5) In compliance with rules adopted by the Department of
3 Public Health and except as otherwise provided in this Section,
4 all children in kindergarten and the second and sixth grades of
5 any public, private, or parochial school shall have a dental
6 examination. Each of these children shall present proof of
7 having been examined by a dentist in accordance with this
8 Section and rules adopted under this Section before May 15th of
9 the school year. If a child in the second or sixth grade fails
10 to present proof by May 15th, the school may hold the child's
11 report card until one of the following occurs: (i) the child
12 presents proof of a completed dental examination or (ii) the
13 child presents proof that a dental examination will take place
14 within 60 days after May 15th. The Department of Public Health
15 shall establish, by rule, a waiver for children who show an
16 undue burden or a lack of access to a dentist. Each public,
17 private, and parochial school must give notice of this dental
18 examination requirement to the parents and guardians of
19 students at least 60 days before May 15th of each school year.

20 (1.10) Except as otherwise provided in this Section, all
21 children enrolling in kindergarten in a public, private, or
22 parochial school on or after the effective date of this
23 amendatory Act of the 95th General Assembly and any student
24 enrolling for the first time in a public, private, or parochial
25 school on or after the effective date of this amendatory Act of
26 the 95th General Assembly shall have an eye examination. Each

1 of these children shall present proof of having been examined
2 by a physician licensed to practice medicine in all of its
3 branches or a licensed optometrist within the previous year, in
4 accordance with this Section and rules adopted under this
5 Section, before October 15th of the school year. If the child
6 fails to present proof by October 15th, the school may hold the
7 child's report card until one of the following occurs: (i) the
8 child presents proof of a completed eye examination or (ii) the
9 child presents proof that an eye examination will take place
10 within 60 days after October 15th. The Department of Public
11 Health shall establish, by rule, a waiver for children who show
12 an undue burden or a lack of access to a physician licensed to
13 practice medicine in all of its branches who provides eye
14 examinations or to a licensed optometrist. Each public,
15 private, and parochial school must give notice of this eye
16 examination requirement to the parents and guardians of
17 students in compliance with rules of the Department of Public
18 Health. Nothing in this Section shall be construed to allow a
19 school to exclude a child from attending because of a parent's
20 or guardian's failure to obtain an eye examination for the
21 child.

22 (2) The Department of Public Health shall promulgate rules
23 and regulations specifying the examinations and procedures
24 that constitute a health examination, which shall include the
25 collection of data relating to obesity (including at a minimum,
26 date of birth, gender, height, weight, blood pressure, and date

1 of exam), and a dental examination and may recommend by rule
2 that certain additional examinations be performed. The rules
3 and regulations of the Department of Public Health shall
4 specify that a tuberculosis skin test screening shall be
5 included as a required part of each health examination included
6 under this Section if the child resides in an area designated
7 by the Department of Public Health as having a high incidence
8 of tuberculosis. The Department of Public Health shall specify
9 that a diabetes screening as defined by rule shall be included
10 as a required part of each health examination. Diabetes testing
11 is not required.

12 Physicians licensed to practice medicine in all of its
13 branches, advanced practice nurses who have a written
14 collaborative agreement with a collaborating physician which
15 authorizes them to perform health examinations, or physician
16 assistants who have been delegated the performance of health
17 examinations by their supervising physician shall be
18 responsible for the performance of the health examinations,
19 other than dental examinations, eye examinations, and vision
20 and hearing screening, and shall sign all report forms required
21 by subsection (4) of this Section that pertain to those
22 portions of the health examination for which the physician,
23 advanced practice nurse, or physician assistant is
24 responsible. If a registered nurse performs any part of a
25 health examination, then a physician licensed to practice
26 medicine in all of its branches must review and sign all

1 required report forms. Licensed dentists shall perform all
2 dental examinations and shall sign all report forms required by
3 subsection (4) of this Section that pertain to the dental
4 examinations. Physicians licensed to practice medicine in all
5 its branches or licensed optometrists shall perform all eye
6 examinations required by this Section and shall sign all report
7 forms required by subsection (4) of this Section that pertain
8 to the eye examination. For purposes of this Section, an eye
9 examination shall at a minimum include history, visual acuity,
10 subjective refraction to best visual acuity near and far,
11 internal and external examination, and a glaucoma evaluation,
12 as well as any other tests or observations that in the
13 professional judgment of the doctor are necessary. Vision and
14 hearing screening tests, which shall not be considered
15 examinations as that term is used in this Section, shall be
16 conducted in accordance with rules and regulations of the
17 Department of Public Health, and by individuals whom the
18 Department of Public Health has certified. In these rules and
19 regulations, the Department of Public Health shall require that
20 individuals conducting vision screening tests give a child's
21 parent or guardian written notification, before the vision
22 screening is conducted, that states, "Vision screening is not a
23 substitute for a complete eye and vision evaluation by an eye
24 doctor. Your child is not required to undergo this vision
25 screening if an optometrist or ophthalmologist has completed
26 and signed a report form indicating that an examination has

1 been administered within the previous 12 months."

2 (3) Every child shall, at or about the same time as he or
3 she receives a health examination required by subsection (1) of
4 this Section, present to the local school proof of having
5 received such immunizations against preventable communicable
6 diseases as the Department of Public Health shall require by
7 rules and regulations promulgated pursuant to this Section and
8 the Communicable Disease Prevention Act.

9 (4) The individuals conducting the health examination,
10 dental examination, or eye examination shall record the fact of
11 having conducted the examination, and such additional
12 information as required, including for a health examination
13 data relating to obesity (including at a minimum, date of
14 birth, gender, height, weight, blood pressure, and date of
15 exam), on uniform forms which the Department of Public Health
16 and the State Board of Education shall prescribe for statewide
17 use. The examiner shall summarize on the report form any
18 condition that he or she suspects indicates a need for special
19 services, including for a health examination factors relating
20 to obesity. The individuals confirming the administration of
21 required immunizations shall record as indicated on the form
22 that the immunizations were administered.

23 (5) If a child does not submit proof of having had either
24 the health examination or the immunization as required, then
25 the child shall be examined or receive the immunization, as the
26 case may be, and present proof by October 15 of the current

1 school year, or by an earlier date of the current school year
2 established by a school district. To establish a date before
3 October 15 of the current school year for the health
4 examination or immunization as required, a school district must
5 give notice of the requirements of this Section 60 days prior
6 to the earlier established date. If for medical reasons one or
7 more of the required immunizations must be given after October
8 15 of the current school year, or after an earlier established
9 date of the current school year, then the child shall present,
10 by October 15, or by the earlier established date, a schedule
11 for the administration of the immunizations and a statement of
12 the medical reasons causing the delay, both the schedule and
13 the statement being issued by the physician, advanced practice
14 nurse, physician assistant, registered nurse, or local health
15 department that will be responsible for administration of the
16 remaining required immunizations. If a child does not comply by
17 October 15, or by the earlier established date of the current
18 school year, with the requirements of this subsection, then the
19 local school authority shall exclude that child from school
20 until such time as the child presents proof of having had the
21 health examination as required and presents proof of having
22 received those required immunizations which are medically
23 possible to receive immediately. During a child's exclusion
24 from school for noncompliance with this subsection, the child's
25 parents or legal guardian shall be considered in violation of
26 Section 26-1 and subject to any penalty imposed by Section

1 26-10. This subsection (5) does not apply to dental
2 examinations and eye examinations.

3 (6) Every school shall report to the State Board of
4 Education by November 15, in the manner which that agency shall
5 require, the number of children who have received the necessary
6 immunizations and the health examination (other than a dental
7 examination or eye examination) as required, indicating, of
8 those who have not received the immunizations and examination
9 as required, the number of children who are exempt from health
10 examination and immunization requirements on religious or
11 medical grounds as provided in subsection (8). Every school
12 shall report to the State Board of Education by June 30, in the
13 manner that the State Board requires, the number of children
14 who have received the required dental examination, indicating,
15 of those who have not received the required dental examination,
16 the number of children who are exempt from the dental
17 examination on religious grounds as provided in subsection (8)
18 of this Section and the number of children who have received a
19 waiver under subsection (1.5) of this Section. Every school
20 shall report to the State Board of Education by June 30, in the
21 manner that the State Board requires, the number of children
22 who have received the required eye examination, indicating, of
23 those who have not received the required eye examination, the
24 number of children who are exempt from the eye examination as
25 provided in subsection (8) of this Section, the number of
26 children who have received a waiver under subsection (1.10) of

1 this Section, and the total number of children in noncompliance
2 with the eye examination requirement. This reported
3 information shall be provided to the Department of Public
4 Health by the State Board of Education.

5 (7) Upon determining that the number of pupils who are
6 required to be in compliance with subsection (5) of this
7 Section is below 90% of the number of pupils enrolled in the
8 school district, 10% of each State aid payment made pursuant to
9 Section 18-8.05 to the school district for such year may be
10 withheld by the State Board of Education until the number of
11 students in compliance with subsection (5) is the applicable
12 specified percentage or higher.

13 (8) Parents or legal guardians who object to health,
14 dental, or eye examinations or any part thereof, or to
15 immunizations, on religious grounds shall not be required to
16 submit their children or wards to the examinations or
17 immunizations to which they so object if such parents or legal
18 guardians present to the appropriate local school authority a
19 signed statement of objection, detailing the grounds for the
20 objection. If the physical condition of the child is such that
21 any one or more of the immunizing agents should not be
22 administered, the examining physician, advanced practice
23 nurse, or physician assistant responsible for the performance
24 of the health examination shall endorse that fact upon the
25 health examination form. Exempting a child from the health,
26 dental, or eye examination does not exempt the child from

1 participation in the program of physical education training
2 provided in Sections 27-5 through 27-7 of this Code.

3 (9) For the purposes of this Section, "nursery schools"
4 means those nursery schools operated by elementary school
5 systems or secondary level school units or institutions of
6 higher learning.

7 (Source: P.A. 95-331, eff. 8-21-07; 95-422, eff. 8-24-07;
8 95-496, eff. 8-28-07; 95-671, eff. 1-1-08; revised 11-15-07.)

9 (105 ILCS 5/27-17) (from Ch. 122, par. 27-17)

10 Sec. 27-17. Safety education. School boards of public
11 schools and all boards in charge of educational institutions
12 supported wholly or partially by the State may provide
13 instruction in safety education in all grades and include such
14 instruction in the courses of study regularly taught therein.

15 In this section "safety education" means and includes
16 instruction in the following:

17 1. automobile safety, including traffic regulations,
18 highway safety, and the consequences of alcohol consumption and
19 the operation of a motor vehicle;

20 2. safety in the home;

21 3. safety in connection with recreational activities;

22 4. safety in and around school buildings;

23 5. safety in connection with vocational work or training;

24 and

25 6. cardio-pulmonary resuscitation for pupils enrolled in

1 grades 9 through 11.

2 Such boards may make suitable provisions in the schools and
3 institutions under their jurisdiction for instruction in
4 safety education for not less than 16 hours during each school
5 year.

6 The curriculum in all State universities shall contain
7 instruction in safety education for teachers that is
8 appropriate to the grade level of the teaching certificate.
9 This instruction may be by specific courses in safety education
10 or may be incorporated in existing subjects taught in the
11 university.

12 (Source: P.A. 95-168, eff. 8-14-07; 95-371, eff. 8-23-07;
13 revised 11-15-07.)

14 (105 ILCS 5/27-23.7)

15 Sec. 27-23.7. Bullying prevention education; gang
16 resistance education and training.

17 (a) The General Assembly finds that bullying has a negative
18 effect on the social environment of schools, creates a climate
19 of fear among students, inhibits their ability to learn, and
20 leads to other antisocial behavior. Bullying behavior has been
21 linked to other forms of antisocial behavior, such as
22 vandalism, shoplifting, skipping and dropping out of school,
23 fighting, using drugs and alcohol, sexual harassment, and
24 sexual violence.

25 The General Assembly further finds that the instance of

1 youth delinquent gangs continues to rise on a statewide basis.
2 Given the higher rates of criminal offending among gang
3 members, as well as the availability of increasingly lethal
4 weapons, the level of criminal activity by gang members has
5 taken on new importance for law enforcement agencies, schools,
6 the community, and prevention efforts.

7 (b) In this Section:

8 "Bullying prevention" means and includes instruction in
9 all of the following:

10 (1) Intimidation.

11 (2) Student victimization.

12 (3) Sexual harassment.

13 (4) Sexual violence.

14 (5) Strategies for student-centered problem solving
15 regarding bullying.

16 "Gang resistance education and training" means and
17 includes instruction in, without limitation, each of the
18 following subject matters when accompanied by a stated
19 objective of reducing gang activity and educating children in
20 grades K through 12 about the consequences of gang involvement:

21 (1) Conflict resolution.

22 (2) Cultural sensitivity.

23 (3) Personal goal setting.

24 (4) Resisting peer pressure.

25 (c) Each school district may make suitable provisions for
26 instruction in bullying prevention and gang resistance

1 education and training in all grades and include such
2 instruction in the courses of study regularly taught therein. A
3 school board may collaborate with a community-based agency
4 providing specialized curricula in bullying prevention whose
5 ultimate outcome is to prevent sexual violence. For the
6 purposes of gang resistance education and training, a school
7 board must collaborate with State and local law enforcement
8 agencies. The State Board of Education may assist in the
9 development of instructional materials and teacher training in
10 relation to bullying prevention and gang resistance education
11 and training.

12 (d) Beginning 180 days after August 23, 2007 (the effective
13 date of Public Act 95-349) ~~this amendatory Act of the 95th~~
14 ~~General Assembly~~, each school district shall create and
15 maintain a policy on bullying, which policy must be filed with
16 the State Board of Education. Each school district must
17 communicate its policy on bullying to its students and their
18 parent or guardian on an annual basis. The policy must be
19 updated every 2 years and filed with the State Board of
20 Education after being updated. The State Board of Education
21 shall monitor the implementation of policies created under this
22 subsection (d).

23 (Source: P.A. 94-937, eff. 6-26-06; 95-198, eff. 1-1-08;
24 95-349, eff. 8-23-07; revised 11-15-07.)

1 Sec. 34-18.34. Student biometric information.

2 (a) For the purposes of this Section, "biometric
3 information" means any information that is collected through an
4 identification process for individuals based on their unique
5 behavioral or physiological characteristics, including
6 fingerprint, hand geometry, voice, or facial recognition or
7 iris or retinal scans.

8 (b) If the school district collects biometric information
9 from students, the district shall adopt a policy that requires,
10 at a minimum, all of the following:

11 (1) Written permission from the individual who has
12 legal custody of the student, as defined in Section
13 10-20.12b of this Code, or from the student if he or she
14 has reached the age of 18.

15 (2) The discontinuation of use of a student's biometric
16 information under either of the following conditions:

17 (A) upon the student's graduation or withdrawal
18 from the school district; or

19 (B) upon receipt in writing of a request for
20 discontinuation by the individual having legal custody
21 of the student or by the student if he or she has
22 reached the age of 18.

23 (3) The destruction of all of a student's biometric
24 information within 30 days after the biometric information
25 is discontinued in accordance with item (2) of this
26 subsection (b).

1 (4) The use of biometric information solely for
2 identification or fraud prevention.

3 (5) A prohibition on the sale, lease, or other
4 disclosure of biometric information to another person or
5 entity, unless:

6 (A) the individual who has legal custody of the
7 student or the student, if he or she has reached the
8 age of 18, consents to the disclosure; or

9 (B) the disclosure is required by court order.

10 (6) The storage, transmittal, and protection of all
11 biometric information from disclosure.

12 (c) Failure to provide written consent under item (1) of
13 subsection (b) of this Section by the individual who has legal
14 custody of the student or by the student, if he or she has
15 reached the age of 18, must not be the basis for refusal of any
16 services otherwise available to the student.

17 (Source: P.A. 95-232, eff. 8-16-07.)

18 (105 ILCS 5/34-18.35)

19 Sec. 34-18.35 ~~34-18.34~~. Use of facilities by community
20 organizations. The board is encouraged to allow community
21 organizations to use school facilities during non-school
22 hours. If the board allows a community organization to use
23 school facilities during non-school hours, the board must adopt
24 a formal policy governing the use of school facilities by
25 community organizations during non-school hours. The policy

1 shall prohibit such use if it interferes with any school
2 functions or the safety of students or school personnel or
3 affects the property or liability of the school district.

4 (Source: P.A. 95-308, eff. 8-20-07; revised 12-7-07.)

5 (105 ILCS 5/34-18.36)

6 Sec. 34-18.36 ~~34-18.34~~. Wind farm. The school district may
7 own and operate a wind generation turbine farm, either
8 individually or jointly, that directly or indirectly reduces
9 the energy or other operating costs of the school district. The
10 school district may ask for the assistance of any State agency,
11 including without limitation the State Board of Education or
12 the Environmental Protection Agency, in obtaining financing
13 options for a wind generation turbine farm.

14 (Source: P.A. 95-390, eff. 8-23-07; revised 12-7-07.)

15 Section 180. The Southern Illinois University Management
16 Act is amended by changing Section 8 as follows:

17 (110 ILCS 520/8) (from Ch. 144, par. 658)

18 Sec. 8. Powers and Duties of the Board. The Board shall
19 have power and it shall be its duty:

20 1. To make rules, regulations and by-laws, not
21 inconsistent with law, for the government and management of
22 Southern Illinois University and its branches;

23 2. To employ, and, for good cause, to remove a

1 president of Southern Illinois University, and all
2 necessary deans, professors, associate professors,
3 assistant professors, instructors, and other educational
4 and administrative assistants, and all other necessary
5 employees, and contract with them upon matters relating to
6 tenure, salaries and retirement benefits in accordance
7 with the State Universities Civil Service Act; the Board
8 shall, upon the written request of an employee of Southern
9 Illinois University, withhold from the compensation of
10 that employee any dues, payments or contributions payable
11 by such employee to any labor organization as defined in
12 the Illinois Educational Labor Relations Act. Under such
13 arrangement, an amount shall be withheld from each regular
14 payroll period which is equal to the pro rata share of the
15 annual dues plus any payments or contributions, and the
16 Board shall transmit such withholdings to the specified
17 labor organization within 10 working days from the time of
18 the withholding. Whenever the Board establishes a search
19 committee to fill the position of president of Southern
20 Illinois University, there shall be minority
21 representation, including women, on that search committee;

22 3. To prescribe the course of study to be followed, and
23 textbooks and apparatus to be used at Southern Illinois
24 University;

25 4. To issue upon the recommendation of the faculty,
26 diplomas to such persons as have satisfactorily completed

1 the required studies of Southern Illinois University, and
2 confer such professional and literary degrees as are
3 usually conferred by other institutions of like character
4 for similar or equivalent courses of study, or such as the
5 Board may deem appropriate;

6 5. To examine into the conditions, management, and
7 administration of Southern Illinois University, to provide
8 the requisite buildings, apparatus, equipment and
9 auxiliary enterprises, and to fix and collect
10 matriculation fees; tuition fees; fees for student
11 activities; fees for student facilities such as student
12 union buildings or field houses or stadium or other
13 recreational facilities; student welfare fees; laboratory
14 fees and similar fees for supplies and material;

15 6. To succeed to and to administer all trusts, trust
16 property, and gifts now or hereafter belonging or
17 pertaining to Southern Illinois University;

18 7. To accept endowments of professorships or
19 departments in the University from any person who may
20 proffer them and, at regular meetings, to prescribe rules
21 and regulations in relation to endowments and declare on
22 what general principles they may be accepted;

23 8. To enter into contracts with the Federal government
24 for providing courses of instruction and other services at
25 Southern Illinois University for persons serving in or with
26 the military or naval forces of the United States, and to

1 provide such courses of instruction and other services;

2 9. To provide for the receipt and expenditures of
3 Federal funds, paid to the Southern Illinois University by
4 the Federal government for instruction and other services
5 for persons serving in or with the military or naval forces
6 of the United States and to provide for audits of such
7 funds;

8 10. To appoint, subject to the applicable civil service
9 law, persons to be members of the Southern Illinois
10 University Police Department. Members of the Police
11 Department shall be conservators of the peace and as such
12 have all powers possessed by policemen in cities, and
13 sheriffs, including the power to make arrests on view or
14 warrants of violations of state statutes, university rules
15 and regulations and city or county ordinances, except that
16 they may exercise such powers only within counties wherein
17 the university and any of its branches or properties are
18 located when such is required for the protection of
19 university properties and interests, and its students and
20 personnel, and otherwise, within such counties, when
21 requested by appropriate State or local law enforcement
22 officials. However, such officers shall have no power to
23 serve and execute civil processes.

24 The Board must authorize to each member of the Southern
25 Illinois University Police Department and to any other
26 employee of Southern Illinois University exercising the

1 powers of a peace officer a distinct badge that, on its
2 face, (i) clearly states that the badge is authorized by
3 Southern Illinois University and (ii) contains a unique
4 identifying number. No other badge shall be authorized by
5 Southern Illinois University.

6 10.5. ~~(10.5)~~ To conduct health care programs in
7 furtherance of its teaching, research, and public service
8 functions, which shall include without limitation patient
9 and ancillary facilities, institutes, clinics, or offices
10 owned, leased, or purchased through an equity interest by
11 the Board or its appointed designee to carry out such
12 activities in the course of or in support of the Board's
13 academic, clinical, and public service responsibilities.

14 11. To administer a plan or plans established by the
15 clinical faculty of the School of Medicine for the billing,
16 collection and disbursement of charges for services
17 performed in the course of or in support of the faculty's
18 academic responsibilities, provided that such plan has
19 been first approved by Board action. All such collections
20 shall be deposited into a special fund or funds
21 administered by the Board from which disbursements may be
22 made according to the provisions of said plan. The
23 reasonable costs incurred, by the University,
24 administering the billing, collection and disbursement
25 provisions of a plan shall have first priority for payment
26 before distribution or disbursement for any other purpose.

1 Audited financial statements of the plan or plans must be
2 provided to the Legislative Audit Commission annually.

3 The Board of Trustees may own, operate, or govern, by
4 or through the School of Medicine, a managed care community
5 network established under subsection (b) of Section 5-11 of
6 the Illinois Public Aid Code.

7 12. The Board of Trustees may, directly or in
8 cooperation with other institutions of higher education,
9 acquire by purchase or lease or otherwise, and construct,
10 enlarge, improve, equip, complete, operate, control and
11 manage medical research and high technology parks,
12 together with the necessary lands, buildings, facilities,
13 equipment, and personal property therefor, to encourage
14 and facilitate (a) the location and development of business
15 and industry in the State of Illinois, and (b) the
16 increased application and development of technology and
17 (c) the improvement and development of the State's economy.
18 The Board of Trustees may lease to nonprofit corporations
19 all or any part of the land, buildings, facilities,
20 equipment or other property included in a medical research
21 and high technology park upon such terms and conditions as
22 the Board of Trustees may deem advisable and enter into any
23 contract or agreement with such nonprofit corporations as
24 may be necessary or suitable for the construction,
25 financing, operation and maintenance and management of any
26 such park; and may lease to any person, firm, partnership

1 or corporation, either public or private, any part or all
2 of the land, building, facilities, equipment or other
3 property of such park for such purposes and upon such
4 rentals, terms and conditions as the Board of Trustees may
5 deem advisable; and may finance all or part of the cost of
6 any such park, including the purchase, lease,
7 construction, reconstruction, improvement, remodeling,
8 addition to, and extension and maintenance of all or part
9 of such high technology park, and all equipment and
10 furnishings, by legislative appropriations, government
11 grants, contracts, private gifts, loans, receipts from the
12 operation of such high technology park, rentals and similar
13 receipts; and may make its other facilities and services
14 available to tenants or other occupants of any such park at
15 rates which are reasonable and appropriate.

16 The powers of the Board as herein designated are subject to
17 the Board of Higher Education Act.

18 (Source: P.A. 95-158, eff. 8-14-07; revised 11-15-07.)

19 Section 185. The Public Community College Act is amended by
20 renumbering Section 2.24 as follows:

21 (110 ILCS 805/2-25)

22 Sec. 2-25 ~~2-24~~. College and Career Readiness Pilot Program.

23 (a) The General Assembly finds that there is a direct and
24 significant link between students being academically prepared

1 for college and success in postsecondary education. Many
2 students enter college unprepared for the academic rigors of
3 college and require noncredit remedial courses to attain skills
4 and knowledge needed for regular, credit coursework.
5 Remediation lengthens time to degree, imposes additional costs
6 on students and colleges, and uses student financial aid for
7 courses that will not count toward a degree. All high school
8 juniors take the Prairie State Achievement Examination, which
9 contains the ACT college assessment exam. ACT test elements and
10 scores can be correlated to specific course placements in
11 community colleges. Customized ACT test results can be used in
12 collaboration with high schools to assist high school students
13 identify areas for improvement and help them close skill gaps
14 during their senior year. Greater college and career readiness
15 will reduce the need for remediation, lower educational costs,
16 shorten time to degree, and increase the overall success rate
17 of Illinois college students.

18 (b) Subject to appropriation, the State Board shall create
19 a 3-year pilot project, to be known as the College and Career
20 Readiness Pilot Program. The goals of the program are as
21 follows:

22 (1) To diagnose college readiness by developing a
23 system to align ACT scores to specific community college
24 courses in developmental and freshman curriculums.

25 (2) To reduce remediation by decreasing the need for
26 remedial coursework in mathematics, reading, and writing

1 at the college level through (i) increasing the number of
2 students enrolled in a college-prep core curriculum, (ii)
3 assisting students in improving college readiness skills,
4 and (iii) increasing successful student transitions into
5 postsecondary education.

6 (3) To align high school and college curriculums.

7 (4) To provide resources and academic support to
8 students to enrich the senior year of high school through
9 remedial or advanced coursework and other interventions.

10 (5) To develop an appropriate evaluation process to
11 measure the effectiveness of readiness intervention
12 strategies.

13 (c) The first year of the program created under this
14 Section shall begin with the high school class of 2008.

15 (1) The State Board shall select 4 community colleges
16 to participate in the program based on all of the
17 following:

18 (A) The percentage of students in developmental
19 coursework.

20 (B) Demographics of student enrollment, including
21 socioeconomic status, race and ethnicity, and
22 enrollments of first-generation college students.

23 (C) Geographic diversity.

24 (D) The willingness of the community college to
25 submit developmental and introductory courses to ACT
26 for analysis of college placement.

1 (E) The ability of the community college to partner
2 with local high schools to develop college and career
3 readiness strategies and college readiness teams.

4 (2) The State Board shall work with ACT to analyze up
5 to 10 courses at each participating community college for
6 purposes of determining student placement and college
7 readiness.

8 (3) Each participating community college shall
9 establish an agreement with a high school or schools to do
10 all of the following:

11 (A) Create a data-sharing agreement.

12 (B) Create a Readiness Prescription for each
13 student, showing all of the following:

14 (i) The readiness status for college-level
15 work.

16 (ii) Course recommendations for remediation or
17 for advanced coursework in Advanced Placement
18 classes or dual credit and dual enrollment
19 programs.

20 (iii) Additional academic support services,
21 including tutoring, mentoring, and college
22 application assistance.

23 (C) Create college and career readiness teams
24 comprised of faculty and counselors or advisers from
25 the community college and high school, the college and
26 career readiness coordinator from the community

1 college, and other members as determined by the high
2 school and community college. The teams may include
3 local business or civic leaders. The teams shall
4 develop intervention strategies as follows:

5 (i) Use the Readiness Prescription to develop
6 a contract with each student for remedial or
7 advanced coursework to be taken during the senior
8 year.

9 (ii) Monitor student progress.

10 (iii) Provide readiness support services.

11 (D) Retest students in the spring of 2008 to assess
12 progress and college readiness.

13 (4) The State Board shall work with participating
14 community colleges and high schools to develop an
15 appropriate evaluation process to measure effectiveness of
16 intervention strategies, including all of the following:

17 (A) Baseline data for each participating school.

18 (B) Baseline data for the Illinois system.

19 (C) Comparison of ACT scores from March 2007 to
20 March 2008.

21 (D) Student enrollment in college in the fall of
22 2008.

23 (E) Placement of college and career readiness
24 students in developmental and regular courses in the
25 fall of 2008.

26 (F) Retention of college and career readiness

1 students in the spring semester of 2009.

2 (5) The State Board shall work with participating
3 community colleges and high schools to establish
4 operational processes and a budget for college and career
5 readiness pilot programs, including all of the following:

6 (A) Employment of a college and career readiness
7 coordinator at each community college site.

8 (B) Establishment of a budget.

9 (C) Creation of college and career readiness
10 teams, resources, and partnership agreements.

11 (d) The second year of the program created under this
12 Section shall begin with the high school class of 2009. In the
13 second year, the State Board shall have all of the following
14 duties:

15 (1) Analyze courses at 3 new community college sites.

16 (2) Undertake intervention strategies through college
17 and career readiness teams with students in the class of
18 2009.

19 (3) Monitor and assist college and career readiness
20 graduates from the class of 2008 in college.

21 (e) The third year of the program created under this
22 Section shall begin with the high school class of 2010. In the
23 third year, the State Board shall have all of the following
24 duties:

25 (1) Analyze courses at 5 new community college sites.

26 (2) Add college and career readiness teams at 3 new

1 sites (from year 2 of the program).

2 (3) Undertake intervention strategies through college
3 and career readiness teams with students of the class of
4 2010 at 7 sites.

5 (4) Monitor and assist students from the classes of
6 2008 and 2009 in college.

7 (Source: P.A. 95-694, eff. 11-5-07; revised 12-7-07.)

8 Section 190. The Assisted Living and Shared Housing Act is
9 amended by changing Sections 35 and 45 as follows:

10 (210 ILCS 9/35)

11 Sec. 35. Issuance of license.

12 (a) Upon receipt and review of an application for a license
13 and review of the applicant establishment, the Director may
14 issue a license if he or she finds:

15 (1) that the individual applicant, or the corporation,
16 partnership, or other entity if the applicant is not an
17 individual, is a person responsible and suitable to operate
18 or to direct or participate in the operation of an
19 establishment by virtue of financial capacity, appropriate
20 business or professional experience, a record of lawful
21 compliance with lawful orders of the Department and lack of
22 revocation of a license issued under this Act or the
23 Nursing Home Care Act during the previous 5 years;

24 (2) that the establishment is under the supervision of

1 a full-time director who is at least 21 years of age and
2 has a high school diploma or equivalent plus either:

3 (A) 2 years of management experience or 2 years of
4 experience in positions of progressive responsibility
5 in health care, housing with services, or adult day
6 care or providing similar services to the elderly; or

7 (B) 2 years of management experience or 2 years of
8 experience in positions of progressive responsibility
9 in hospitality and training in health care and housing
10 with services management as defined by rule;

11 (3) that the establishment has staff sufficient in
12 number with qualifications, adequate skills, education,
13 and experience to meet the 24 hour scheduled and
14 unscheduled needs of residents and who participate in
15 ongoing training to serve the resident population;

16 (4) that all employees who are subject to the Health
17 Care Worker Background Check Act meet the requirements of
18 that Act;

19 (5) that the applicant is in substantial compliance
20 with this Act and such other requirements for a license as
21 the Department by rule may establish under this Act;

22 (6) that the applicant pays all required fees;

23 (7) that the applicant has provided to the Department
24 an accurate disclosure document in accordance with the
25 Alzheimer's Special Care Disclosure Act and in substantial
26 compliance with Section 150 of this Act.

1 In addition to any other requirements set forth in this
2 Act, as a condition of licensure under this Act, the director
3 of an establishment must participate in at least 20 hours of
4 training every 2 years to assist him or her in better meeting
5 the needs of the residents of the establishment and managing
6 ~~manage~~ the operation of the establishment.

7 Any license issued by the Director shall state the physical
8 location of the establishment, the date the license was issued,
9 and the expiration date. All licenses shall be valid for one
10 year, except as provided in Sections 40 and 45. Each license
11 shall be issued only for the premises and persons named in the
12 application, and shall not be transferable or assignable.

13 (Source: P.A. 95-79, eff. 8-13-07; 95-590, eff. 9-10-07;
14 95-628, eff. 9-25-07; revised 11-15-07.)

15 (210 ILCS 9/45)

16 Sec. 45. Renewal of licenses. At least 120 days, but not
17 more than 150 days prior to license expiration, the licensee
18 shall submit an application for renewal of the license in such
19 form and containing such information as the Department
20 requires. If the application is approved, and if the licensee
21 (i) has not committed a Type 1 violation in the preceding 24
22 months, (ii) has not committed a Type 2 violation in the
23 preceding 24 months, (iii) has not had an inspection, review,
24 or evaluation that resulted in a finding of 10 or more Type 3
25 violations in the preceding 24 months, and (iv) ~~the licensee~~

1 has not admitted or retained a resident in violation of Section
2 75 of this Act in the preceding 24 months, the Department may
3 renew the license for an additional period of 2 years. If a
4 licensee whose license has been renewed for 2 years under this
5 Section subsequently fails to meet any of the conditions set
6 forth in items (i), (ii), and (iii), then, in addition to any
7 other sanctions that the Department may impose under this Act,
8 the Department shall revoke the 2-year license and replace it
9 with a one-year license until the licensee again meets all of
10 the conditions set forth in items (i), (ii), and (iii). If
11 appropriate, the renewal application shall not be approved
12 unless the applicant has provided to the Department an accurate
13 disclosure document in accordance with the Alzheimer's Special
14 Care Disclosure Act. If the application for renewal is not
15 timely filed, the Department shall so inform the licensee.

16 (Source: P.A. 95-590, eff. 9-10-07; revised 11-15-07.)

17 Section 195. The Hospital Licensing Act is amended by
18 changing Section 6.09 and by setting forth and renumbering
19 multiple versions of Section 6.23 as follows:

20 (210 ILCS 85/6.09) (from Ch. 111 1/2, par. 147.09)

21 Sec. 6.09. (a) In order to facilitate the orderly
22 transition of aged and disabled patients from hospitals to
23 post-hospital care, whenever a patient who qualifies for the
24 federal Medicare program is hospitalized, the patient shall be

1 notified of discharge at least 24 hours prior to discharge from
2 the hospital. With regard to pending discharges to a skilled
3 nursing facility, the hospital must notify the case
4 coordination unit, as defined in 89 Ill. Adm. Code 240.260, at
5 least 24 hours prior to discharge or, if home health services
6 are ordered, the hospital must inform its designated case
7 coordination unit, as defined in 89 Ill. Adm. Code 240.260, of
8 the pending discharge and must provide the patient with the
9 case coordination unit's telephone number and other contact
10 information.

11 (b) Every hospital shall develop procedures for a physician
12 with medical staff privileges at the hospital or any
13 appropriate medical staff member to provide the discharge
14 notice prescribed in subsection (a) of this Section. The
15 procedures must include prohibitions against discharging or
16 referring a patient to any of the following if unlicensed,
17 uncertified, or unregistered: (i) a board and care facility, as
18 defined in the Board and Care Home Act; (ii) an assisted living
19 and shared housing establishment, as defined in the Assisted
20 Living and Shared Housing Act; (iii) a facility licensed under
21 the Nursing Home Care Act; (iv) a supportive living facility,
22 as defined in Section 5-5.01a of the Illinois Public Aid Code;
23 or (v) a free-standing hospice facility licensed under the
24 Hospice Program Licensing Act if licensure, certification, or
25 registration is required. The Department of Public Health shall
26 annually provide hospitals with a list of licensed, certified,

1 or registered board and care facilities, assisted living and
2 shared housing establishments, nursing homes, supportive
3 living facilities, and hospice facilities. Reliance upon this
4 list by a hospital shall satisfy compliance with this
5 requirement. The procedure may also include a waiver for any
6 case in which a discharge notice is not feasible due to a short
7 length of stay in the hospital by the patient, or for any case
8 in which the patient voluntarily desires to leave the hospital
9 before the expiration of the 24 hour period.

10 (c) At least 24 hours prior to discharge from the hospital,
11 the patient shall receive written information on the patient's
12 right to appeal the discharge pursuant to the federal Medicare
13 program, including the steps to follow to appeal the discharge
14 and the appropriate telephone number to call in case the
15 patient intends to appeal the discharge.

16 (Source: P.A. 94-335, eff. 7-26-05; 95-80, eff. 8-13-07;
17 95-651, eff. 10-11-07; revised 11-15-07.)

18 (210 ILCS 85/6.23)

19 Sec. 6.23. Prevention and control of Multidrug-Resistant
20 Organisms. Each hospital shall develop and implement
21 comprehensive interventions to prevent and control
22 multidrug-resistant organisms (MDROs), including
23 methicillin-resistant *Staphylococcus aureus* (MRSA),
24 vancomycin-resistant enterococci (VRE), and certain
25 gram-negative bacilli (GNB), that take into consideration

1 guidelines of the U.S. Centers for Disease Control and
2 Prevention for the management of MDROs in healthcare settings.
3 The Department shall adopt administrative rules that require
4 hospitals to perform an annual facility-wide infection control
5 risk assessment and enforce hand hygiene and contact precaution
6 requirements.

7 (Source: P.A. 95-282, eff. 8-20-07.)

8 (210 ILCS 85/6.24)

9 Sec. 6.24 ~~6.23~~. Time of death; patient's religious beliefs.
10 Every hospital must adopt policies and procedures to allow
11 health care professionals, in documenting a patient's time of
12 death at the hospital, to take into account the patient's
13 religious beliefs concerning the patient's time of death.

14 (Source: P.A. 95-181, eff. 1-1-08; revised 12-7-07.)

15 Section 200. The Illinois Insurance Code is amended by
16 changing Section 223 and by setting forth and renumbering
17 multiple versions of Section 356z.9 as follows:

18 (215 ILCS 5/223) (from Ch. 73, par. 835)

19 Sec. 223. Director to value policies - Legal standard of
20 valuation.

21 (1) The Director shall annually value, or cause to be
22 valued, the reserve liabilities (hereinafter called reserves)
23 for all outstanding life insurance policies and annuity and

1 pure endowment contracts of every life insurance company doing
2 business in this State, except that in the case of an alien
3 company, such valuation shall be limited to its United States
4 business, and may certify the amount of any such reserves,
5 specifying the mortality table or tables, rate or rates of
6 interest, and methods (net level premium method or other) used
7 in the calculation of such reserves. Other assumptions may be
8 incorporated into the reserve calculation to the extent
9 permitted by the National Association of Insurance
10 Commissioners' Accounting Practices and Procedures Manual. In
11 calculating such reserves, he may use group methods and
12 approximate averages for fractions of a year or otherwise. In
13 lieu of the valuation of the reserves herein required of any
14 foreign or alien company, he may accept any valuation made, or
15 caused to be made, by the insurance supervisory official of any
16 state or other jurisdiction when such valuation complies with
17 the minimum standard herein provided and if the official of
18 such state or jurisdiction accepts as sufficient and valid for
19 all legal purposes the certificate of valuation of the Director
20 when such certificate states the valuation to have been made in
21 a specified manner according to which the aggregate reserves
22 would be at least as large as if they had been computed in the
23 manner prescribed by the law of that state or jurisdiction.

24 Any such company which at any time has adopted any standard
25 of valuation producing greater aggregate reserves than those
26 calculated according to the minimum standard herein provided

1 may, with the approval of the Director, adopt any lower
2 standard of valuation, but not lower than the minimum herein
3 provided, however, that, for the purposes of this subsection,
4 the holding of additional reserves previously determined by a
5 qualified actuary to be necessary to render the opinion
6 required by subsection (1a) shall not be deemed to be the
7 adoption of a higher standard of valuation. In the valuation of
8 policies the Director shall give no consideration to, nor make
9 any deduction because of, the existence or the possession by
10 the company of

11 (a) policy liens created by any agreement given or
12 assented to by any assured subsequent to July 1, 1937, for
13 which liens such assured has not received cash or other
14 consideration equal in value to the amount of such liens,
15 or

16 (b) policy liens created by any agreement entered into
17 in violation of Section 232 unless the agreement imposing
18 or creating such liens has been approved by a Court in a
19 proceeding under Article XIII, or in the case of a foreign
20 or alien company has been approved by a court in a
21 rehabilitation or liquidation proceeding or by the
22 insurance official of its domiciliary state or country, in
23 accordance with the laws thereof.

24 (1a) This subsection shall become operative at the end of
25 the first full calendar year following the effective date of
26 this amendatory Act of 1991.

1 (A) General.

2 (1) Every life insurance company doing business in
3 this State shall annually submit the opinion of a
4 qualified actuary as to whether the reserves and
5 related actuarial items held in support of the policies
6 and contracts specified by the Director by regulation
7 are computed appropriately, are based on assumptions
8 that satisfy contractual provisions, are consistent
9 with prior reported amounts and comply with applicable
10 laws of this State. The Director by regulation shall
11 define the specifics of this opinion and add any other
12 items deemed to be necessary to its scope.

13 (2) The opinion shall be submitted with the annual
14 statement reflecting the valuation of reserve
15 liabilities for each year ending on or after December
16 31, 1992.

17 (3) The opinion shall apply to all business in
18 force including individual and group health insurance
19 plans, in form and substance acceptable to the Director
20 as specified by regulation.

21 (4) The opinion shall be based on standards adopted
22 from time to time by the Actuarial Standards Board and
23 on additional standards as the Director may by
24 regulation prescribe.

25 (5) In the case of an opinion required to be
26 submitted by a foreign or alien company, the Director

1 may accept the opinion filed by that company with the
2 insurance supervisory official of another state if the
3 Director determines that the opinion reasonably meets
4 the requirements applicable to a company domiciled in
5 this State.

6 (6) For the purpose of this Section, "qualified
7 actuary" means a member in good standing of the
8 American Academy of Actuaries who meets the
9 requirements set forth in its regulations.

10 (7) Except in cases of fraud or willful misconduct,
11 the qualified actuary shall not be liable for damages
12 to any person (other than the insurance company and the
13 Director) for any act, error, omission, decision or
14 conduct with respect to the actuary's opinion.

15 (8) Disciplinary action by the Director against
16 the company or the qualified actuary shall be defined
17 in regulations by the Director.

18 (9) A memorandum, in form and substance acceptable
19 to the Director as specified by regulation, shall be
20 prepared to support each actuarial opinion.

21 (10) If the insurance company fails to provide a
22 supporting memorandum at the request of the Director
23 within a period specified by regulation or the Director
24 determines that the supporting memorandum provided by
25 the insurance company fails to meet the standards
26 prescribed by the regulations or is otherwise

1 unacceptable to the Director, the Director may engage a
2 qualified actuary at the expense of the company to
3 review the opinion and the basis for the opinion and
4 prepare the supporting memorandum as is required by the
5 Director.

6 (11) Any memorandum in support of the opinion, and
7 any other material provided by the company to the
8 Director in connection therewith, shall be kept
9 confidential by the Director and shall not be made
10 public and shall not be subject to subpoena, other than
11 for the purpose of defending an action seeking damages
12 from any person by reason of any action required by
13 this Section or by regulations promulgated hereunder;
14 provided, however, that the memorandum or other
15 material may otherwise be released by the Director (a)
16 with the written consent of the company or (b) to the
17 American Academy of Actuaries upon request stating
18 that the memorandum or other material is required for
19 the purpose of professional disciplinary proceedings
20 and setting forth procedures satisfactory to the
21 Director for preserving the confidentiality of the
22 memorandum or other material. Once any portion of the
23 confidential memorandum is cited by the company in its
24 marketing or is cited before any governmental agency
25 other than a state insurance department or is released
26 by the company to the news media, all portions of the

1 confidential memorandum shall be no longer
2 confidential.

3 (B) Actuarial analysis of reserves and assets
4 supporting those reserves.

5 (1) Every life insurance company, except as
6 exempted by or under regulation, shall also annually
7 include in the opinion required by paragraph (A) (1) of
8 this subsection (1a), an opinion of the same qualified
9 actuary as to whether the reserves and related
10 actuarial items held in support of the policies and
11 contracts specified by the Director by regulation,
12 when considered in light of the assets held by the
13 company with respect to the reserves and related
14 actuarial items including, but not limited to, the
15 investment earnings on the assets and the
16 considerations anticipated to be received and retained
17 under the policies and contracts, make adequate
18 provision for the company's obligations under the
19 policies and contracts including, but not limited to,
20 the benefits under and expenses associated with the
21 policies and contracts.

22 (2) The Director may provide by regulation for a
23 transition period for establishing any higher reserves
24 which the qualified actuary may deem necessary in order
25 to render the opinion required by this Section.

26 (2) This subsection shall apply to only those policies and

1 contracts issued prior to the operative date of Section 229.2
2 (the Standard Non-forfeiture Law).

3 (a) Except as otherwise in this Article provided, the
4 legal minimum standard for valuation of contracts issued
5 before January 1, 1908, shall be the Actuaries or Combined
6 Experience Table of Mortality with interest at 4% per annum
7 and for valuation of contracts issued on or after that date
8 shall be the American Experience Table of Mortality with
9 either Craig's or Buttolph's Extension for ages under 10
10 and with interest at 3 1/2% per annum. The legal minimum
11 standard for the valuation of group insurance policies
12 under which premium rates are not guaranteed for a period
13 in excess of 5 years shall be the American Men Ultimate
14 Table of Mortality with interest at 3 1/2% per annum. Any
15 life company may, at its option, value its insurance
16 contracts issued on or after January 1, 1938, in accordance
17 with their terms on the basis of the American Men Ultimate
18 Table of Mortality with interest not higher than 3 1/2% per
19 annum.

20 (b) Policies issued prior to January 1, 1908, may
21 continue to be valued according to a method producing
22 reserves not less than those produced by the full
23 preliminary term method. Policies issued on and after
24 January 1, 1908, may be valued according to a method
25 producing reserves not less than those produced by the
26 modified preliminary term method hereinafter described in

1 paragraph (c). Policies issued on and after January 1,
2 1938, may be valued either according to a method producing
3 reserves not less than those produced by such modified
4 preliminary term method or by the select and ultimate
5 method on the basis that the rate of mortality during the
6 first 5 years after the issuance of such contracts
7 respectively shall be calculated according to the
8 following percentages of rates shown by the American
9 Experience Table of Mortality:

10 (i) first insurance year 50% thereof;

11 (ii) second insurance year 65% thereof;

12 (iii) third insurance year 75% thereof;

13 (iv) fourth insurance year 85% thereof;

14 (v) fifth insurance year 95% thereof.†

15 (c) If the premium charged for the first policy year
16 under a limited payment life preliminary term policy
17 providing for the payment of all premiums thereon in less
18 than 20 years from the date of the policy or under an
19 endowment preliminary term policy, exceeds that charged
20 for the first policy year under 20 payment life preliminary
21 term policies of the same company, the reserve thereon at
22 the end of any year, including the first, shall not be less
23 than the reserve on a 20 payment life preliminary term
24 policy issued in the same year at the same age, together
25 with an amount which shall be equivalent to the
26 accumulation of a net level premium sufficient to provide

1 for a pure endowment at the end of the premium payment
2 period, equal to the difference between the value at the
3 end of such period of such a 20 payment life preliminary
4 term policy and the full net level premium reserve at such
5 time of such a limited payment life or endowment policy.
6 The premium payment period is the period during which
7 premiums are concurrently payable under such 20 payment
8 life preliminary term policy and such limited payment life
9 or endowment policy.

10 (d) The legal minimum standard for the valuations of
11 annuities issued on and after January 1, 1938, shall be the
12 American Annuitant's Table with interest not higher than 3
13 3/4% per annum, and all annuities issued before that date
14 shall be valued on a basis not lower than that used for the
15 annual statement of the year 1937; but annuities deferred
16 10 or more years and written in connection with life
17 insurance shall be valued on the same basis as that used in
18 computing the consideration or premiums therefor, or upon
19 any higher standard at the option of the company.

20 (e) The Director may vary the standards of interest and
21 mortality as to contracts issued in countries other than
22 the United States and may vary standards of mortality in
23 particular cases of invalid lives and other extra hazards.

24 (f) The legal minimum standard for valuation of waiver
25 of premium disability benefits or waiver of premium and
26 income disability benefits issued on and after January 1,

1 1938, shall be the Class (3) Disability Table (1926)
2 modified to conform to the contractual waiting period, with
3 interest at not more than 3 1/2% per annum; but in no event
4 shall the values be less than those produced by the basis
5 used in computing premiums for such benefits. The legal
6 minimum standard for the valuation of such benefits issued
7 prior to January 1, 1938, shall be such as to place an
8 adequate value, as determined by sound insurance
9 practices, on the liabilities thereunder and shall be such
10 that the value of the benefits under each and every policy
11 shall in no case be less than the value placed upon the
12 future premiums.

13 (g) The legal minimum standard for the valuation of
14 industrial policies issued on or after January 1, 1938,
15 shall be the American Experience Table of Mortality or the
16 Standard Industrial Mortality Table or the Substandard
17 Industrial Mortality Table with interest at 3 1/2% per
18 annum by the net level premium method, or in accordance
19 with their terms by the modified preliminary term method
20 hereinabove described.

21 (h) Reserves for all such policies and contracts may be
22 calculated, at the option of the company, according to any
23 standards which produce greater aggregate reserves for all
24 such policies and contracts than the minimum reserves
25 required by this subsection.

26 (3) This subsection shall apply to only those policies and

1 contracts issued on or after January 1, 1948 or such earlier
2 operative date of Section 229.2 (the Standard Non-forfeiture
3 Law) as shall have been elected by the insurance company
4 issuing such policies or contracts.

5 (a) Except as otherwise provided in subsections (4),
6 (6), and (7), the minimum standard for the valuation of all
7 such policies and contracts shall be the Commissioners
8 Reserve valuation method defined in paragraphs (b) and (f)
9 of this subsection and in subsection 5, 3 1/2% interest for
10 such policies issued prior to September 8, 1977, 5 1/2%
11 interest for single premium life insurance policies and 4
12 1/2% interest for all other such policies issued on or
13 after September 8, 1977, and the following tables:

14 (i) The Commissioners 1941 Standard Ordinary
15 Mortality Table for all Ordinary policies of life
16 insurance issued on the standard basis, excluding any
17 disability and accidental death benefits in such
18 policies, for such policies issued prior to the
19 operative date of subsection (4a) of Section 229.2
20 (Standard Non-forfeiture Law); and the Commissioners
21 1958 Standard Ordinary Mortality Table for such
22 policies issued on or after such operative date but
23 prior to the operative date of subsection (4c) of
24 Section 229.2 provided that for any category of such
25 policies issued on female risks all modified net
26 premiums and present values referred to in this Act

1 may, prior to September 8, 1977, be calculated
2 according to an age not more than 3 years younger than
3 the actual age of the insured and, after September 8,
4 1977, calculated according to an age not more than 6
5 years younger than the actual age of the insured; and
6 for such policies issued on or after the operative date
7 of subsection (4c) of Section 229.2, (i) the
8 Commissioners 1980 Standard Ordinary Mortality Table,
9 or (ii) at the election of the company for any one or
10 more specified plans of life insurance, the
11 Commissioners 1980 Standard Ordinary Mortality Table
12 with Ten-Year Select Mortality Factors, or (iii) any
13 ordinary mortality table adopted after 1980 by the
14 National Association of Insurance Commissioners and
15 approved by regulations promulgated by the Director
16 for use in determining the minimum standard of
17 valuation for such policies.

18 (ii) For all Industrial Life Insurance policies
19 issued on the standard basis, excluding any disability
20 and accidental death benefits in such policies--the
21 1941 Standard Industrial Mortality Table for such
22 policies issued prior to the operative date of
23 subsection 4 (b) of Section 229.2 (Standard
24 Non-forfeiture Law); and for such policies issued on or
25 after such operative date the Commissioners 1961
26 Standard Industrial Mortality Table or any industrial

1 mortality table adopted after 1980 by the National
2 Association of Insurance Commissioners and approved by
3 regulations promulgated by the Director for use in
4 determining the minimum standard of valuation for such
5 policies.

6 (iii) For Individual Annuity and Pure Endowment
7 contracts, excluding any disability and accidental
8 death benefits in such policies--the 1937 Standard
9 Annuity Mortality Table--or, at the option of the
10 company, the Annuity Mortality Table for 1949,
11 Ultimate, or any modification of either of these tables
12 approved by the Director.

13 (iv) For Group Annuity and Pure Endowment
14 contracts, excluding any disability and accidental
15 death benefits in such policies--the Group Annuity
16 Mortality Table for 1951, any modification of such
17 table approved by the Director, or, at the option of
18 the company, any of the tables or modifications of
19 tables specified for Individual Annuity and Pure
20 Endowment contracts.

21 (v) For Total and Permanent Disability Benefits in
22 or supplementary to Ordinary policies or contracts for
23 policies or contracts issued on or after January 1,
24 1966, the tables of Period 2 disablement rates and the
25 1930 to 1950 termination rates of the 1952 Disability
26 Study of the Society of Actuaries, with due regard to

1 the type of benefit, or any tables of disablement rates
2 and termination rates adopted after 1980 by the
3 National Association of Insurance Commissioners and
4 approved by regulations promulgated by the Director
5 for use in determining the minimum standard of
6 valuation for such policies; for policies or contracts
7 issued on or after January 1, 1961, and prior to
8 January 1, 1966, either such tables or, at the option
9 of the company, the Class (3) Disability Table (1926);
10 and for policies issued prior to January 1, 1961, the
11 Class (3) Disability Table (1926). Any such table
12 shall, for active lives, be combined with a mortality
13 table permitted for calculating the reserves for life
14 insurance policies.

15 (vi) For Accidental Death benefits in or
16 supplementary to policies--for policies issued on or
17 after January 1, 1966, the 1959 Accidental Death
18 Benefits Table or any accidental death benefits table
19 adopted after 1980 by the National Association of
20 Insurance Commissioners and approved by regulations
21 promulgated by the Director for use in determining the
22 minimum standard of valuation for such policies; for
23 policies issued on or after January 1, 1961, and prior
24 to January 1, 1966, any of such tables or, at the
25 option of the company, the Inter-Company Double
26 Indemnity Mortality Table; and for policies issued

1 prior to January 1, 1961, the Inter-Company Double
2 Indemnity Mortality Table. Either table shall be
3 combined with a mortality table permitted for
4 calculating the reserves for life insurance policies.

5 (vii) For Group Life Insurance, life insurance
6 issued on the substandard basis and other special
7 benefits--such tables as may be approved by the
8 Director.

9 (b) Except as otherwise provided in paragraph (f) of
10 subsection (3), subsection (5), and subsection (7)
11 reserves according to the Commissioners reserve valuation
12 method, for the life insurance and endowment benefits of
13 policies providing for a uniform amount of insurance and
14 requiring the payment of uniform premiums shall be the
15 excess, if any, of the present value, at the date of
16 valuation, of such future guaranteed benefits provided for
17 by such policies, over the then present value of any future
18 modified net premiums therefor. The modified net premiums
19 for any such policy shall be such uniform percentage of the
20 respective contract premiums for such benefits that the
21 present value, at the date of issue of the policy, of all
22 such modified net premiums shall be equal to the sum of the
23 then present value of such benefits provided for by the
24 policy and the excess of (A) over (B), as follows:

25 (A) A net level annual premium equal to the present
26 value, at the date of issue, of such benefits provided

1 for after the first policy year, divided by the present
2 value, at the date of issue, of an annuity of one per
3 annum payable on the first and each subsequent
4 anniversary of such policy on which a premium falls
5 due; provided, however, that such net level annual
6 premium shall not exceed the net level annual premium
7 on the 19 year premium whole life plan for insurance of
8 the same amount at an age one year higher than the age
9 at issue of such policy.

10 (B) A net one year term premium for such benefits
11 provided for in the first policy year.

12 For any life insurance policy issued on or after
13 January 1, 1987, for which the contract premium in the
14 first policy year exceeds that of the second year with no
15 comparable additional benefit being provided in that first
16 year, which policy provides an endowment benefit or a cash
17 surrender value or a combination thereof in an amount
18 greater than such excess premium, the reserve according to
19 the Commissioners reserve valuation method as of any policy
20 anniversary occurring on or before the assumed ending date,
21 defined herein as the first policy anniversary on which the
22 sum of any endowment benefit and any cash surrender value
23 then available is greater than such excess premium, shall,
24 except as otherwise provided in paragraph (f) of subsection
25 (3), be the greater of the reserve as of such policy
26 anniversary calculated as described in the preceding part

1 of this paragraph (b) and the reserve as of such policy
2 anniversary calculated as described in the preceding part
3 of this paragraph (b) with (i) the value defined in subpart
4 A of the preceding part of this paragraph (b) being reduced
5 by 15% of the amount of such excess first year premium,
6 (ii) all present values of benefits and premiums being
7 determined without reference to premiums or benefits
8 provided for by the policy after the assumed ending date,
9 (iii) the policy being assumed to mature on such date as an
10 endowment, and (iv) the cash surrender value provided on
11 such date being considered as an endowment benefit. In
12 making the above comparison, the mortality and interest
13 bases stated in paragraph (a) of subsection (3) and in
14 subsection (6) ~~6~~ shall be used.

15 Reserves according to the Commissioners reserve
16 valuation method for (i) life insurance policies providing
17 for a varying amount of insurance or requiring the payment
18 of varying premiums, (ii) group annuity and pure endowment
19 contracts purchased under a retirement plan or plan of
20 deferred compensation, established or maintained by an
21 employer (including a partnership or sole proprietorship)
22 or by an employee organization, or by both, other than a
23 plan providing individual retirement accounts or
24 individual retirement annuities under Section 408 of the
25 Internal Revenue Code, as now or hereafter amended, (iii)
26 disability and accidental death benefits in all policies

1 and contracts, and (iv) all other benefits, except life
2 insurance and endowment benefits in life insurance
3 policies and benefits provided by all other annuity and
4 pure endowment contracts, shall be calculated by a method
5 consistent with the principles of this paragraph (b),
6 except that any extra premiums charged because of
7 impairments or special hazards shall be disregarded in the
8 determination of modified net premiums.

9 (c) In no event shall a company's aggregate reserves
10 for all life insurance policies, excluding disability and
11 accidental death benefits be less than the aggregate
12 reserves calculated in accordance with the methods set
13 forth in paragraphs (b), (f), and (g) of subsection (3) and
14 in subsection (5) and the mortality table or tables and
15 rate or rates of interest used in calculating
16 non-forfeiture benefits for such policies.

17 (d) In no event shall the aggregate reserves for all
18 policies, contracts, and benefits be less than the
19 aggregate reserves determined by the qualified actuary to
20 be necessary to render the opinion required by subsection
21 (1a).

22 (e) Reserves for any category of policies, contracts or
23 benefits as established by the Director, may be calculated,
24 at the option of the company, according to any standards
25 which produce greater aggregate reserves for such category
26 than those calculated according to the minimum standard

1 herein provided, but the rate or rates of interest used for
2 policies and contracts, other than annuity and pure
3 endowment contracts, shall not be higher than the
4 corresponding rate or rates of interest used in calculating
5 any nonforfeiture benefits provided for therein.

6 (f) If in any contract year the gross premium charged
7 by any life insurance company on any policy or contract is
8 less than the valuation net premium for the policy or
9 contract calculated by the method used in calculating the
10 reserve thereon but using the minimum valuation standards
11 of mortality and rate of interest, the minimum reserve
12 required for such policy or contract shall be the greater
13 of either the reserve calculated according to the mortality
14 table, rate of interest, and method actually used for such
15 policy or contract, or the reserve calculated by the method
16 actually used for such policy or contract but using the
17 minimum standards of mortality and rate of interest and
18 replacing the valuation net premium by the actual gross
19 premium in each contract year for which the valuation net
20 premium exceeds the actual gross premium. The minimum
21 valuation standards of mortality and rate of interest
22 referred to in this paragraph (f) are those standards
23 stated in subsection (6) and paragraph (a) of subsection
24 (3).

25 For any life insurance policy issued on or after
26 January 1, 1987, for which the gross premium in the first

1 policy year exceeds that of the second year with no
2 comparable additional benefit provided in that first year,
3 which policy provides an endowment benefit or a cash
4 surrender value or a combination thereof in an amount
5 greater than such excess premium, the foregoing provisions
6 of this paragraph (f) shall be applied as if the method
7 actually used in calculating the reserve for such policy
8 were the method described in paragraph (b) of subsection
9 (3), ignoring the second paragraph of said paragraph (b).
10 The minimum reserve at each policy anniversary of such a
11 policy shall be the greater of the minimum reserve
12 calculated in accordance with paragraph (b) of subsection
13 (3), including the second paragraph of said paragraph (b),
14 and the minimum reserve calculated in accordance with this
15 paragraph (f).

16 (g) In the case of any plan of life insurance which
17 provides for future premium determination, the amounts of
18 which are to be determined by the insurance company based
19 on then estimates of future experience, or in the case of
20 any plan of life insurance or annuity which is of such a
21 nature that the minimum reserves cannot be determined by
22 the methods described in paragraphs (b) and (f) of
23 subsection (3) and subsection (5), the reserves which are
24 held under any such plan shall:

25 (i) be appropriate in relation to the benefits and
26 the pattern of premiums for that plan, and

1 (ii) be computed by a method which is consistent
2 with the principles of this Standard Valuation Law, as
3 determined by regulations promulgated by the Director.

4 (4) Except as provided in subsection (6), the minimum
5 standard for the valuation of all individual annuity and pure
6 endowment contracts issued on or after the operative date of
7 this subsection, as defined herein, and for all annuities and
8 pure endowments purchased on or after such operative date under
9 group annuity and pure endowment contracts shall be the
10 Commissioners Reserve valuation methods defined in paragraph
11 (b) of subsection (3) and subsection (5) and the following
12 tables and interest rates:

13 (a) For individual single premium immediate annuity
14 contracts, excluding any disability and accidental death
15 benefits in such contracts, the 1971 Individual Annuity
16 Mortality Table, any individual annuity mortality table
17 adopted after 1980 by the National Association of Insurance
18 Commissioners and approved by regulations promulgated by
19 the Director for use in determining the minimum standard of
20 valuation for such contracts, or any modification of those
21 tables approved by the Director, and 7 1/2% interest.

22 (b) For individual and pure endowment contracts other
23 than single premium annuity contracts, excluding any
24 disability and accidental death benefits in such
25 contracts, the 1971 Individual Annuity Mortality Table,
26 any individual annuity mortality table adopted after 1980

1 by the National Association of Insurance Commissioners and
2 approved by regulations promulgated by the Director for use
3 in determining the minimum standard of valuation for such
4 contracts, or any modification of those tables approved by
5 the Director, and 5 1/2% interest for single premium
6 deferred annuity and pure endowment contracts and 4 1/2%
7 interest for all other such individual annuity and pure
8 endowment contracts.

9 (c) For all annuities and pure endowments purchased
10 under group annuity and pure endowment contracts,
11 excluding any disability and accidental death benefits
12 purchased under such contracts, the 1971 Group Annuity
13 Mortality Table, any group annuity mortality table adopted
14 after 1980 by the National Association of Insurance
15 Commissioners and approved by regulations promulgated by
16 the Director for use in determining the minimum standard of
17 valuation for such annuities and pure endowments, or any
18 modification of those tables approved by the Director, and
19 7 1/2% interest.

20 After September 8, 1977, any company may file with the
21 Director a written notice of its election to comply with the
22 provisions of this subsection after a specified date before
23 January 1, 1979, which shall be the operative date of this
24 subsection for such company; provided, a company may elect a
25 different operative date for individual annuity and pure
26 endowment contracts from that elected for group annuity and

1 pure endowment contracts. If a company makes no election, the
2 operative date of this subsection for such company shall be
3 January 1, 1979.

4 (5) This subsection shall apply to all annuity and pure
5 endowment contracts other than group annuity and pure endowment
6 contracts purchased under a retirement plan or plan of deferred
7 compensation, established or maintained by an employer
8 (including a partnership or sole proprietorship) or by an
9 employee organization, or by both, other than a plan providing
10 individual retirement accounts or individual retirement
11 annuities under Section 408 of the Internal Revenue Code, as
12 now or hereafter amended.

13 Reserves according to the Commissioners annuity reserve
14 method for benefits under annuity or pure endowment contracts,
15 excluding any disability and accidental death benefits in such
16 contracts, shall be the greatest of the respective excesses of
17 the present values, at the date of valuation, of the future
18 guaranteed benefits, including guaranteed nonforfeiture
19 benefits, provided for by such contracts at the end of each
20 respective contract year, over the present value, at the date
21 of valuation, of any future valuation considerations derived
22 from future gross considerations, required by the terms of such
23 contract, that become payable prior to the end of such
24 respective contract year. The future guaranteed benefits shall
25 be determined by using the mortality table, if any, and the
26 interest rate, or rates, specified in such contracts for

1 determining guaranteed benefits. The valuation considerations
2 are the portions of the respective gross considerations applied
3 under the terms of such contracts to determine nonforfeiture
4 values.

5 (6) (a) Applicability of this subsection. ~~(i)~~ The interest
6 rates used in determining the minimum standard for the
7 valuation of

8 (A) all life insurance policies issued in a particular
9 calendar year, on or after the operative date of subsection
10 (4c) of Section 229.2 (Standard Nonforfeiture Law),

11 (B) all individual annuity and pure endowment
12 contracts issued in a particular calendar year ending on or
13 after December 31, 1983,

14 (C) all annuities and pure endowments purchased in a
15 particular calendar year ending on or after December 31,
16 1983, under group annuity and pure endowment contracts, and

17 (D) the net increase in a particular calendar year
18 ending after December 31, 1983, in amounts held under
19 guaranteed interest contracts

20 shall be the calendar year statutory valuation interest rates,
21 as defined in this subsection.

22 (b) Calendar Year Statutory Valuation Interest Rates.

23 (i) The calendar year statutory valuation interest
24 rates shall be determined according to the following
25 formulae, rounding "I" to the nearest .25%.

26 (A) For life insurance,

1 $I = .03 + W (R1 - .03) + W/2 (R2 - .09)$.

2 (B) For single premium immediate annuities and
3 annuity benefits involving life contingencies
4 arising from other annuities with cash settlement
5 options and from guaranteed interest contracts
6 with cash settlement options,

7 $I = .03 + W (R - .03)$ or with prior
8 approval of the Director $I = .03 + W (Rq -$
9 $.03)$.

10 For the purposes of this subparagraph (i), "I"
11 equals the calendar year statutory valuation interest
12 rate, "R" is the reference interest rate defined in
13 this subsection, "R1" is the lesser of R and .09, "R2"
14 is the greater of R and .09, "Rq" is the quarterly
15 reference interest rate defined in this subsection,
16 and "W" is the weighting factor defined in this
17 subsection.

18 (C) For other annuities with cash settlement
19 options and guaranteed interest contracts with
20 cash settlement options, valued on an issue year
21 basis, except as stated in (B), the formula for
22 life insurance stated in (A) applies to annuities
23 and guaranteed interest contracts with guarantee
24 durations in excess of 10 years, and the formula
25 for single premium immediate annuities stated in
26 (B) above applies to annuities and guaranteed

1 interest contracts with guarantee durations of 10
2 years or less.

3 (D) For other annuities with no cash
4 settlement options and for guaranteed interest
5 contracts with no cash settlement options, the
6 formula for single premium immediate annuities
7 stated in (B) applies.

8 (E) For other annuities with cash settlement
9 options and guaranteed interest contracts with
10 cash settlement options, valued on a change in fund
11 basis, the formula for single premium immediate
12 annuities stated in (B) applies.

13 (ii) If the calendar year statutory valuation
14 interest rate for any life insurance policy issued in
15 any calendar year determined without reference to this
16 subparagraph differs from the corresponding actual
17 rate for similar policies issued in the immediately
18 preceding calendar year by less than .5%, the calendar
19 year statutory valuation interest rate for such life
20 insurance policy shall be the corresponding actual
21 rate for the immediately preceding calendar year. For
22 purposes of applying this subparagraph, the calendar
23 year statutory valuation interest rate for life
24 insurance policies issued in a calendar year shall be
25 determined for 1980, using the reference interest rate
26 defined for 1979, and shall be determined for each

1 subsequent calendar year regardless of when subsection
 2 (4c) of Section 229.2 (Standard Nonforfeiture Law)
 3 becomes operative.

4 (c) Weighting Factors.

5 (i) The weighting factors referred to in the
 6 formulae stated in paragraph (b) are given in the
 7 following tables.

8 (A) Weighting Factors for Life Insurance.

9 Guarantee	10 Weighting
11 Duration	11 Factors
12 (Years)	
12 10 or less	.50
13 More than 10, but not more than 20	.45
14 More than 20	.35

15 For life insurance, the guarantee duration is
 16 the maximum number of years the life insurance can
 17 remain in force on a basis guaranteed in the policy
 18 or under options to convert to plans of life
 19 insurance with premium rates or nonforfeiture
 20 values or both which are guaranteed in the original
 21 policy.

22 (B) The weighting factor for single premium
 23 immediate annuities and for annuity benefits
 24 involving life contingencies arising from other
 25 annuities with cash settlement options and
 26 guaranteed interest contracts with cash settlement

1 options is .80.

2 (C) The weighting factors for other annuities
3 and for guaranteed interest contracts, except as
4 stated in (B) of this subparagraph (i), shall be as
5 specified in tables (1), (2), and (3) of this
6 subpart (C), according to the rules and
7 definitions in (4), (5) and (6) of this subpart
8 (C).

9 (1) For annuities and guaranteed interest
10 contracts valued on an issue year basis.

11 Guarantee	Weighting Factor		
12 Duration	for Plan Type		
13 (Years)	A	B	C
14 5 or less .....	.80	.60	.50
15 More than 5, but not			
16 more than 10 .....	.75	.60	.50
17 More than 10, but not			
18 more than 20 .....	.65	.50	.45
19 More than 20 .....	.45	.35	.35

20 (2) For annuities and guaranteed interest
21 contracts valued on a change in fund basis, the
22 factors shown in (1) for Plan Types A, B and C
23 are increased by .15, .25 and .05,
24 respectively.

25 (3) For annuities and guaranteed interest
26 contracts valued on an issue year basis, other

1 than those with no cash settlement options,
2 which do not guarantee interest on
3 considerations received more than one year
4 after issue or purchase, and for annuities and
5 guaranteed interest contracts valued on a
6 change in fund basis which do not guarantee
7 interest rates on considerations received more
8 than 12 months beyond the valuation date, the
9 factors shown in (1), or derived in (2), for
10 Plan Types A, B and C are increased by .05.

11 (4) For other annuities with cash
12 settlement options and guaranteed interest
13 contracts with cash settlement options, the
14 guarantee duration is the number of years for
15 which the contract guarantees interest rates
16 in excess of the calendar year statutory
17 valuation interest rate for life insurance
18 policies with guarantee durations in excess of
19 20 years. For other annuities with no cash
20 settlement options, and for guaranteed
21 interest contracts with no cash settlement
22 options, the guarantee duration is the number
23 of years from the date of issue or date of
24 purchase to the date annuity benefits are
25 scheduled to commence.

26 (5) The plan types used in the above tables

1 are defined as follows.

2 Plan Type A is a plan under which the
3 policyholder may not withdraw funds, or may
4 withdraw funds at any time but only (a) with an
5 adjustment to reflect changes in interest
6 rates or asset values since receipt of the
7 funds by the insurance company, (b) without
8 such an adjustment but in installments over 5
9 years or more, or (c) as an immediate life
10 annuity.

11 Plan Type B is a plan under which the
12 policyholder may not withdraw funds before
13 expiration of the interest rate guarantee, or
14 may withdraw funds before such expiration but
15 only (a) with an adjustment to reflect changes
16 in interest rates or asset values since receipt
17 of the funds by the insurance company, or (b)
18 without such adjustment but in installments
19 over 5 years or more. At the end of the
20 interest rate guarantee, funds may be
21 withdrawn without such adjustment in a single
22 sum or installments over less than 5 years.

23 Plan Type C is a plan under which the
24 policyholder may withdraw funds before
25 expiration of the interest rate guarantee in a
26 single sum or installments over less than 5

1 years either (a) without adjustment to reflect
2 changes in interest rates or asset values since
3 receipt of the funds by the insurance company,
4 or (b) subject only to a fixed surrender charge
5 stipulated in the contract as a percentage of
6 the fund.

7 (6) A company may elect to value
8 guaranteed interest contracts with cash
9 settlement options and annuities with cash
10 settlement options on either an issue year
11 basis or on a change in fund basis. Guaranteed
12 interest contracts with no cash settlement
13 options and other annuities with no cash
14 settlement options shall be valued on an issue
15 year basis. As used in this Section, "issue
16 year basis of valuation" refers to a valuation
17 basis under which the interest rate used to
18 determine the minimum valuation standard for
19 the entire duration of the annuity or
20 guaranteed interest contract is the calendar
21 year valuation interest rate for the year of
22 issue or year of purchase of the annuity or
23 guaranteed interest contract. "Change in fund
24 basis of valuation", as used in this Section,
25 refers to a valuation basis under which the
26 interest rate used to determine the minimum

1 valuation standard applicable to each change
2 in the fund held under the annuity or
3 guaranteed interest contract is the calendar
4 year valuation interest rate for the year of
5 the change in the fund.

6 (d) Reference Interest Rate. ~~(i)~~ The reference
7 interest rate referred to in paragraph (b) of this
8 subsection is defined as follows.

9 (A) For all life insurance, the reference interest
10 rate is the lesser of the average over a period of 36
11 months, and the average over a period of 12 months,
12 with both periods ending on June 30, or with prior
13 approval of the Director ending on December 31, of the
14 calendar year next preceding the year of issue, of
15 Moody's Corporate Bond Yield Average - Monthly Average
16 Corporates, as published by Moody's Investors Service,
17 Inc.

18 (B) For single premium immediate annuities and for
19 annuity benefits involving life contingencies arising
20 from other annuities with cash settlement options and
21 guaranteed interest contracts with cash settlement
22 options, the reference interest rate is the average
23 over a period of 12 months, ending on June 30, or with
24 prior approval of the Director ending on December 31,
25 of the calendar year of issue or year of purchase, of
26 Moody's Corporate Bond Yield Average - Monthly Average

1 Corporates, as published by Moody's Investors Service,
2 Inc.

3 (C) For annuities with cash settlement options and
4 guaranteed interest contracts with cash settlement
5 options, valued on a year of issue basis, except those
6 described in (B), with guarantee durations in excess of
7 10 years, the reference interest rate is the lesser of
8 the average over a period of 36 months and the average
9 over a period of 12 months, ending on June 30, or with
10 prior approval of the Director ending on December 31,
11 of the calendar year of issue or purchase, of Moody's
12 Corporate Bond Yield Average-Monthly Average
13 Corporates, as published by Moody's Investors Service,
14 Inc.

15 (D) For other annuities with cash settlement
16 options and guaranteed interest contracts with cash
17 settlement options, valued on a year of issue basis,
18 except those described in (B), with guarantee
19 durations of 10 years or less, the reference interest
20 rate is the average over a period of 12 months, ending
21 on June 30, or with prior approval of the Director
22 ending on December 31, of the calendar year of issue or
23 purchase, of Moody's Corporate Bond Yield
24 Average-Monthly Average Corporates, as published by
25 Moody's Investors Service, Inc.

26 (E) For annuities with no cash settlement options

1 and for guaranteed interest contracts with no cash
2 settlement options, the reference interest rate is the
3 average over a period of 12 months, ending on June 30,
4 or with prior approval of the Director ending on
5 December 31, of the calendar year of issue or purchase,
6 of Moody's Corporate Bond Yield Average-Monthly
7 Average Corporates, as published by Moody's Investors
8 Service, Inc.

9 (F) For annuities with cash settlement options and
10 guaranteed interest contracts with cash settlement
11 options, valued on a change in fund basis, except those
12 described in (B), the reference interest rate is the
13 average over a period of 12 months, ending on June 30,
14 or with prior approval of the Director ending on
15 December 31, of the calendar year of the change in the
16 fund, of Moody's Corporate Bond Yield Average-Monthly
17 Average Corporates, as published by Moody's Investors
18 Service, Inc.

19 (G) For annuities valued by a formula based on R_q ,
20 the quarterly reference interest rate is, with the
21 prior approval of the Director, the average within each
22 of the 4 consecutive calendar year quarters ending on
23 March 31, June 30, September 30 and December 31 of the
24 calendar year of issue or year of purchase of Moody's
25 Corporate Bond Yield Average-Monthly Average
26 Corporates, as published by Moody's Investors Service,

1 Inc.

2 (e) Alternative Method for Determining Reference
3 Interest Rates. In the event that the Moody's Corporate
4 Bond Yield Average-Monthly Average Corporates is no longer
5 published by Moody's Investors Services, Inc., or in the
6 event that the National Association of Insurance
7 Commissioners determines that Moody's Corporate Bond Yield
8 Average-Monthly Average Corporates as published by Moody's
9 Investors Service, Inc. is no longer appropriate for the
10 determination of the reference interest rate, then an
11 alternative method for determination of the reference
12 interest rate, which is adopted by the National Association
13 of Insurance Commissioners and approved by regulations
14 promulgated by the Director, may be substituted.

15 (7) Minimum Standards for Health (Disability, Accident and
16 Sickness) Plans. The Director shall promulgate a regulation
17 containing the minimum standards applicable to the valuation of
18 health (disability, sickness and accident) plans.

19 (Source: P.A. 95-86, eff. 9-25-07 (changed from 1-1-08 by P.A.
20 95-632); revised 11-15-07.)

21 (215 ILCS 5/356z.9)

22 Sec. 356z.9. Human papillomavirus vaccine. A group or
23 individual policy of accident and health insurance or managed
24 care plan amended, delivered, issued, or renewed after the
25 effective date of this amendatory Act of the 95th General

1 Assembly must provide coverage for a human papillomavirus
2 vaccine (HPV) that is approved for marketing by the federal
3 Food and Drug Administration.

4 (Source: P.A. 95-422, eff. 8-24-07.)

5 (215 ILCS 5/356z.10)

6 Sec. 356z.10 ~~356z.9~~. Amino acid-based elemental formulas.

7 A group or individual major medical accident and health
8 insurance policy or managed care plan amended, delivered,
9 issued, or renewed after the effective date of this amendatory
10 Act of the 95th General Assembly must provide coverage and
11 reimbursement for amino acid-based elemental formulas,
12 regardless of delivery method, for the diagnosis and treatment
13 of (i) eosinophilic disorders and (ii) short bowel syndrome
14 when the prescribing physician has issued a written order
15 stating that the amino acid-based elemental formula is
16 medically necessary.

17 (Source: P.A. 95-520, eff. 8-28-07; revised 12-4-07.)

18 Section 205. 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, 137, 140, 141.1, 141.2,

1 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5,
2 154.6, 154.7, 154.8, 155.04, 355.2, 356m, 356v, 356w, 356x,
3 356y, 356z.2, 356z.4, 356z.5, 356z.6, 356z.8, 356z.9, 356z.10
4 ~~356z.9~~, 364.01, 367.2, 367.2-5, 367i, 368a, 368b, 368c, 368d,
5 368e, 370c, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412,
6 444, and 444.1, paragraph (c) of subsection (2) of Section 367,
7 and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV,
8 and XXVI of the Illinois Insurance Code.

9 (b) For purposes of the Illinois Insurance Code, except for
10 Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health
11 Maintenance Organizations in the following categories are
12 deemed to be "domestic companies":

13 (1) a corporation authorized under the Dental Service
14 Plan Act or the Voluntary Health Services Plans Act;

15 (2) a corporation organized under the laws of this
16 State; or

17 (3) 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 (c) In considering the merger, consolidation, or other
24 acquisition of control of a Health Maintenance Organization
25 pursuant to Article VIII 1/2 of the Illinois Insurance Code,

26 (1) the Director shall give primary consideration to

1 the continuation of benefits to enrollees and the financial
2 conditions of the acquired Health Maintenance Organization
3 after the merger, consolidation, or other acquisition of
4 control takes effect;

5 (2) (i) the criteria specified in subsection (1) (b) of
6 Section 131.8 of the Illinois Insurance Code shall not
7 apply and (ii) the Director, in making his determination
8 with respect to the merger, consolidation, or other
9 acquisition of control, need not take into account the
10 effect on competition of the merger, consolidation, or
11 other acquisition of control;

12 (3) the Director shall have the power to require the
13 following information:

14 (A) certification by an independent actuary of the
15 adequacy of the reserves of the Health Maintenance
16 Organization sought to be acquired;

17 (B) pro forma financial statements reflecting the
18 combined balance sheets of the acquiring company and
19 the Health Maintenance Organization sought to be
20 acquired as of the end of the preceding year and as of
21 a date 90 days prior to the acquisition, as well as pro
22 forma financial statements reflecting projected
23 combined operation for a period of 2 years;

24 (C) a pro forma business plan detailing an
25 acquiring party's plans with respect to the operation
26 of the Health Maintenance Organization sought to be

1 acquired for a period of not less than 3 years; and

2 (D) such other information as the Director shall
3 require.

4 (d) The provisions of Article VIII 1/2 of the Illinois
5 Insurance Code and this Section 5-3 shall apply to the sale by
6 any health maintenance organization of greater than 10% of its
7 enrollee population (including without limitation the health
8 maintenance organization's right, title, and interest in and to
9 its health care certificates).

10 (e) In considering any management contract or service
11 agreement subject to Section 141.1 of the Illinois Insurance
12 Code, the Director (i) shall, in addition to the criteria
13 specified in Section 141.2 of the Illinois Insurance Code, take
14 into account the effect of the management contract or service
15 agreement on the continuation of benefits to enrollees and the
16 financial condition of the health maintenance organization to
17 be managed or serviced, and (ii) need not take into account the
18 effect of the management contract or service agreement on
19 competition.

20 (f) Except for small employer groups as defined in the
21 Small Employer Rating, Renewability and Portability Health
22 Insurance Act and except for medicare supplement policies as
23 defined in Section 363 of the Illinois Insurance Code, a Health
24 Maintenance Organization may by contract agree with a group or
25 other enrollment unit to effect refunds or charge additional
26 premiums under the following terms and conditions:

1 (i) the amount of, and other terms and conditions with
2 respect to, the refund or additional premium are set forth
3 in the group or enrollment unit contract agreed in advance
4 of the period for which a refund is to be paid or
5 additional premium is to be charged (which period shall not
6 be less than one year); and

7 (ii) the amount of the refund or additional premium
8 shall not exceed 20% of the Health Maintenance
9 Organization's profitable or unprofitable experience with
10 respect to the group or other enrollment unit for the
11 period (and, for purposes of a refund or additional
12 premium, the profitable or unprofitable experience shall
13 be calculated taking into account a pro rata share of the
14 Health Maintenance Organization's administrative and
15 marketing expenses, but shall not include any refund to be
16 made or additional premium to be paid pursuant to this
17 subsection (f)). The Health Maintenance Organization and
18 the group or enrollment unit may agree that the profitable
19 or unprofitable experience may be calculated taking into
20 account the refund period and the immediately preceding 2
21 plan years.

22 The Health Maintenance Organization shall include a
23 statement in the evidence of coverage issued to each enrollee
24 describing the possibility of a refund or additional premium,
25 and upon request of any group or enrollment unit, provide to
26 the group or enrollment unit a description of the method used

1 to calculate (1) the Health Maintenance Organization's
2 profitable experience with respect to the group or enrollment
3 unit and the resulting refund to the group or enrollment unit
4 or (2) the Health Maintenance Organization's unprofitable
5 experience with respect to the group or enrollment unit and the
6 resulting additional premium to be paid by the group or
7 enrollment unit.

8 In no event shall the Illinois Health Maintenance
9 Organization Guaranty Association be liable to pay any
10 contractual obligation of an insolvent organization to pay any
11 refund authorized under this Section.

12 (Source: P.A. 94-906, eff. 1-1-07; 94-1076, eff. 12-29-06;
13 95-422, eff. 8-24-07; 95-520, eff. 8-28-07; revised 12-4-07.)

14 Section 210. The Limited Health Service Organization Act is
15 amended by changing Section 4003 as follows:

16 (215 ILCS 130/4003) (from Ch. 73, par. 1504-3)

17 Sec. 4003. Illinois Insurance Code provisions. Limited
18 health service organizations shall be subject to the provisions
19 of Sections 133, 134, 137, 140, 141.1, 141.2, 141.3, 143, 143c,
20 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8,
21 155.04, 155.37, 355.2, 356v, 356z.10 ~~356z.9~~, 368a, 401, 401.1,
22 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1 and
23 Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and
24 XXVI of the Illinois Insurance Code. For purposes of the

1 Illinois Insurance Code, except for Sections 444 and 444.1 and
2 Articles XIII and XIII 1/2, limited health service
3 organizations in the following categories are deemed to be
4 domestic companies:

5 (1) a corporation under the laws of this State; or

6 (2) a corporation organized under the laws of another
7 state, 30% of more of the enrollees of which are residents
8 of this State, except a corporation subject to
9 substantially the same requirements in its state of
10 organization as is a domestic company under Article VIII
11 1/2 of the Illinois Insurance Code.

12 (Source: P.A. 95-520, eff. 8-28-07; revised 12-5-07.)

13 Section 215. The Voluntary Health Services Plans Act is
14 amended by changing Section 10 as follows:

15 (215 ILCS 165/10) (from Ch. 32, par. 604)

16 Sec. 10. Application of Insurance Code provisions. Health
17 services plan corporations and all persons interested therein
18 or dealing therewith shall be subject to the provisions of
19 Articles IIA and XII 1/2 and Sections 3.1, 133, 140, 143, 143c,
20 149, 155.37, 354, 355.2, 356g.5, 356r, 356t, 356u, 356v, 356w,
21 356x, 356y, 356z.1, 356z.2, 356z.4, 356z.5, 356z.6, 356z.8,
22 356z.9, 356z.10 ~~356z.9~~, 364.01, 367.2, 368a, 401, 401.1, 402,
23 403, 403A, 408, 408.2, and 412, and paragraphs (7) and (15) of
24 Section 367 of the Illinois Insurance Code.

1 (Source: P.A. 94-1076, eff. 12-29-06; 95-189, eff. 8-16-07;
2 95-331, eff. 8-21-07; 95-422, eff. 8-24-07; 95-520, eff.
3 8-28-07; revised 12-5-07.)

4 Section 220. The Public Utilities Act is amended by
5 renumbering Section 12-103, by changing Sections 8-206,
6 13-507.1, 13-701, 16-111, 21-101, 21-101.1, 21-201, 21-301,
7 21-401, 21-601, 21-801, 21-901, 21-1001, 21-1101, 21-1201, and
8 21-1301, and by renumbering and changing Article 70 as follows:

9 (220 ILCS 5/8-103)

10 Sec. 8-103 ~~12-103~~. Energy efficiency and demand-response
11 measures.

12 (a) It is the policy of the State that electric utilities
13 are required to use cost-effective energy efficiency and
14 demand-response measures to reduce delivery load. Requiring
15 investment in cost-effective energy efficiency and
16 demand-response measures will reduce direct and indirect costs
17 to consumers by decreasing environmental impacts and by
18 avoiding or delaying the need for new generation, transmission,
19 and distribution infrastructure. It serves the public interest
20 to allow electric utilities to recover costs for reasonably and
21 prudently incurred expenses for energy efficiency and
22 demand-response measures. As used in this Section,
23 "cost-effective" means that the measures satisfy the total
24 resource cost test. The low-income measures described in

1 subsection (f) (4) of this Section shall not be required to meet
2 the total resource cost test. For purposes of this Section, the
3 terms "energy-efficiency", "demand-response", "electric
4 utility", and "total resource cost test" shall have the
5 meanings set forth in the Illinois Power Agency Act. For
6 purposes of this Section, the amount per kilowatthour means the
7 total amount paid for electric service expressed on a per
8 kilowatthour basis. For purposes of this Section, the total
9 amount paid for electric service includes without limitation
10 estimated amounts paid for supply, transmission, distribution,
11 surcharges, and add-on-taxes.

12 (b) Electric utilities shall implement cost-effective
13 energy efficiency measures to meet the following incremental
14 annual energy savings goals:

15 (1) 0.2% of energy delivered in the year commencing
16 June 1, 2008;

17 (2) 0.4% of energy delivered in the year commencing
18 June 1, 2009;

19 (3) 0.6% of energy delivered in the year commencing
20 June 1, 2010;

21 (4) 0.8% of energy delivered in the year commencing
22 June 1, 2011;

23 (5) 1% of energy delivered in the year commencing June
24 1, 2012;

25 (6) 1.4% of energy delivered in the year commencing
26 June 1, 2013;

1 (7) 1.8% of energy delivered in the year commencing
2 June 1, 2014; and

3 (8) 2% of energy delivered in the year commencing June
4 1, 2015 and each year thereafter.

5 (c) Electric utilities shall implement cost-effective
6 demand-response measures to reduce peak demand by 0.1% over the
7 prior year for eligible retail customers, as defined in Section
8 16-111.5 of this Act. This requirement commences June 1, 2008
9 and continues for 10 years.

10 (d) Notwithstanding the requirements of subsections (b)
11 and (c) of this Section, an electric utility shall reduce the
12 amount of energy efficiency and demand-response measures
13 implemented in any single year by an amount necessary to limit
14 the estimated average increase in the amounts paid by retail
15 customers in connection with electric service due to the cost
16 of those measures to:

17 (1) in 2008, no more than 0.5% of the amount paid
18 per kilowatthour by those customers during the year ending
19 May 31, 2007;

20 (2) in 2009, the greater of an additional 0.5% of
21 the amount paid per kilowatthour by those customers during
22 the year ending May 31, 2008 or 1% of the amount paid per
23 kilowatthour by those customers during the year ending May
24 31, 2007;

25 (3) in 2010, the greater of an additional 0.5% of
26 the amount paid per kilowatthour by those customers during

1 the year ending May 31, 2009 or 1.5% of the amount paid per
2 kilowatthour by those customers during the year ending May
3 31, 2007;

4 (4) in 2011, the greater of an additional 0.5% of
5 the amount paid per kilowatthour by those customers during
6 the year ending May 31, 2010 or 2% of the amount paid per
7 kilowatthour by those customers during the year ending May
8 31, 2007; and

9 (5) thereafter, the amount of energy efficiency
10 and demand-response measures implemented for any single
11 year shall be reduced by an amount necessary to limit the
12 estimated average net increase due to the cost of these
13 measures included in the amounts paid by eligible retail
14 customers in connection with electric service to no more
15 than the greater of 2.015% of the amount paid per
16 kilowatthour by those customers during the year ending May
17 31, 2007 or the incremental amount per kilowatthour paid
18 for these measures in 2011.

19 No later than June 30, 2011, the Commission shall review
20 the limitation on the amount of energy efficiency and
21 demand-response measures implemented pursuant to this Section
22 and report to the General Assembly its findings as to whether
23 that limitation unduly constrains the procurement of energy
24 efficiency and demand-response measures.

25 (e) Electric utilities shall be responsible for overseeing
26 the design, development, and filing of energy efficiency and

1 demand-response plans with the Commission. Electric utilities
2 shall implement 100% of the demand-response measures in the
3 plans. Electric utilities shall implement 75% of the energy
4 efficiency measures approved by the Commission, and may, as
5 part of that implementation, outsource various aspects of
6 program development and implementation. The remaining 25% of
7 those energy efficiency measures approved by the Commission
8 shall be implemented by the Department of Commerce and Economic
9 Opportunity, and must be designed in conjunction with the
10 utility and the filing process. The Department may outsource
11 development and implementation of energy efficiency measures.
12 A minimum of 10% of the entire portfolio of cost-effective
13 energy efficiency measures shall be procured from units of
14 local government, municipal corporations, school districts,
15 and community college districts. The Department shall
16 coordinate the implementation of these measures.

17 The apportionment of the dollars to cover the costs to
18 implement the Department's share of the portfolio of energy
19 efficiency measures shall be made to the Department once the
20 Department has executed grants or contracts for energy
21 efficiency measures and provided supporting documentation for
22 those grants and the contracts to the utility.

23 The details of the measures implemented by the Department
24 shall be submitted by the Department to the Commission in
25 connection with the utility's filing regarding the energy
26 efficiency and demand-response measures that the utility

1 implements.

2 A utility providing approved energy efficiency and
3 demand-response measures in the State shall be permitted to
4 recover costs of those measures through an automatic adjustment
5 clause tariff filed with and approved by the Commission. The
6 tariff shall be established outside the context of a general
7 rate case. Each year the Commission shall initiate a review to
8 reconcile any amounts collected with the actual costs and to
9 determine the required adjustment to the annual tariff factor
10 to match annual expenditures.

11 Each utility shall include, in its recovery of costs, the
12 costs estimated for both the utility's and the Department's
13 implementation of energy efficiency and demand-response
14 measures. Costs collected by the utility for measures
15 implemented by the Department shall be submitted to the
16 Department pursuant to Section 605-323 of the Civil
17 Administrative Code of Illinois and shall be used by the
18 Department solely for the purpose of implementing these
19 measures. A utility shall not be required to advance any moneys
20 to the Department but only to forward such funds as it has
21 collected. The Department shall report to the Commission on an
22 annual basis regarding the costs actually incurred by the
23 Department in the implementation of the measures. Any changes
24 to the costs of energy efficiency measures as a result of plan
25 modifications shall be appropriately reflected in amounts
26 recovered by the utility and turned over to the Department.

1 The portfolio of measures, administered by both the
2 utilities and the Department, shall, in combination, be
3 designed to achieve the annual savings targets described in
4 subsections (b) and (c) of this Section, as modified by
5 subsection (d) of this Section.

6 The utility and the Department shall agree upon a
7 reasonable portfolio of measures and determine the measurable
8 corresponding percentage of the savings goals associated with
9 measures implemented by the utility or Department.

10 No utility shall be assessed a penalty under subsection (f)
11 of this Section for failure to make a timely filing if that
12 failure is the result of a lack of agreement with the
13 Department with respect to the allocation of responsibilities
14 or related costs or target assignments. In that case, the
15 Department and the utility shall file their respective plans
16 with the Commission and the Commission shall determine an
17 appropriate division of measures and programs that meets the
18 requirements of this Section.

19 If the Department is unable to meet incremental annual
20 performance goals for the portion of the portfolio implemented
21 by the Department, then the utility and the Department shall
22 jointly submit a modified filing to the Commission explaining
23 the performance shortfall and recommending an appropriate
24 course going forward, including any program modifications that
25 may be appropriate in light of the evaluations conducted under
26 item (7) of subsection (f) of this Section. In this case, the

1 utility obligation to collect the Department's costs and turn
2 over those funds to the Department under this subsection (e)
3 shall continue only if the Commission approves the
4 modifications to the plan proposed by the Department.

5 (f) No later than November 15, 2007, each electric utility
6 shall file an energy efficiency and demand-response plan with
7 the Commission to meet the energy efficiency and
8 demand-response standards for 2008 through 2010. Every 3 years
9 thereafter, each electric utility shall file an energy
10 efficiency and demand-response plan with the Commission. If a
11 utility does not file such a plan, it shall face a penalty of
12 \$100,000 per day until the plan is filed. Each utility's plan
13 shall set forth the utility's proposals to meet the utility's
14 portion of the energy efficiency standards identified in
15 subsection (b) and the demand-response standards identified in
16 subsection (c) of this Section as modified by subsections (d)
17 and (e), taking into account the unique circumstances of the
18 utility's service territory. The Commission shall seek public
19 comment on the utility's plan and shall issue an order
20 approving or disapproving each plan within 3 months after its
21 submission. If the Commission disapproves a plan, the
22 Commission shall, within 30 days, describe in detail the
23 reasons for the disapproval and describe a path by which the
24 utility may file a revised draft of the plan to address the
25 Commission's concerns satisfactorily. If the utility does not
26 refile with the Commission within 60 days, the utility shall be

1 subject to penalties at a rate of \$100,000 per day until the
2 plan is filed. This process shall continue, and penalties shall
3 accrue, until the utility has successfully filed a portfolio of
4 energy efficiency and demand-response measures. Penalties
5 shall be deposited into the Energy Efficiency Trust Fund. In
6 submitting proposed energy efficiency and demand-response
7 plans and funding levels to meet the savings goals adopted by
8 this Act the utility shall:

9 (1) Demonstrate that its proposed energy efficiency
10 and demand-response measures will achieve the requirements
11 that are identified in subsections (b) and (c) of this
12 Section, as modified by subsections (d) and (e).

13 (2) Present specific proposals to implement new
14 building and appliance standards that have been placed into
15 effect.

16 (3) Present estimates of the total amount paid for
17 electric service expressed on a per kilowatthour basis
18 associated with the proposed portfolio of measures
19 designed to meet the requirements that are identified in
20 subsections (b) and (c) of this Section, as modified by
21 subsections (d) and (e).

22 (4) Coordinate with the Department and the Department
23 of Healthcare and Family Services to present a portfolio of
24 energy efficiency measures targeted to households at or
25 below 150% of the poverty level at a level proportionate to
26 those households' share of total annual utility revenues in

1 Illinois.

2 (5) Demonstrate that its overall portfolio of energy
3 efficiency and demand-response measures, not including
4 programs covered by item (4) of this subsection (f), are
5 cost-effective using the total resource cost test and
6 represent a diverse cross-section of opportunities for
7 customers of all rate classes to participate in the
8 programs.

9 (6) Include a proposed cost-recovery tariff mechanism
10 to fund the proposed energy efficiency and demand-response
11 measures and to ensure the recovery of the prudently and
12 reasonably incurred costs of Commission-approved programs.

13 (7) Provide for an annual independent evaluation of the
14 performance of the cost-effectiveness of the utility's
15 portfolio of measures and the Department's portfolio of
16 measures, as well as a full review of the 3-year results of
17 the broader net program impacts and, to the extent
18 practical, for adjustment of the measures on a
19 going-forward basis as a result of the evaluations. The
20 resources dedicated to evaluation shall not exceed 3% of
21 portfolio resources in any given year.

22 (g) No more than 3% of energy efficiency and
23 demand-response program revenue may be allocated for
24 demonstration of breakthrough equipment and devices.

25 (h) This Section does not apply to an electric utility that
26 on December 31, 2005 provided electric service to fewer than

1 100,000 customers in Illinois.

2 (i) If, after 2 years, an electric utility fails to meet
3 the efficiency standard specified in subsection (b) of this
4 Section, as modified by subsections (d) and (e), it shall make
5 a contribution to the Low-Income Home Energy Assistance
6 Program. The combined total liability for failure to meet the
7 goal shall be \$1,000,000, which shall be assessed as follows: a
8 large electric utility shall pay \$665,000, and a medium
9 electric utility shall pay \$335,000. If, after 3 years, an
10 electric utility fails to meet the efficiency standard
11 specified in subsection (b) of this Section, as modified by
12 subsections (d) and (e), it shall make a contribution to the
13 Low-Income Home Energy Assistance Program. The combined total
14 liability for failure to meet the goal shall be \$1,000,000,
15 which shall be assessed as follows: a large electric utility
16 shall pay \$665,000, and a medium electric utility shall pay
17 \$335,000. In addition, the responsibility for implementing the
18 energy efficiency measures of the utility making the payment
19 shall be transferred to the Illinois Power Agency if, after 3
20 years, or in any subsequent 3-year period, the utility fails to
21 meet the efficiency standard specified in subsection (b) of
22 this Section, as modified by subsections (d) and (e). The
23 Agency shall implement a competitive procurement program to
24 procure resources necessary to meet the standards specified in
25 this Section as modified by subsections (d) and (e), with costs
26 for those resources to be recovered in the same manner as

1 products purchased through the procurement plan as provided in
2 Section 16-111.5. The Director shall implement this
3 requirement in connection with the procurement plan as provided
4 in Section 16-111.5.

5 For purposes of this Section, (i) a "large electric
6 utility" is an electric utility that, on December 31, 2005,
7 served more than 2,000,000 electric customers in Illinois; (ii)
8 a "medium electric utility" is an electric utility that, on
9 December 31, 2005, served 2,000,000 or fewer but more than
10 100,000 electric customers in Illinois; and (iii) Illinois
11 electric utilities that are affiliated by virtue of a common
12 parent company are considered a single electric utility.

13 (j) If, after 3 years, or any subsequent 3-year period, the
14 Department fails to implement the Department's share of energy
15 efficiency measures required by the standards in subsection
16 (b), then the Illinois Power Agency may assume responsibility
17 for and control of the Department's share of the required
18 energy efficiency measures. The Agency shall implement a
19 competitive procurement program to procure resources necessary
20 to meet the standards specified in this Section, with the costs
21 of these resources to be recovered in the same manner as
22 provided for the Department in this Section.

23 (k) No electric utility shall be deemed to have failed to
24 meet the energy efficiency standards to the extent any such
25 failure is due to a failure of the Department or the Agency.

26 (Source: P.A. 95-481, eff. 8-28-07; revised 12-7-07.)

1 (220 ILCS 5/8-206) (from Ch. 111 2/3, par. 8-206)

2 Sec. 8-206. Winter termination for nonpayment.

3 (a) Notwithstanding any other provision of this Act, no
4 electric or gas public utility shall disconnect service to any
5 residential customer or mastermeters apartment building for
6 nonpayment of a bill or deposit where gas or electricity is
7 used as the primary source of space heating or is used to
8 control or operate the primary source of space heating
9 equipment at the premises during the period of time from
10 December 1 through and including March 31 of the immediately
11 succeeding calendar year, unless:

12 (1) The utility (i) has offered the customer a deferred
13 payment arrangement allowing for payment of past due
14 amounts over a period of not less than 4 months not to
15 extend beyond the following November and the option to
16 enter into a levelized payment plan for the payment of
17 future bills. The maximum down payment requirements shall
18 not exceed 10% of the amount past due and owing at the time
19 of entering into the agreement; and (ii) has provided the
20 customer with the names, addresses and telephone numbers of
21 governmental and private agencies which may provide
22 assistance to customers of public utilities in paying their
23 utility bills; the utility shall obtain the approval of an
24 agency before placing the name of that agency on any list
25 which will be used to provide such information to

1 customers;

2 (2) The customer has refused or failed to enter into a
3 deferred payment arrangement as described in paragraph (1)
4 of this subsection (a); and

5 (3) All notice requirements as provided by law and
6 rules or regulations of the Commission have been met.

7 (b) Prior to termination of service for any residential
8 customer or mastermetered apartment building during the period
9 from December 1 through and including March 31 of the
10 immediately succeeding calendar year, all electric and gas
11 public utilities shall, in addition to all other notices:

12 (1) Notify the customer or an adult residing at the
13 customer's premises by telephone, a personal visit to the
14 customer's premises or by first class mail, informing the
15 customer that:

16 (i) the customer's account is in arrears and the
17 customer's service is subject to termination for
18 nonpayment of a bill;

19 (ii) the customer can avoid disconnection of
20 service by entering into a deferred payment agreement
21 to pay past due amounts over a period not to extend
22 beyond the following November and the customer has the
23 option to enter into a levelized payment plan for the
24 payment of future bills;

25 (iii) the customer may apply for any available
26 assistance to aid in the payment of utility bills from

1 any governmental or private agencies from the list of
2 such agencies provided to the customer by the utility.

3 Provided, however, that a public utility shall be
4 required to make only one such contact with the customer
5 during any such period from December 1 through and
6 including March 31 of the immediately succeeding calendar
7 year.

8 (2) Each public utility shall maintain records which
9 shall include, but not necessarily be limited to, the
10 manner by which the customer was notified and the time,
11 date and manner by which any prior but unsuccessful
12 attempts to contact were made. These records shall also
13 describe the terms of the deferred payment arrangements
14 offered to the customer and those entered into by the
15 utility and customers. These records shall indicate the
16 total amount past due, the down payment, the amount
17 remaining to be paid and the number of months allowed to
18 pay the outstanding balance. No public utility shall be
19 required to retain records pertaining to unsuccessful
20 attempts to contact or deferred payment arrangements
21 rejected by the customer after such customer has entered
22 into a deferred payment arrangement with such utility.

23 (c) No public utility shall disconnect service for
24 nonpayment of a bill until the lapse of 6 business days after
25 making the notification required by paragraph (1) of subsection

26 (b) so as to allow the customer an opportunity to:

1 (1) Enter into a deferred payment arrangement and the
2 option to enter into a levelized payment plan for the
3 payment of future bills.

4 (2) Contact a governmental or private agency that may
5 provide assistance to customers for the payment of public
6 utility bills.

7 (d) Any residential customer who enters into a deferred
8 payment arrangement pursuant to this Act, and subsequently
9 during that period of time set forth in subsection (a) becomes
10 subject to termination, shall be given notice as required by
11 law and any rule or regulation of the Commission prior to
12 termination of service.

13 (e) During that time period set forth in subsection (a), a
14 utility shall not require a down payment for a deposit from a
15 residential customer in excess of 20% of the total deposit
16 requested. An additional 4 months shall be allowed to pay the
17 remainder of the deposit. This provision shall not apply to
18 mastermetered apartment buildings or other nonresidential
19 customers.

20 (f) During that period of time set forth in subsection (a),
21 no utility may refuse to offer a deferred payment agreement to
22 a residential customer who has defaulted on such an agreement
23 within the past 12 months. However, no utility shall be
24 required to enter into more than one deferred payment
25 arrangement under this Section with any residential customer or
26 mastermetered apartment building during the period from

1 December 1 through and including March 31 of the immediately
2 succeeding calendar year.

3 (g) In order to enable customers to take advantage of
4 energy assistance programs, customers who can demonstrate that
5 their applications for a local, state or federal energy
6 assistance program have been approved may request that the
7 amount they will be entitled to receive as a regular energy
8 assistance payment be deducted and set aside from the amount
9 past due on which they make deferred payment arrangements.
10 Payment on the set-aside amount shall be credited when the
11 energy assistance voucher or check is received, according to
12 the utility's common business practice.

13 (h) In no event shall any utility send a final notice to
14 any customer who has entered into a current deferred payment
15 agreement and has not defaulted on that deferred payment
16 agreement, unless the final notice pertains to a deposit
17 request.

18 (i) Each utility shall include with each disconnection
19 notice sent during the period for December 1 through and
20 including March 31 of the immediately succeeding calendar year
21 to a residential customer an insert explaining the above
22 provisions and providing a telephone number of the utility
23 company which the consumer may call to receive further
24 information.

25 (j) Each utility shall file with the Commission prior to
26 December 1 of each year a plan detailing the implementation of

1 this Section. This plan shall contain, but not be limited to:

2 (1) a description of the methods to be used to notify
3 residential customers as required in this Section,
4 including the forms of written and oral notices which shall
5 be required to include all the information contained in
6 subsection (b) of this Section.

7 (2) a listing of the names, addresses and telephone
8 numbers of governmental and private agencies which may
9 provide assistance to residential customers in paying
10 their utility bills.

11 (3) the program of employee education and information
12 which shall be used by the company in the implementation of
13 this Section.

14 (4) a description of methods to be utilized to inform
15 residential customers of those governmental and private
16 agencies and current and planned methods of cooperation
17 with those agencies to identify the customers who qualify
18 for assistance in paying their utility bills.

19 A utility which has a plan on file with the Commission need
20 not resubmit a new plan each year. However, any alteration of
21 the plan on file must be submitted and approved prior to
22 December 1 of any year.

23 All plans are subject to review and approval by the
24 Commission. The Commission may direct a utility to alter its
25 plan to comply with the requirements of this Section.

26 (k) Notwithstanding any other provision of this Act, no

1 electric or gas public utility shall disconnect service to any
2 residential customer who is a participant under Section 6 of
3 the Energy Assistance Act for nonpayment of a bill or deposit
4 where gas or electricity is used as the primary source of space
5 heating or is used to control or operate the primary source of
6 space heating equipment at the premises during the period of
7 time from December 1 through and including March 31 of the
8 immediately succeeding calendar year.

9 (Source: P.A. 95-331, eff. 8-21-07; revised 11-15-07.)

10 (220 ILCS 5/13-507.1)

11 (Section scheduled to be repealed on July 1, 2009)

12 Sec. 13-507.1. In any proceeding permitting, approving,
13 investigating, or establishing rates, charges,
14 classifications, or tariffs for telecommunications services
15 classified as noncompetitive offered or provided by an
16 incumbent local exchange carrier as that term is defined in
17 Section 13-202.1 of this ~~the Public Utilities~~ Act, the
18 Commission shall not allow any subsidy of Internet services,
19 cable services, or video services by the rates or charges for
20 local exchange telecommunications services, including local
21 services classified as noncompetitive.

22 (Source: P.A. 95-9, eff. 6-30-07; revised 10-31-07.)

23 (220 ILCS 5/13-701) (from Ch. 111 2/3, par. 13-701)

24 (Section scheduled to be repealed on July 1, 2009)

1 Sec. 13-701. ~~(a)~~ Notwithstanding any other provision of
2 this Act to the contrary, the Commission has no power to
3 supervise or control any telephone cooperative as respects
4 assessment schedules or local service rates made or charged by
5 such a cooperative on a nondiscriminatory basis. In addition,
6 the Commission has no power to inquire into, or require the
7 submission of, the terms, conditions or agreements by or under
8 which telephone cooperatives are financed. A telephone
9 cooperative shall file with the Commission either a copy of the
10 annual financial report required by the Rural Electrification
11 Administration, or the annual financial report required of
12 other public utilities.

13 Sections 13-712 and 13-713 of this Act do not apply to
14 telephone cooperatives.

15 (Source: P.A. 95-9, eff. 6-30-07; revised 7-9-07.)

16 (220 ILCS 5/16-111)

17 Sec. 16-111. Rates and restructuring transactions during
18 mandatory transition period; restructuring and other
19 transactions.

20 (a) During the mandatory transition period,
21 notwithstanding any provision of Article IX of this Act, and
22 except as provided in subsections (b) and (f) of this Section,
23 the Commission shall not (i) initiate, authorize or order any
24 change by way of increase (other than in connection with a
25 request for rate increase which was filed after September 1,

1 1997 but prior to October 15, 1997, by an electric utility
2 serving less than 12,500 customers in this State), (ii)
3 initiate or, unless requested by the electric utility,
4 authorize or order any change by way of decrease, restructuring
5 or unbundling (except as provided in Section 16-109A), in the
6 rates of any electric utility that were in effect on October 1,
7 1996, or (iii) in any order approving any application for a
8 merger pursuant to Section 7-204 that was pending as of May 16,
9 1997, impose any condition requiring any filing for an
10 increase, decrease, or change in, or other review of, an
11 electric utility's rates or enforce any such condition of any
12 such order; provided, however, that this subsection shall not
13 prohibit the Commission from:

14 (1) approving the application of an electric utility to
15 implement an alternative to rate of return regulation or a
16 regulatory mechanism that rewards or penalizes the
17 electric utility through adjustment of rates based on
18 utility performance, pursuant to Section 9-244;

19 (2) authorizing an electric utility to eliminate its
20 fuel adjustment clause and adjust its base rate tariffs in
21 accordance with subsection (b), (d), or (f) of Section
22 9-220 of this Act, to fix its fuel adjustment factor in
23 accordance with subsection (c) of Section 9-220 of this
24 Act, or to eliminate its fuel adjustment clause in
25 accordance with subsection (e) of Section 9-220 of this
26 Act;

1 (3) ordering into effect tariffs for delivery services
2 and transition charges in accordance with Sections 16-104
3 and 16-108, for real-time pricing in accordance with
4 Section 16-107, or the options required by Section 16-110
5 and subsection (n) of 16-112, allowing a billing experiment
6 in accordance with Section 16-106, or modifying delivery
7 services tariffs in accordance with Section 16-109; or

8 (4) ordering or allowing into effect any tariff to
9 recover charges pursuant to Sections 9-201.5, 9-220.1,
10 9-221, 9-222 (except as provided in Section 9-222.1),
11 16-108, and 16-114 of this Act, Section 5-5 of the
12 Electricity Infrastructure Maintenance Fee Law, Section
13 6-5 of the Renewable Energy, Energy Efficiency, and Coal
14 Resources Development Law of 1997, and Section 13 of the
15 Energy Assistance Act.

16 After December 31, 2004, the provisions of this subsection
17 (a) shall not apply to an electric utility whose average
18 residential retail rate was less than or equal to 90% of the
19 average residential retail rate for the "Midwest Utilities", as
20 that term is defined in subsection (b) of this Section, based
21 on data reported on Form 1 to the Federal Energy Regulatory
22 Commission for calendar year 1995, and which served between
23 150,000 and 250,000 retail customers in this State on January
24 1, 1995 unless the electric utility or its holding company has
25 been acquired by or merged with an affiliate of another
26 electric utility subsequent to January 1, 2002. This exemption

1 shall be limited to this subsection (a) and shall not extend to
2 any other provisions of this Act.

3 (b) Notwithstanding the provisions of subsection (a), each
4 Illinois electric utility serving more than 12,500 customers in
5 Illinois shall file tariffs (i) reducing, effective August 1,
6 1998, each component of its base rates to residential retail
7 customers by 15% from the base rates in effect immediately
8 prior to January 1, 1998 and (ii) if the public utility
9 provides electric service to (A) more than 500,000 customers
10 but less than 1,000,000 customers in this State on January 1,
11 1999, reducing, effective May 1, 2002, each component of its
12 base rates to residential retail customers by an additional 5%
13 from the base rates in effect immediately prior to January 1,
14 1998, or (B) at least 1,000,000 customers in this State on
15 January 1, 1999, reducing, effective October 1, 2001, each
16 component of its base rates to residential retail customers by
17 an additional 5% from the base rates in effect immediately
18 prior to January 1, 1998. Provided, however, that (A) if an
19 electric utility's average residential retail rate is less than
20 or equal to the average residential retail rate for a group of
21 Midwest Utilities (consisting of all investor-owned electric
22 utilities with annual system peaks in excess of 1000 megawatts
23 in the States of Illinois, Indiana, Iowa, Kentucky, Michigan,
24 Missouri, Ohio, and Wisconsin), based on data reported on Form
25 1 to the Federal Energy Regulatory Commission for calendar year
26 1995, then it shall only be required to file tariffs (i)

1 reducing, effective August 1, 1998, each component of its base
2 rates to residential retail customers by 5% from the base rates
3 in effect immediately prior to January 1, 1998, (ii) reducing,
4 effective October 1, 2000, each component of its base rates to
5 residential retail customers by the lesser of 5% of the base
6 rates in effect immediately prior to January 1, 1998 or the
7 percentage by which the electric utility's average residential
8 retail rate exceeds the average residential retail rate of the
9 Midwest Utilities, based on data reported on Form 1 to the
10 Federal Energy Regulatory Commission for calendar year 1999,
11 and (iii) reducing, effective October 1, 2002, each component
12 of its base rates to residential retail customers by an
13 additional amount equal to the lesser of 5% of the base rates
14 in effect immediately prior to January 1, 1998 or the
15 percentage by which the electric utility's average residential
16 retail rate exceeds the average residential retail rate of the
17 Midwest Utilities, based on data reported on Form 1 to the
18 Federal Energy Regulatory Commission for calendar year 2001;
19 and (B) if the average residential retail rate of an electric
20 utility serving between 150,000 and 250,000 retail customers in
21 this State on January 1, 1995 is less than or equal to 90% of
22 the average residential retail rate for the Midwest Utilities,
23 based on data reported on Form 1 to the Federal Energy
24 Regulatory Commission for calendar year 1995, then it shall
25 only be required to file tariffs (i) reducing, effective August
26 1, 1998, each component of its base rates to residential retail

1 customers by 2% from the base rates in effect immediately prior
2 to January 1, 1998; (ii) reducing, effective October 1, 2000,
3 each component of its base rates to residential retail
4 customers by 2% from the base rate in effect immediately prior
5 to January 1, 1998; and (iii) reducing, effective October 1,
6 2002, each component of its base rates to residential retail
7 customers by 1% from the base rates in effect immediately prior
8 to January 1, 1998. Provided, further, that any electric
9 utility for which a decrease in base rates has been or is
10 placed into effect between October 1, 1996 and the dates
11 specified in the preceding sentences of this subsection, other
12 than pursuant to the requirements of this subsection, shall be
13 entitled to reduce the amount of any reduction or reductions in
14 its base rates required by this subsection by the amount of
15 such other decrease. The tariffs required under this subsection
16 shall be filed 45 days in advance of the effective date.
17 Notwithstanding anything to the contrary in Section 9-220 of
18 this Act, no restatement of base rates in conjunction with the
19 elimination of a fuel adjustment clause under that Section
20 shall result in a lesser decrease in base rates than customers
21 would otherwise receive under this subsection had the electric
22 utility's fuel adjustment clause not been eliminated.

23 (c) Any utility reducing its base rates by 15% on August 1,
24 1998 pursuant to subsection (b) shall include the following
25 statement on its bills for residential customers from August 1
26 through December 31, 1998: "Effective August 1, 1998, your

1 rates have been reduced by 15% by the Electric Service Customer
2 Choice and Rate Relief Law of 1997 passed by the Illinois
3 General Assembly.". Any utility reducing its base rates by 5%
4 on August 1, 1998, pursuant to subsection (b) shall include the
5 following statement on its bills for residential customers from
6 August 1 through December 31, 1998: "Effective August 1, 1998,
7 your rates have been reduced by 5% by the Electric Service
8 Customer Choice and Rate Relief Law of 1997 passed by the
9 Illinois General Assembly."

10 Any utility reducing its base rates by 2% on August 1, 1998
11 pursuant to subsection (b) shall include the following
12 statement on its bills for residential customers from August 1
13 through December 31, 1998: "Effective August 1, 1998, your
14 rates have been reduced by 2% by the Electric Service Customer
15 Choice and Rate Relief Law of 1997 passed by the Illinois
16 General Assembly."

17 (d) (Blank.)

18 (e) (Blank.)

19 (f) During the mandatory transition period, an electric
20 utility may file revised tariffs reducing the price of any
21 tariffed service offered by the electric utility for all
22 customers taking that tariffed service, which shall be
23 effective 7 days after filing.

24 (g) Until all classes of tariffed services are declared
25 competitive, an electric utility may, without obtaining any
26 approval of the Commission other than that provided for in this

1 subsection and notwithstanding any other provision of this Act
2 or any rule or regulation of the Commission that would require
3 such approval:

4 (1) implement a reorganization, other than a merger of
5 2 or more public utilities as defined in Section 3-105 or
6 their holding companies;

7 (2) retire generating plants from service;

8 (3) sell, assign, lease or otherwise transfer assets to
9 an affiliated or unaffiliated entity and as part of such
10 transaction enter into service agreements, power purchase
11 agreements, or other agreements with the transferee;
12 provided, however, that the prices, terms and conditions of
13 any power purchase agreement must be approved or allowed
14 into effect by the Federal Energy Regulatory Commission; or

15 (4) use any accelerated cost recovery method including
16 accelerated depreciation, accelerated amortization or
17 other capital recovery methods, or record reductions to the
18 original cost of its assets.

19 In order to implement a reorganization, retire generating
20 plants from service, or sell, assign, lease or otherwise
21 transfer assets pursuant to this Section, the electric utility
22 shall comply with subsections (c) and (d) of Section 16-128, if
23 applicable, and subsection (k) of this Section, if applicable,
24 and provide the Commission with at least 30 days notice of the
25 proposed reorganization or transaction, which notice shall
26 include the following information:

1 (i) a complete statement of the entries that the
2 electric utility will make on its books and records of
3 account to implement the proposed reorganization or
4 transaction together with a certification from an
5 independent certified public accountant that such entries
6 are in accord with generally accepted accounting
7 principles and, if the Commission has previously approved
8 guidelines for cost allocations between the utility and its
9 affiliates, a certification from the chief accounting
10 officer of the utility that such entries are in accord with
11 those cost allocation guidelines;

12 (ii) a description of how the electric utility will
13 use proceeds of any sale, assignment, lease or transfer to
14 retire debt or otherwise reduce or recover the costs of
15 services provided by such electric utility;

16 (iii) a list of all federal approvals or approvals
17 required from departments and agencies of this State, other
18 than the Commission, that the electric utility has or will
19 obtain before implementing the reorganization or
20 transaction;

21 (iv) an irrevocable commitment by the electric utility
22 that it will not, as a result of the transaction, impose
23 any stranded cost charges that it might otherwise be
24 allowed to charge retail customers under federal law or
25 increase the transition charges that it is otherwise
26 entitled to collect under this Article XVI; ~~and~~

1 (v) if the electric utility proposes to sell, assign,
2 lease or otherwise transfer a generating plant that brings
3 the amount of net dependable generating capacity
4 transferred pursuant to this subsection to an amount equal
5 to or greater than 15% of the electric utility's net
6 dependable capacity as of the effective date of this
7 amendatory Act of 1997, and enters into a power purchase
8 agreement with the entity to which such generating plant is
9 sold, assigned, leased, or otherwise transferred, the
10 electric utility also agrees, if its fuel adjustment clause
11 has not already been eliminated, to eliminate its fuel
12 adjustment clause in accordance with subsection (b) of
13 Section 9-220 for a period of time equal to the length of
14 any such power purchase agreement or successor agreement,
15 or until January 1, 2005, whichever is longer; if the
16 capacity of the generating plant so transferred and related
17 power purchase agreement does not result in the elimination
18 of the fuel adjustment clause under this subsection, and
19 the fuel adjustment clause has not already been eliminated,
20 the electric utility shall agree that the costs associated
21 with the transferred plant that are included in the
22 calculation of the rate per kilowatt-hour to be applied
23 pursuant to the electric utility's fuel adjustment clause
24 during such period shall not exceed the per kilowatt-hour
25 cost associated with such generating plant included in the
26 electric utility's fuel adjustment clause during the full

1 calendar year preceding the transfer, with such limit to be
2 adjusted each year thereafter by the Gross Domestic Product
3 Implicit Price Deflator; and—

4 (vi) in ~~in~~ addition, if the electric utility proposes
5 to sell, assign, or lease, (A) either (1) an amount of
6 generating plant that brings the amount of net dependable
7 generating capacity transferred pursuant to this
8 subsection to an amount equal to or greater than 15% of its
9 net dependable capacity on the effective date of this
10 amendatory Act of 1997, or (2) one or more generating
11 plants with a total net dependable capacity of 1100
12 megawatts, or (B) transmission and distribution facilities
13 that either (1) bring the amount of transmission and
14 distribution facilities transferred pursuant to this
15 subsection to an amount equal to or greater than 15% of the
16 electric utility's total depreciated original cost
17 investment in such facilities, or (2) represent an
18 investment of \$25,000,000 in terms of total depreciated
19 original cost, the electric utility shall provide, in
20 addition to the information listed in subparagraphs (i)
21 through (v), the following information: (A) a description
22 of how the electric utility will meet its service
23 obligations under this Act in a safe and reliable manner
24 and (B) the electric utility's projected earned rate of
25 return on common equity for each year from the date of the
26 notice through December 31, 2006 both with and without the

1 proposed transaction. If the Commission has not issued an
2 order initiating a hearing on the proposed transaction
3 within 30 days after the date the electric utility's notice
4 is filed, the transaction shall be deemed approved. The
5 Commission may, after notice and hearing, prohibit the
6 proposed transaction if it makes either or both of the
7 following findings: (1) that the proposed transaction will
8 render the electric utility unable to provide its tariffed
9 services in a safe and reliable manner, or (2) that there
10 is a strong likelihood that consummation of the proposed
11 transaction will result in the electric utility being
12 entitled to request an increase in its base rates. Any
13 hearing initiated by the Commission into the proposed
14 transaction shall be completed, and the Commission's final
15 order approving or prohibiting the proposed transaction
16 shall be entered, within 90 days after the date the
17 electric utility's notice was filed. Provided, however,
18 that a sale, assignment, or lease of transmission
19 facilities to an independent system operator that meets the
20 requirements of Section 16-126 shall not be subject to
21 Commission approval under this Section.

22 In any proceeding conducted by the Commission pursuant
23 to this subparagraph (vi), intervention shall be limited to
24 parties with a direct interest in the transaction which is
25 the subject of the hearing and any statutory consumer
26 protection agency as defined in subsection (d) of Section

1 9-102.1. Notwithstanding the provisions of Section 10-113
2 of this Act, any application seeking rehearing of an order
3 issued under this subparagraph (vi), whether filed by the
4 electric utility or by an intervening party, shall be filed
5 within 10 days after service of the order.

6 The Commission shall not in any subsequent proceeding or
7 otherwise, review such a reorganization or other transaction
8 authorized by this Section, but shall retain the authority to
9 allocate costs as stated in Section 16-111(i). An entity to
10 which an electric utility sells, assigns, leases or transfers
11 assets pursuant to this subsection (g) shall not, as a result
12 of the transactions specified in this subsection (g), be deemed
13 a public utility as defined in Section 3-105. Nothing in this
14 subsection (g) shall change any requirement under the
15 jurisdiction of the Illinois Department of Nuclear Safety
16 including, but not limited to, the payment of fees. Nothing in
17 this subsection (g) shall exempt a utility from obtaining a
18 certificate pursuant to Section 8-406 of this Act for the
19 construction of a new electric generating facility. Nothing in
20 this subsection (g) is intended to exempt the transactions
21 hereunder from the operation of the federal or State antitrust
22 laws. Nothing in this subsection (g) shall require an electric
23 utility to use the procedures specified in this subsection for
24 any of the transactions specified herein. Any other procedure
25 available under this Act may, at the electric utility's
26 election, be used for any such transaction.

1 (h) During the mandatory transition period, the Commission
2 shall not establish or use any rates of depreciation, which for
3 purposes of this subsection shall include amortization, for any
4 electric utility other than those established pursuant to
5 subsection (c) of Section 5-104 of this Act or utilized
6 pursuant to subsection (g) of this Section. Provided, however,
7 that in any proceeding to review an electric utility's rates
8 for tariffed services pursuant to Section 9-201, 9-202, 9-250
9 or 16-111(d) of this Act, the Commission may establish new
10 rates of depreciation for the electric utility in the same
11 manner provided in subsection (d) of Section 5-104 of this Act.
12 An electric utility implementing an accelerated cost recovery
13 method including accelerated depreciation, accelerated
14 amortization or other capital recovery methods, or recording
15 reductions to the original cost of its assets, pursuant to
16 subsection (g) of this Section, shall file a statement with the
17 Commission describing the accelerated cost recovery method to
18 be implemented or the reduction in the original cost of its
19 assets to be recorded. Upon the filing of such statement, the
20 accelerated cost recovery method or the reduction in the
21 original cost of assets shall be deemed to be approved by the
22 Commission as though an order had been entered by the
23 Commission.

24 (i) Subsequent to the mandatory transition period, the
25 Commission, in any proceeding to establish rates and charges
26 for tariffed services offered by an electric utility, shall

1 consider only (1) the then current or projected revenues,
2 costs, investments and cost of capital directly or indirectly
3 associated with the provision of such tariffed services; (2)
4 collection of transition charges in accordance with Sections
5 16-102 and 16-108 of this Act; (3) recovery of any employee
6 transition costs as described in Section 16-128 which the
7 electric utility is continuing to incur, including recovery of
8 any unamortized portion of such costs previously incurred or
9 committed, with such costs to be equitably allocated among
10 bundled services, delivery services, and contracts with
11 alternative retail electric suppliers; and (4) recovery of the
12 costs associated with the electric utility's compliance with
13 decommissioning funding requirements; and shall not consider
14 any other revenues, costs, investments or cost of capital of
15 either the electric utility or of any affiliate of the electric
16 utility that are not associated with the provision of tariffed
17 services. In setting rates for tariffed services, the
18 Commission shall equitably allocate joint and common costs and
19 investments between the electric utility's competitive and
20 tariffed services. In determining the justness and
21 reasonableness of the electric power and energy component of an
22 electric utility's rates for tariffed services subsequent to
23 the mandatory transition period and prior to the time that the
24 provision of such electric power and energy is declared
25 competitive, the Commission shall consider the extent to which
26 the electric utility's tariffed rates for such component for

1 each customer class exceed the market value determined pursuant
2 to Section 16-112, and, if the electric power and energy
3 component of such tariffed rate exceeds the market value by
4 more than 10% for any customer class, may establish such
5 electric power and energy component at a rate equal to the
6 market value plus 10%.

7 (j) During the mandatory transition period, an electric
8 utility may elect to transfer to a non-operating income account
9 under the Commission's Uniform System of Accounts either or
10 both of (i) an amount of unamortized investment tax credit that
11 is in addition to the ratable amount which is credited to the
12 electric utility's operating income account for the year in
13 accordance with Section 46(f)(2) of the federal Internal
14 Revenue Code of 1986, as in effect prior to P.L. 101-508, or
15 (ii) "excess tax reserves", as that term is defined in Section
16 203(e)(2)(A) of the federal Tax Reform Act of 1986, provided
17 that (A) the amount transferred may not exceed the amount of
18 the electric utility's assets that were created pursuant to
19 Statement of Financial Accounting Standards No. 71 which the
20 electric utility has written off during the mandatory
21 transition period, and (B) the transfer shall not be effective
22 until approved by the Internal Revenue Service. An electric
23 utility electing to make such a transfer shall file a statement
24 with the Commission stating the amount and timing of the
25 transfer for which it intends to request approval of the
26 Internal Revenue Service, along with a copy of its proposed

1 request to the Internal Revenue Service for a ruling. The
2 Commission shall issue an order within 14 days after the
3 electric utility's filing approving, subject to receipt of
4 approval from the Internal Revenue Service, the proposed
5 transfer.

6 (k) If an electric utility is selling or transferring to a
7 single buyer 5 or more generating plants located in this State
8 with a total net dependable capacity of 5000 megawatts or more
9 pursuant to subsection (g) of this Section and has obtained a
10 sale price or consideration that exceeds 200% of the book value
11 of such plants, the electric utility must provide to the
12 Governor, the President of the Illinois Senate, the Minority
13 Leader of the Illinois Senate, the Speaker of the Illinois
14 House of Representatives, and the Minority Leader of the
15 Illinois House of Representatives no later than 15 days after
16 filing its notice under subsection (g) of this Section or 5
17 days after the date on which this subsection (k) becomes law,
18 whichever is later, a written commitment in which such electric
19 utility agrees to expend \$2 billion outside the corporate
20 limits of any municipality with 1,000,000 or more inhabitants
21 within such electric utility's service area, over a 6-year
22 period beginning with the calendar year in which the notice is
23 filed, on projects, programs, and improvements within its
24 service area relating to transmission and distribution
25 including, without limitation, infrastructure expansion,
26 repair and replacement, capital investments, operations and

1 maintenance, and vegetation management.

2 (l) Notwithstanding any other provision of this Act or any
3 rule, regulation, or prior order of the Commission, a public
4 utility providing electric and gas service may do any one or
5 more of the following: transfer assets to, reorganize with, or
6 merge with one or more public utilities under common holding
7 company ownership or control in the manner prescribed in
8 subsection (g) of this Section. No merger transaction costs,
9 such as fees paid to attorneys, investment bankers, and other
10 consultants, incurred in connection with a merger pursuant to
11 this subsection (l) shall be recoverable in any subsequent rate
12 proceeding. Approval of a merger pursuant to this subsection
13 (l) shall not constitute approval of, or otherwise require,
14 rate recovery of other costs incurred in connection with, or to
15 implement the merger, such as the cost of restructuring,
16 combining, or integrating debt, assets, or systems. Such other
17 costs may be recovered only to the extent that the surviving
18 utility can demonstrate that the cost savings produced by such
19 restructuring, combination, or integration exceed the
20 associated costs. Nothing in this subsection (l) shall impair
21 the terms or conditions of employment or the collective
22 bargaining rights of any employees of the utilities that are
23 transferring assets, reorganizing, or merging.

24 (m) If an electric utility that on December 31, 2005
25 provided electric service to at least 100,000 customers in
26 Illinois transfers assets, reorganizes, or merges under this

1 Section, then the same provisions apply that applied during the
2 mandatory transition period under Section 16-128.

3 (Source: P.A. 95-331, eff. 8-21-07; 95-481, eff. 8-28-07;
4 revised 11-30-07.)

5 (220 ILCS 5/21-101)

6 (Section scheduled to be repealed on October 1, 2013)

7 Sec. 21-101. Findings. With respect to cable and video
8 competition, the General Assembly finds that:

9 (a) The economy in the State of Illinois will be
10 enhanced by investment in new communications, cable
11 services, and video services infrastructure, including
12 broadband facilities, fiber optic, and Internet protocol
13 technologies.

14 (b) Cable services and video services bring important
15 daily benefits to Illinois consumers by providing news,
16 education, and entertainment.

17 (c) Competitive cable service and video service
18 providers are capable of providing new video programming
19 services and competition to Illinois consumers and of
20 decreasing the prices for video programming services paid
21 by Illinois consumers.

22 (d) Although there has been some competitive entry into
23 the facilities-based video programming market since
24 current franchising requirements in this State were
25 enacted, further entry by facilities-based providers could

1 benefit consumers, provided cable and video services are
2 equitably available to all Illinois consumers at
3 reasonable prices.

4 (e) The provision of competitive cable services and
5 video services is a matter of statewide concern that
6 extends beyond the boundaries of individual local units of
7 government. Notwithstanding the foregoing, public
8 rights-of-way are limited resources over which the
9 municipality has a custodial duty to ensure that they are
10 used, repaired, and maintained in a manner that best serves
11 the public interest.

12 (f) The State authorization process and uniform
13 standards and procedures in this Article are intended to
14 enable rapid and widespread entry by competitive
15 providers, which will bring to Illinois consumers the
16 benefits of video competition, including providing
17 consumers with more choice, lower prices, higher speed and
18 more advanced Internet access, more diverse and varied
19 news, public information, education, and entertainment
20 programming, and will bring to this State and its local
21 units of government the benefits of new infrastructure
22 investment, job growth, and innovation in broadband and
23 Internet protocol technologies and deployment.

24 (g) Providing an incumbent cable or video service
25 provider with the option to secure a State-issued
26 authorization through the termination of existing cable

1 franchises between incumbent cable and video service
2 providers and any local franchising authority, is part of
3 the new regulatory framework established by this Article.
4 This Article is intended to best ensure equal treatment and
5 parity among providers and technologies.

6 (Source: P.A. 95-9, eff. 6-30-07; revised 10-31-07.)

7 (220 ILCS 5/21-101.1)

8 (Section scheduled to be repealed on October 1, 2013)

9 Sec. 21-101.1. Applicability. The provisions of Public Act
10 95-9 ~~this amendatory Act of the 95th Illinois General Assembly~~
11 shall apply only to a holder of a cable service or video
12 service authorization issued by the Commission pursuant to this
13 Article ~~XXI of the Public Utilities Act~~, and shall not apply to
14 any person or entity that provides cable television services
15 under a cable television franchise issued by any municipality
16 or county pursuant to Section 11-42-11 of the Illinois
17 Municipal Code (65 ILCS 5/11-42-11) or Section 5-1095 of the
18 Counties Code (55 ILCS 5/5-1095), unless specifically provided
19 for herein. A local unit of government that has an existing
20 agreement for the provision of video services with a company or
21 entity that uses its telecommunications facilities to provide
22 video service as of May 30, 2007 may continue to operate under
23 that agreement or may, at its discretion, terminate the
24 existing agreement and require the video provider to obtain a
25 State-issued authorization under this Article.

1 (Source: P.A. 95-9, eff. 6-30-07; revised 10-31-07.)

2 (220 ILCS 5/21-201)

3 (Section scheduled to be repealed on October 1, 2013)

4 Sec. 21-201. Definitions. As used in this Article:

5 (a) "Access" means that the cable or video provider is
6 capable of providing cable services or video services at the
7 household address using any technology, other than
8 direct-to-home satellite service, that ~~which~~ provides 2-way
9 ~~two-way~~ broadband Internet capability and video programming,
10 content, and functionality, regardless of whether any customer
11 has ordered service or whether the owner or landlord or other
12 responsible person has granted access to the household. If more
13 than one technology is used, the technologies shall provide
14 similar 2-way ~~two-way~~ broadband Internet accessibility and
15 similar video programming.

16 (b) "Basic cable or video service" means any cable or video
17 service offering or tier that ~~which~~ includes the retransmission
18 of local television broadcast signals.

19 (c) "Broadband service" means a high speed service
20 connection to the public Internet capable of supporting, in at
21 least one direction, a speed in excess of 200 kilobits per
22 second (kbps) to the network demarcation point at the
23 subscriber's premises.

24 (d) "Cable operator" means that term as defined in item (5)
25 of 47 U.S.C. 522 ~~47 U.S.C. 522(5)~~.

1 (e) "Cable service" means that term as defined in item (6)
2 of 47 U.S.C. 522 ~~47 U.S.C. 522(6)~~.

3 (f) "Cable system" means that term as defined in item (7)
4 of 47 U.S.C. 522 ~~47 U.S.C. 522(7)~~.

5 (g) "Commission" means the Illinois Commerce Commission.

6 (h) "Competitive cable service or video service provider"
7 means a person or entity that is providing or seeks to provide
8 cable service or video service in an area where there is at
9 least one incumbent cable operator.

10 (i) "Designated market area ~~Market Area~~" means a designated
11 market area, as determined by Nielsen Media Research and
12 published in the 1999-2000 Nielsen Station Index Directory and
13 Nielsen Station Index United States Television Household
14 Estimates or any successor publication. For any designated
15 market area that crosses State lines, only households in the
16 portion of the designated market area that is located within
17 the holder's telecommunications service area in the State where
18 access to video service will be offered shall be considered.

19 (j) "Footprint" means the geographic area designated by the
20 cable service or video service provider as the geographic area
21 in which it will offer cable services or video services during
22 the period of its State-issued authorization. Each footprint
23 shall be identified in terms of either (i) exchanges, as that
24 term is defined in Section 13-206 of this Act ~~the Public~~
25 ~~Utilities Act~~; (ii) a collection of United States Census Bureau
26 Block numbers (13 digit); (iii) if the area is smaller than the

1 areas identified in either (i) or (ii), by geographic
2 information system digital boundaries meeting or exceeding
3 national map accuracy standards; or (iv) local units of
4 government.

5 (k) "Holder" means a person or entity that has received
6 authorization to offer or provide cable or video service from
7 the Commission pursuant to Section 21-401 of this Article.

8 (l) "Household" means a house, an apartment, a mobile home,
9 a group of rooms, or a single room that is intended for
10 occupancy as separate living quarters. Separate living
11 quarters are those in which the occupants live and eat
12 separately from any other persons in the building and that
13 ~~which~~ have direct access from the outside of the building or
14 through a common hall. This definition is consistent with the
15 United States Census Bureau, as that definition may be amended
16 thereafter.

17 (m) "Incumbent cable operator" means a person or entity
18 that provided cable services or video services in a particular
19 area under a franchise agreement with a local unit of
20 government pursuant to Section 11-42-11 of the Illinois
21 Municipal Code (65 ILCS 5/11-42-11) or Section 5-1095 of the
22 Counties Code (55 ILCS 5/5-1095) on January 1, 2007.

23 (n) "Local franchising authority" means the local unit of
24 government that has or requires a franchise with a cable
25 operator, a provider of cable services, or a provider of video
26 services to construct or operate a cable or video system or to

1 offer cable services or video services under Section 11-42-11
2 of the Illinois Municipal Code (65 ILCS 5/11-42-11) or Section
3 5-1095 of the Counties Code (55 ILCS 5/5-1095).

4 (o) "Local unit of government" means a city, village,
5 incorporated town, or a county.

6 (p) "Low-income household" means those residential
7 households located within the holder's existing telephone
8 service area where the average annual household income is less
9 than \$35,000, based on the United States Census Bureau
10 estimates adjusted annually to reflect rates of change and
11 distribution.

12 (q) "Public rights-of-way" means the areas on, below, or
13 above a public roadway, highway, street, public sidewalk,
14 alley, waterway, or utility easements dedicated for compatible
15 uses.

16 (r) "Service" means the provision of cable service ~~"cable~~
17 ~~service"~~ or video service ~~"video service"~~ to subscribers and
18 the interaction of subscribers with the person or entity that
19 has received authorization to offer or provide cable or video
20 service from the Commission pursuant to Section 21-401 of this
21 Act ~~Article~~.

22 (s) "Service provider fee" means the amount paid under
23 Section 21-801 of this Act ~~Article~~ by the holder to a
24 municipality, or in the case of an unincorporated service area
25 to a county, for service areas within its territorial
26 jurisdiction, but under no circumstances shall the service

1 provider fee be paid to more than one local unit of government
2 for the same portion of the holder's service area.

3 (t) "Telecommunications service area" means the area
4 designated by the Commission as the area in which a
5 telecommunications company was obligated to provide
6 non-competitive local telephone service as of February 8, 1996
7 as incorporated into Section 13-202.5 of this Act ~~Article XIII~~
8 ~~of the Public Utilities Act.~~

9 (u) "Video programming" means that term as defined in item
10 (20) of 47 U.S.C. 522 ~~47 U.S.C. 522(20)~~.

11 (v) "Video service" means video programming and subscriber
12 interaction, if any, that is required for the selection or use
13 of such video programming services, and that ~~which~~ is provided
14 through wireline facilities located at least in part in the
15 public rights-of-way without regard to delivery technology,
16 including Internet protocol technology. This definition does
17 not include any video programming provided by a commercial
18 mobile service provider defined in subsection (d) of 47 U.S.C.
19 332 ~~47 U.S.C. 332(d)~~ or any video programming provided solely
20 as part of, and via, service that enables users to access
21 content, information, electronic mail, or other services
22 offered over the public Internet.

23 (Source: P.A. 95-9, eff. 6-30-07; revised 10-31-07.)

24 (220 ILCS 5/21-301)

25 (Section scheduled to be repealed on October 1, 2013)

1 Sec. 21-301. Eligibility.

2 (a) A person or entity seeking to provide cable service or
3 video service in this State after June 30, 2007 (the effective
4 date of Public Act 95-9) ~~this amendatory Act of the 95th~~
5 ~~General Assembly~~ shall either (1) obtain a State-issued
6 authorization pursuant to Section 21-401 ~~Section 401~~ of the
7 Public Utilities Cable and Video Competition Act (220 ILCS
8 5/21-401); (2) obtain authorization pursuant to Section
9 11-42-11 of the Illinois Municipal Code (65 ILCS 5/11-42-11);
10 or (3) obtain authorization pursuant to Section 5-1095 of the
11 Counties Code (55 ILCS 5/5-1095).

12 (b) An incumbent cable operator shall be eligible to apply
13 for a State-issued authorization as provided in subsection (c)
14 of this Section. Upon expiration of its current franchise
15 agreement, an incumbent cable operator may obtain State
16 authorization from the Commission pursuant to this Article or
17 may pursue a franchise renewal with the appropriate local
18 franchise authority under State and federal law. An incumbent
19 cable operator and any successor-in-interest that receives a
20 State-issued authorization shall be obligated to provide
21 access to cable services or video services within any local
22 unit of government at the same levels required by the local
23 franchising authorities for the local unit of government on
24 June 30, 2007 (the effective date of Public Act 95-9) ~~this~~
25 ~~amendatory Act of the 95th General Assembly~~.

26 (c) (1) An incumbent cable operator may elect to terminate

1 its agreement with the local franchising authority and obtain a
2 State-issued authorization by providing written notice to the
3 Commission and the affected local franchising authority and any
4 entity authorized by that franchising authority to manage
5 public, education, and government access at least 180 days
6 prior to its filing an application for a State-issued
7 authorization. The existing agreement shall be terminated on
8 the date that the Commission issues the State-issued
9 authorization.

10 (2) An incumbent cable operator that elects to
11 terminate an existing agreement with a local franchising
12 authority under this Section is responsible for remitting
13 to the affected local franchising authority and any entity
14 designated by that local franchising authority to manage
15 public, education, and government access before the 46th
16 day after the date the agreement is terminated any accrued
17 but unpaid fees due under the terminated agreement. If that
18 incumbent cable operator has credit remaining from prepaid
19 franchise fees, such amount of the remaining credit may be
20 deducted from any future fees the incumbent cable operator
21 must pay to the local franchising authority pursuant to
22 subsection (b) of Section 21-801 of this Act ~~Section~~
23 ~~21-801(b) of this Article.~~

24 (3) An incumbent cable operator that elects to
25 terminate an existing agreement with a local franchising
26 authority under this Section shall pay the affected local

1 franchising authority and any entity designated by that
2 franchising authority to manage public, education, and
3 government access, at the time that they would have been
4 due, all monetary payments for public, education, or
5 government access that would have been due during the
6 remaining term of the agreement had it not been terminated
7 as provided in this paragraph. All payments made by an
8 incumbent cable operator pursuant to the previous sentence
9 of this paragraph may be credited against the fees that
10 that operator owes under item (1) of subsection (d) of
11 Section 21-801 ~~Section 21-801(d)(1)~~ of this Act Article.

12 (d) For purposes of this Article, the Commission shall be
13 the franchising authority for cable service or video service
14 providers that apply for and obtain a State-issued
15 authorization under this Article with regard to the footprint
16 covered by such authorization. Notwithstanding any other
17 provision of this Article, holders using telecommunications
18 facilities to provide cable service or video service are not
19 obligated to provide that service outside the holder's
20 telecommunications service area.

21 (e) Any person or entity that applies for and obtains a
22 State-issued authorization under this Article shall not be
23 subject to Section 11-42-11 of the Illinois Municipal Code (65
24 ILCS 5/11-42-11) or Section 5-1095 of the Counties Code (55
25 ILCS 5/5-1095), except as provided in this Article. Except as
26 provided under this Article, neither the Commission nor any

1 local unit of government may require a person or entity that
2 has applied for and obtained a State-issued authorization to
3 obtain a separate franchise or pay any franchise fee on cable
4 service or video service.

5 (Source: P.A. 95-9, eff. 6-30-07; revised 10-31-07.)

6 (220 ILCS 5/21-401)

7 (Section scheduled to be repealed on October 1, 2013)

8 Sec. 21-401. Applications.

9 (a) (1) A person or entity seeking to provide cable service
10 or video service pursuant to this Article shall not use the
11 public rights-of-way for the installation or construction of
12 facilities for the provision of cable service or video service
13 or offer cable service or video service until it has obtained a
14 State-issued authorization to offer or provide cable or video
15 service under this Section ~~Section 401 of this Article~~, except
16 as provided for in item (2) of this subsection ~~(a) (a)(2)~~. All
17 cable or video providers offering or providing service in this
18 State shall have authorization pursuant to either (i) the Cable
19 and Video Competition Law of 2007 (220 ILCS 5/21-100 et seq.);
20 (ii) Section 11-42-11 of the Illinois Municipal Code (65 ILCS
21 5/11-42-11); or (iii) Section 5-1095 of the Counties Code (55
22 ILCS 5/5-1095).

23 (2) Nothing in this Section shall prohibit a local unit
24 of government from granting a permit to a person or entity
25 for the use of the public rights-of-way to install or

1 construct facilities to provide cable service or video
2 service, at its sole discretion. No unit of local
3 government shall be liable for denial or delay of a permit
4 prior to the issuance of a State-issued authorization.

5 (b) The application to the Commission for State-issued
6 authorization shall contain a completed affidavit submitted by
7 the applicant and signed by an officer or general partner of
8 the applicant affirming all of the following:

9 (1) That the applicant has filed or will timely file
10 with the Federal Communications Commission all forms
11 required by that agency in advance of offering cable
12 service or video service in this State.+

13 (2) That the applicant agrees to comply with all
14 applicable federal and State statutes and regulations.+

15 (3) That the applicant agrees to comply with all
16 applicable local unit of government regulations.+

17 (4) An exact description of the cable service or video
18 service area where the cable service or video service will
19 be offered during the term of the State-issued
20 authorization. The service area shall be identified in
21 terms of either (i) exchanges, as that term is defined in
22 Section 13-206 of this Act ~~the Public Utilities Act~~; (ii) a
23 collection of United States Census Bureau Block numbers (13
24 digit); (iii) if the area is smaller than the areas
25 identified in either (i) or (ii), by geographic information
26 system digital boundaries meeting or exceeding national

1 map accuracy standards; or (iv) local unit of government.
2 The description shall include the number of low-income
3 households within the service area or footprint. If an
4 applicant is a an incumbent cable operator, the incumbent
5 cable operator and any successor-in-interest shall be
6 obligated to provide access to cable services or video
7 services within any local units of government at the same
8 levels required by the local franchising authorities for
9 the local unit of government on June 30, 2007 (the
10 effective date of Public Act 95-9), ~~this amendatory Act of~~
11 ~~the 95th General Assembly~~ and its application shall provide
12 a description of an area no smaller than the service areas
13 contained in its franchise or franchises ~~franchise(s)~~
14 within the jurisdiction of the local unit of government in
15 which it seeks to offer cable or video service. ~~†~~

16 (5) The location and telephone number of the
17 applicant's principal place of business within this State
18 and the names of the applicant's principal executive
19 officers who are responsible for communications concerning
20 the application and the services to be offered pursuant to
21 the application, the applicant's legal name, and any name
22 or names under which the applicant does or will provide
23 cable services or video services in this State. ~~†~~

24 (6) A certification that the applicant has
25 concurrently delivered a copy of the application to all
26 local units of government that include all or any part of

1 the service area identified in item (4) of this subsection
2 (b) ~~subsection (b) (4)~~ within such local unit of
3 government's jurisdictional boundaries. ~~†~~

4 (7) The expected date that cable service or video
5 service will be initially offered in the area identified in
6 item (4) of this subsection (b) ~~subsection (b) (4)~~. In the
7 event that a holder does not offer cable services or video
8 services within 3 ~~three~~ months after the expected date, it
9 shall amend its application and update the expected date
10 service will be offered and explain the delay in offering
11 cable services or video services. ~~†~~

12 ~~(8)~~ The application shall include adequate assurance that
13 the applicant possesses the financial, managerial, legal, and
14 technical qualifications necessary to construct and operate
15 the proposed system, ~~and~~ to promptly repair any damage to the
16 public right-of-way caused by the applicant, and to pay the
17 cost of removal of its facilities. To accomplish these
18 requirements, the applicant may, at the time the applicant
19 seeks to use the public rights-of-way in that jurisdiction, be
20 required by the State of Illinois or ~~and/or~~ later be required
21 by the local unit of government, or both, to post a bond,
22 produce a certificate of insurance, or otherwise demonstrate
23 its financial responsibility. ~~† and~~

24 ~~(9)~~ The application shall include the applicant's general
25 standards related to customer service required by Section
26 22-501 of this Act ~~220 ILCS 5/70 501~~, which shall include, but

1 not be limited to, installation, disconnection, service and
2 repair obligations; appointment hours; ~~7~~ employee ID
3 requirements; customer service telephone numbers and hours;
4 procedures for billing, charges, deposits, refunds, and
5 credits; procedures for termination of service; notice of
6 deletion of programming service and ~~7~~ changes related to
7 transmission of programming or changes or increases in rates;
8 use and availability of parental control or lock-out devices;
9 complaint procedures and procedures for bill dispute
10 resolution ~~7~~ and a description of the rights and remedies
11 available to consumers if the holder does not materially meet
12 their customer service standards; and special services for
13 customers with visual, hearing, l or mobility disabilities.

14 (c)(1) The applicant may designate information that it
15 submits in its application or subsequent reports as
16 confidential or proprietary, provided that the applicant
17 states the reasons the confidential designation is necessary.
18 The Commission shall provide adequate protection for such
19 information pursuant to Section 4-404 of this Act ~~Section~~
20 ~~5/4-404 of the Public Utilities Act~~. If the Commission, a local
21 unit of government, or any other party seeks public disclosure
22 of information designated as confidential, the Commission
23 shall consider the confidential designation in a proceeding
24 under the Illinois Administrative Procedure ~~Procedures~~ Act,
25 and the burden of proof to demonstrate that the designated
26 information is confidential shall be upon the applicant.

1 Designated information shall remain confidential pending the
2 Commission's determination of whether the information is
3 entitled to confidential treatment. Information designated as
4 confidential shall be provided to local units of government for
5 purposes of assessing compliance with this Article as permitted
6 under a Protective Order issued by the Commission pursuant to
7 the Commission's rules and to the Attorney General pursuant to
8 Section 6.5 of the Attorney General Act~~7~~ (15 ILCS 205/6.5).
9 Information designated as confidential under this Section or
10 determined to be confidential upon Commission review shall only
11 be disclosed pursuant to a valid and enforceable subpoena or
12 court order or as required by the Freedom of Information Act.
13 Nothing herein shall delay the application approval timeframes
14 set forth in this Article.

15 (2) Information regarding the location of video
16 services that have been or are being offered to the public
17 and aggregate information included in the reports required
18 by this Article shall not be designated or treated as
19 confidential.

20 (d)(1) The Commission shall post all applications it
21 receives under this Article on its web site within 5 ~~five (5)~~
22 business days.

23 (2) The Commission shall notify an applicant for a
24 cable service or video service authorization whether the
25 applicant's application and affidavit are complete on or
26 before the 15th business day after the applicant submits

1 the application. If the application and affidavit are not
2 complete, the Commission shall state in its notice all of
3 the reasons the application or affidavit are incomplete,
4 and the applicant shall resubmit a complete application.
5 The Commission shall have 30 days after submission by the
6 applicant of a complete application and affidavit to issue
7 the service authorization. If the Commission does not
8 notify the applicant regarding the completeness of the
9 application and affidavit or issue the service
10 authorization within the time periods required under this
11 subsection, the application and affidavit shall be
12 considered complete and the service authorization issued
13 upon the expiration of the 30th day.

14 (e) The authorization issued by the Commission will expire
15 on the date listed in Section 21-1601 of this Act and shall
16 contain or include all of the following:

17 (1) A grant of authority to provide cable service or
18 video service in the service area footprint as requested in
19 the application, subject to the laws of the State and the
20 ordinances, rules, and regulations of the local units of
21 government.

22 (2) A grant of authority to use, occupy, and construct
23 facilities in the public rights-of-way for the delivery of
24 cable service or video service in the service area
25 footprint, subject to the laws, ordinances, rules, or
26 regulations of this State and local units of governments.

1 (3) A statement that the grant of authority is subject
2 to lawful operation of the cable service or video service
3 by the applicant, its affiliated entities, or its
4 successors-in-interest.

5 (4) The Commission shall notify a local unit of
6 government within 3 ~~three (3)~~ business days of the grant of
7 any authorization within a service area footprint if that
8 authorization includes any part of the local unit of
9 government's jurisdictional boundaries.

10 (f) The authorization issued pursuant to this Section
11 ~~Section 401 of this Article~~ by the Commission may be
12 transferred to any successor-in-interest to the applicant to
13 which it is initially granted without further Commission action
14 if the successor-in-interest (i) submits an application and the
15 information required by subsection (b) of this Section ~~Section~~
16 ~~21-401(b)~~ for the successor-in-interest and (ii) is not in
17 violation of this Article or of any federal, State, or local
18 law, ordinance, rule, or regulation. A successor-in-interest
19 shall file its application and notice of transfer with the
20 Commission and the relevant local units of government no less
21 than 15 ~~fifteen (15)~~ business days prior to the completion of
22 the transfer. The Commission is not required or authorized to
23 act upon the notice of transfer; however, the transfer is not
24 effective until the Commission approves the
25 successor-in-interest's application. A local unit of
26 government or the Attorney General may seek to bar a transfer

1 of ownership by filing suit in a court of competent
2 jurisdiction predicated on the existence of a material and
3 continuing breach of this Article by the holder, a pattern of
4 noncompliance with customer service standards by the potential
5 successor-in-interest, or the insolvency of the potential
6 successor-in-interest. If a transfer is made when there are
7 violations of this Article or of any federal, State, or local
8 law, ordinance, rule, or regulation, the successor-in-interest
9 shall be subject to 3 ~~three~~ times the penalties provided for in
10 this Article.

11 (g) The authorization issued pursuant to Section 21-401 of
12 this Article by the Commission may be terminated, or its cable
13 service or video service area footprint may be modified, by the
14 cable service provider or video service provider by submitting
15 notice to the Commission and to the relevant local unit of
16 government containing a description of the change on the same
17 terms as the initial description pursuant to item (4) of
18 subsection (b) of this Section ~~Section 21-401(b)(4)~~. The
19 Commission is not required or authorized to act upon that
20 notice. It shall be a violation of this Article for a holder to
21 discriminate against potential residential subscribers because
22 of the race or income of the residents in the local area in
23 which the group resides by terminating or modifying its cable
24 service or video service area footprint. It shall be a
25 violation of this Article for a holder to terminate or modify
26 its cable service or video service area footprint if it leaves

1 an area with no cable service or video service from any
2 provider.

3 (h) The Commission's authority to administer this Article
4 is limited to the powers and duties explicitly provided under
5 this Article. Its authority under this Article does not include
6 or limit the powers and duties that the Commission has under
7 the other Articles of this Act ~~the Public Utilities Act~~, the
8 Illinois Administrative Procedure Act, ~~(5 ILCS 100/)~~ or any
9 other law or regulation to conduct proceedings, l other than as
10 provided in subsection (c) ~~above~~, or has to promulgate rules or
11 regulations. The Commission shall not have the authority to
12 limit or expand the obligations and requirements provided in
13 this Section, ~~r~~ or to regulate or control a person or entity to
14 the extent that person or entity is providing cable service or
15 video service, l except as provided in this Article.

16 (Source: P.A. 95-9, eff. 6-30-07; revised 10-31-07.)

17 (220 ILCS 5/21-601)

18 (Section scheduled to be repealed on October 1, 2013)

19 Sec. 21-601. Public, education, and government access. For
20 the purposes of this Section, "programming" means content
21 produced or provided by any person, group, governmental agency,
22 or noncommercial public or private agency or organization.

23 (a) Not later than 90 days after a request by the local
24 unit of government or its designee that has received notice
25 under subsection (a) of Section 21-801 ~~Section 21-801(a)~~ of

1 this Act ~~Article~~, the holder shall (i) designate the same
2 amount of capacity on its network to provide for public,
3 education, and government access use, as the incumbent cable
4 operator is required to designate under its franchise terms in
5 effect with a local unit of government on January 1, 2007, and
6 (ii) retransmit to its subscribers the same number of public,
7 education, and government access channels as the incumbent
8 cable operator was retransmitting to subscribers on January 1,
9 2007.

10 (b) If the local unit of government produces or maintains
11 the public education or government programming in a manner or
12 form that is compatible with the holder's network, it shall
13 transmit such programming to the holder in that form provided
14 that form permits ~~will permit~~ the holder to satisfy the
15 requirements of subsection (c) of this Section ~~Section~~
16 ~~21-601(e)~~. If the local unit of government does not produce or
17 maintain such programming in that manner or form, then the
18 holder shall be responsible for any changes in the form of the
19 transmission necessary to make public, education, and
20 government programming compatible with the technology or
21 protocol used by the holder to deliver services. The holder
22 shall receive programming from the local unit of government (or
23 the local unit of government's public, education, and
24 government programming providers) and transmit that public,
25 education, and government programming directly to the holder's
26 subscribers within the local unit of government's jurisdiction

1 at no cost to the local unit of government or the public,
2 education, and government programming providers. If the holder
3 is required to change the form of the transmission, the local
4 unit of government or its designee shall provide reasonable
5 access to the holder to allow the holder to transmit the
6 public, education, and government programming in an economical
7 manner subject to the requirements of subsection (c) of this
8 Section ~~Section 21-601(e)~~.

9 (c) The holder shall provide to subscribers public,
10 education, and government access channel capacity at
11 equivalent visual and audio quality and equivalent
12 functionality, from the viewing perspective of the subscriber,
13 to that of commercial channels carried on the holder's basic
14 cable or video service offerings or tiers without the need for
15 any equipment other than the equipment necessary to receive the
16 holder's basic cable or video service offerings or tiers.

17 (d) The holder and an incumbent cable operator shall
18 negotiate in good faith to interconnect their networks, if
19 needed, for the purpose of providing public, education, and
20 government programming. Interconnection may be accomplished by
21 direct cable, microwave link, satellite, or other reasonable
22 method of connection. The holder and the incumbent cable
23 operator shall provide interconnection of the public,
24 education, and government channels on reasonable terms and
25 conditions and may not withhold the interconnection. If a
26 holder and an incumbent cable operator cannot reach a mutually

1 acceptable interconnection agreement, the local unit of
2 government may require the incumbent cable operator to allow
3 the holder to interconnect its network with the incumbent cable
4 operator's network at a technically feasible point on their
5 networks. If no technically feasible point for interconnection
6 is available, the holder and an incumbent cable operator shall
7 each make an interconnection available to the public,
8 education, and government channel originators at their local
9 origination points and shall provide the facilities necessary
10 for the interconnection. The cost of any interconnection shall
11 be borne by the holder unless otherwise agreed to by the
12 parties. The interconnection required by this subsection shall
13 be completed within the 90-day deadline set forth in subsection
14 (a) of this Section.

15 (e) The public, education, and government channels shall be
16 for the exclusive use of the local unit of government or its
17 designee to provide public, education, and government
18 programming. The public, education, and government channels
19 shall be used only for noncommercial purposes. However,
20 advertising, underwriting, or sponsorship recognition may be
21 carried on the channels for the purpose of funding public,
22 education, and government access related activities.

23 (f) Public, education, and government channels shall all be
24 carried on the holder's basic cable or video service offerings
25 or tiers. To the extent feasible, the public, education, and
26 government channels shall not be separated numerically from

1 other channels carried on the holder's basic cable or video
2 service offerings or tiers, and the channel numbers for the
3 public, education, and government channels shall be the same
4 channel numbers used by the incumbent cable operator, unless
5 prohibited by federal law. After the initial designation of
6 public, education, and government channel numbers, the channel
7 numbers shall not be changed without the agreement of the local
8 unit of government or the entity to which the local unit of
9 government has assigned responsibility for managing public,
10 education, and government access channels, unless the change is
11 required by federal law. Each channel shall be capable of
12 carrying a National Television System Committee (NTSC)
13 television signal.

14 (g) The holder shall provide a listing of public,
15 education, and government channels on channel cards and menus
16 provided to subscribers in a manner equivalent to other
17 channels if the holder uses such cards and menus. Further, the
18 holder shall provide a listing of public, education, and
19 government programming on its electronic program guide if such
20 a guide is utilized by the holder. It is the public, education,
21 and government entity's responsibility to provide the holder or
22 its designated agent, as determined by the holder, with program
23 schedules and information in a timely manner.

24 (h) If less than 3 ~~three~~ public, education, and government
25 channels are provided within the local unit of government as of
26 January 1, 2007, a local unit of government whose jurisdiction

1 lies within the authorized service area of the holder may
2 initially request the holder to designate sufficient capacity
3 for up to 3 ~~three~~ public, education, and government channels. A
4 local unit of government or its designee that seeks to add
5 additional capacity shall give the holder a written
6 notification specifying the number of additional channels to be
7 used, specifying the number of channels in actual use, and
8 verifying that the additional channels requested will be put
9 into actual use.

10 (i) The holder shall, within 90 days of a request by the
11 local unit of government or its designated public, education,
12 or government access entity, provide sufficient capacity for an
13 additional channel for public, education, and government
14 access when the programming on a given access channel exceeds
15 40 hours per week as measured on a quarterly basis. The
16 additional channel shall not be used for any purpose other than
17 for carrying additional public, education, or government
18 access programming.

19 (j) The public, education, and government access
20 programmer is solely responsible for the content that it
21 provides over designated public, education, or government
22 channels. A holder shall not exercise any editorial control
23 over any programming on any channel designed for public,
24 education, or government use or on any other channel required
25 by law or a binding agreement with the local unit of
26 government.

1 (k) A holder shall not be subject to any civil or criminal
2 liability for any program carried on any channel designated for
3 public, education, or government use.

4 (l) A court of competent jurisdiction shall have exclusive
5 jurisdiction to enforce any requirement under this Section or
6 resolve any dispute regarding the requirements set forth in
7 this Section, and no provider of cable service or video service
8 may be barred from providing service or be required to
9 terminate service as a result of that dispute or enforcement
10 action.

11 (Source: P.A. 95-9, eff. 6-30-07; revised 10-31-07.)

12 (220 ILCS 5/21-801)

13 (Section scheduled to be repealed on October 1, 2013)

14 Sec. 21-801. Applicable fees payable to the local unit of
15 government.

16 (a) Prior to offering cable service or video service in a
17 local unit of government's jurisdiction, a holder shall notify
18 the local unit of government. The notice shall be given to the
19 local unit of government at least 10 days before the holder
20 begins to offer cable service or video service within the
21 boundaries of that local unit of government.

22 (b) In any local unit of government in which a holder
23 offers cable service or video service on a commercial basis,
24 the holder shall be liable for and pay the service provider fee
25 to the local unit of government. The local unit of government

1 shall adopt an ordinance imposing such a fee. The holder's
2 liability for the fee shall commence on the first day of the
3 calendar month that is at least 30 days after the holder
4 receives such ordinance. The ordinance shall be sent by mail,
5 postage prepaid, to the address listed on the holder's
6 application provided to the local unit of government pursuant
7 to item (6) of subsection (b) of Section 21-401 of this Act
8 ~~Section 21-401(b)(6)~~. The fee authorized by this Section shall
9 be 5% of gross revenues or the same as the fee paid to the local
10 unit of government by any incumbent cable operator providing
11 cable service. The payment of the service provider fee shall be
12 due on a quarterly basis, 45 days after the close of the
13 calendar quarter. If mailed, the fee is considered paid on the
14 date it is postmarked. Except as provided in this Article, the
15 local unit of government may not demand any additional fees or
16 charges from the holder and may not demand the use of any other
17 calculation method other than allowed under this Article.

18 (c) For purposes of this Article, "gross revenues" means
19 all consideration of any kind or nature, including, without
20 limitation, cash, credits, property, and in-kind contributions
21 received by the holder for the operation of a cable or video
22 system to provide cable service or video service within the
23 holder's cable service or video service area within the local
24 unit of government's jurisdiction.

25 (1) Gross revenues shall include the following:

26 (i) Recurring charges for cable service or video

1 service.

2 (ii) Event-based charges for cable service or
3 video service, including, but not limited to,
4 pay-per-view and video-on-demand charges.

5 (iii) Rental of set-top ~~set-top~~ boxes and other
6 cable service or video service equipment.

7 (iv) Service charges related to the provision of
8 cable service or video service, including, but not
9 limited to, activation, installation, and repair
10 charges.

11 (v) Administrative charges related to the
12 provision of cable service or video service, including
13 but not limited to service order and service
14 termination charges.

15 (vi) Late payment fees or charges, insufficient
16 funds check charges, and other charges assessed to
17 recover the costs of collecting delinquent payments.

18 (vii) A pro rata portion of all revenue derived by
19 the holder or its affiliates pursuant to compensation
20 arrangements for advertising or for promotion or
21 exhibition of any products or services derived from the
22 operation of the holder's network to provide cable
23 service or video service within the local unit of
24 government's jurisdiction. The allocation shall be
25 based on the number of subscribers in the local unit of
26 government divided by the total number of subscribers

1 in relation to the relevant regional or national
2 compensation arrangement.

3 (viii) Compensation received by the holder that is
4 derived from the operation of the holder's network to
5 provide cable service or video service with respect to
6 commissions that are received by the holder as
7 compensation for promotion or exhibition of any
8 products or services on the holder's network, such as a
9 "home shopping" or similar channel, subject to item
10 (ix) of this paragraph (1) subsection (b) (ix).

11 (ix) In the case of a cable service or video
12 service that is bundled or integrated functionally
13 with other services, capabilities, or applications,
14 the portion of the holder's revenue attributable to the
15 other services, capabilities, or applications shall be
16 included in gross revenue unless the holder can
17 reasonably identify the division or exclusion of the
18 revenue from its books and records that are kept in the
19 regular course of business.

20 (x) The service provider fee permitted by
21 subsection (b) of this Section ~~Section 21-801(b) of~~
22 ~~this Article~~.

23 (2) Gross revenues do not include any of the following:

24 (i) Revenues not actually received, even if
25 billed, such as bad debt, subject to item (vi) of
26 paragraph (1) of this subsection (c) ~~Section~~

1 ~~21-801(e)(1)(vi).~~

2 (ii) Refunds, discounts, or other price
3 adjustments that reduce the amount of gross revenues
4 received by the holder of the State-issued
5 authorization to the extent the refund, rebate,
6 credit, or discount is attributable to cable service or
7 video service.

8 (iii) Regardless of whether the services are
9 bundled, packaged, or functionally integrated with
10 cable service or video service, any revenues received
11 from services not classified as cable service or video
12 service, including, without limitation, revenue
13 received from telecommunications services, information
14 services, or the provision of directory or Internet
15 advertising, including yellow pages, white pages,
16 banner advertisement, and electronic publishing, or
17 any other revenues attributed by the holder to noncable
18 service or nonvideo service in accordance with the
19 holder's books and records and records kept in the
20 regular course of business and any applicable laws,
21 rules, regulations, standards, or orders.

22 (iv) The sale of cable services or video services
23 for resale in which the purchaser is required to
24 collect the service provider fee from the purchaser's
25 subscribers to the extent the purchaser certifies in
26 writing that it will resell the service within the

1 local unit of government's jurisdiction and pay the fee
2 permitted by subsection (b) of this Section ~~Section~~
3 ~~21-801(b)~~ with respect to the service.

4 (v) Any tax or fee of general applicability imposed
5 upon the subscribers or the transaction by a city,
6 State, federal, or any other governmental entity and
7 collected by the holder of the State-issued
8 authorization and required to be remitted to the taxing
9 entity, including sales and use taxes.

10 (vi) Security deposits collected from subscribers.

11 (vii) Amounts paid by subscribers to "home
12 shopping" or similar vendors for merchandise sold
13 through any home shopping channel offered as part of
14 the cable service or video service.

15 (3) Revenue of an affiliate of a holder shall be
16 included in the calculation of gross revenues to the extent
17 the treatment of the revenue as revenue of the affiliate
18 rather than the holder has the effect of evading the
19 payment of the fee permitted by subsection (b) of this
20 Section ~~Section 21-801(b) of this Article~~ which would
21 otherwise be paid by the cable service or video service.

22 (d) (1) The holder shall pay to the local unit of government
23 or the entity designated by that local unit of government to
24 manage public, education, and government access, upon request
25 as support for public, education, and government access, a fee
26 equal to no less than (i) 1% of gross revenues, or (ii) if

1 greater, the percentage of gross revenues that incumbent cable
2 operators pay to the local unit of government or its designee
3 for public, education, and government access support in the
4 local unit of government's jurisdiction. For purposes of item
5 (ii) of paragraph (1) of this subsection (d) subparagraph
6 ~~(d)(1)(ii) above~~, the percentage of gross revenues that all
7 incumbent cable operators pay shall be equal to the annual sum
8 of the payments that incumbent cable operators in the service
9 area are obligated to pay by franchises and agreements or by
10 contracts with the local government designee for public,
11 education and government access in effect on January 1, 2007,
12 including the total of any lump sum payments required to be
13 made over the term of each franchise or agreement divided by
14 the number of years of the applicable term, divided by the
15 annual sum of such incumbent cable operator's or operators'
16 ~~operator(s)'s~~ gross revenues during the immediately prior
17 calendar year. The sum of payments includes any payments that
18 an incumbent cable operator is required to pay pursuant to item
19 (3) of subsection (c) of Section 21-301 ~~Section 21-301(c)(3) of~~
20 ~~this Article.~~

21 (2) A local unit of government may require all holders
22 of a State-issued authorization and all cable operators
23 franchised by that local unit of government on June 30,
24 2007 (the effective date of this Section) ~~hereof~~ in the
25 franchise area to provide to the local unit of government,
26 or to the entity designated by that local unit of

1 government to manage public, education, and government
2 access, information sufficient to calculate the public,
3 education, and government access equivalent fee and any
4 credits under paragraph (1) of this subsection (d)
5 ~~subsection (d)(1)~~.

6 (3) The fee shall be due on a quarterly basis and paid
7 45 days after the close of the calendar quarter. Each
8 payment shall include a statement explaining the basis for
9 the calculation of the fee. If mailed, the fee is
10 considered paid on the date it is postmarked. The liability
11 of the holder for payment of the fee under this subsection
12 shall commence on the same date as the payment of the
13 service provider fee pursuant to subsection (b) of this
14 Section.

15 (e) The holder may identify and collect the amount of the
16 service provider fee as a separate line item on the regular
17 bill of each subscriber.

18 (f) The holder may identify and collect the amount of the
19 public, education, and government programming support fee as a
20 separate line item on the regular bill of each subscriber.

21 (g) All determinations and computations under this Section
22 shall be made pursuant to the definition of gross revenues set
23 forth in this Section, and shall be made pursuant to generally
24 accepted accounting principles.

25 (h) Nothing contained in this Article shall be construed to
26 exempt a holder from any tax that is or may later be imposed by

1 the local unit of government, including any tax that is or may
2 later be required to be paid by or through the holder with
3 respect to cable service or video service. A State-issued
4 authorization shall not affect any requirement of the holder
5 with respect to payment of the local unit of government's
6 simplified municipal telecommunications tax or any other tax as
7 it applies to any telephone service provided by the holder. A
8 State-issued authorization shall not affect any requirement of
9 the holder with respect to payment of the local unit of
10 government's 911 or E911 fees, taxes, or charges.

11 (Source: P.A. 95-9, eff. 6-30-07; revised 10-31-07.)

12 (220 ILCS 5/21-901)

13 (Section scheduled to be repealed on October 1, 2013)

14 Sec. 21-901. Audits.

15 (a) Upon receiving notice under item (4) of subsection (e)
16 of Section 21-401 of this Act ~~Section 21-401(e)(4)~~ that a
17 holder has received State-issued authorization under this
18 Article, a local unit of government shall notify the holder of
19 the requirements it imposes on other cable service or video
20 service providers in its jurisdiction to submit to an audit of
21 its books and records. The holder shall comply with the same
22 requirements the local unit of government imposes on other
23 cable service or video service providers in its jurisdiction to
24 audit the holder's books and records and to recompute any
25 amounts determined to be payable under the requirements of the

1 local unit of government. If all local franchises between the
2 local unit of government and a cable operator terminate, the
3 audit requirements shall be those adopted by the local
4 government pursuant to the Local Government Taxpayers' Bill of
5 Rights Act, ~~50 ILCS 45~~. No acceptance of amounts remitted
6 should be construed as an accord that the amounts are correct.

7 (b) Any additional amount due after an audit shall be paid
8 within 30 days after the local unit of government's submission
9 of an invoice for the sum.

10 (Source: P.A. 95-9, eff. 6-30-07; revised 10-31-07.)

11 (220 ILCS 5/21-1001)

12 (Section scheduled to be repealed on October 1, 2013)

13 Sec. 21-1001. Local unit of government authority.

14 (a) The holder of a State-issued authorization shall comply
15 with all the applicable construction and technical standards
16 and right-of-way occupancy standards set forth in a local unit
17 of government's code of ordinances relating to the use of
18 public rights-of-way, pole attachments, permit obligations,
19 indemnification, performance bonds, penalties, or liquidated
20 damages. The applicable requirements for a holder that is using
21 its existing telecommunications network or constructing a
22 telecommunications network shall be the same requirements that
23 the local unit of government imposes on telecommunications
24 providers in its jurisdiction. The applicable requirements for
25 a holder that is using or constructing a cable system shall be

1 the same requirements the local unit of government imposes on
2 other cable operators in its jurisdiction.

3 (b) A local unit of government shall allow the holder to
4 install, construct, operate, maintain, and remove a cable
5 service, video service, or telecommunications network within a
6 public right-of-way and shall provide the holder with open,
7 comparable, nondiscriminatory, and competitively neutral
8 access to the public right-of-way on the same terms applicable
9 to other cable service or video service providers or cable
10 operators in its jurisdiction. Notwithstanding any other
11 provisions of law, if a local unit of government is permitted
12 by law to require the holder of a State authorization to seek a
13 permit to install, construct, operate, maintain, or remove its
14 cable service, video service, or telecommunications network
15 within a public right-of-way, those permits shall be deemed
16 granted within 45 days after being submitted, if not otherwise
17 acted upon by the local unit of government, provided the holder
18 complies with the requirements applicable to the holder in its
19 jurisdiction.

20 (c) A local unit of government may impose reasonable terms,
21 but it may not discriminate against the holder with respect to
22 any of the following:

23 (1) The authorization or placement of a cable service,
24 video service, or telecommunications network or equipment
25 in public rights-of-way.

26 (2) Access to a building.

1 (3) A local unit of government utility pole attachment.

2 (d) If a local unit of government imposes a permit fee on
3 incumbent cable operators, it may impose a permit fee on the
4 holder only to the extent it imposes such a fee on incumbent
5 cable operators. In all other cases, these fees may not exceed
6 the actual, direct costs incurred by the local unit of
7 government for issuing the relevant permit. In no event may a
8 fee under this Section be levied if the holder already has paid
9 a permit fee of any kind in connection with the same activity
10 that would otherwise be covered by the permit fee under this
11 Section provided no additional equipment, work, function, or
12 other burden is added to the existing activity for which the
13 permit was issued.

14 (e) Nothing in this Article shall affect the rights that
15 any holder has under Section 4 of the Telephone Line Right of
16 Way Act (220 ILCS 65/4).

17 (f) In addition to the other requirements in this Section,
18 if the holder installs, upgrades, constructs, operates,
19 maintains, and removes facilities or equipment within a public
20 right-of-way to provide cable service or video service, it
21 shall comply with the following:

22 (1) The holder must locate its equipment in the
23 right-of-way as to cause only minimum interference with the
24 use of streets, alleys, and other public ways and places,
25 and to cause only minimum impact upon and interference
26 with the rights and reasonable convenience of property

1 owners who adjoin any of the said streets, alleys, or other
2 public ways. No fixtures shall be placed in any public ways
3 in such a manner to interfere with the usual travel on such
4 public ways, nor ~~nor~~ shall such fixtures or equipment
5 limit the visibility of vehicular or ~~and/or~~ pedestrian
6 traffic, or both.

7 (2) The holder shall comply with a local unit of
8 government's reasonable requests to place equipment on
9 public property where possible, and promptly comply with
10 local unit of government direction with respect to the
11 location and screening of equipment and facilities. In
12 constructing or upgrading its cable or video network in the
13 right-of-way, the holder shall use the smallest suitable
14 equipment enclosures and power pedestals and cabinets then
15 in use by the holder for the application.

16 (3) The holder's construction practices shall be in
17 accordance with all applicable Sections of the
18 Occupational Safety and Health Act of 1970, as amended, as
19 well as all applicable State laws, including the ~~Illinois~~
20 Civil Administrative Code of Illinois, and local codes,
21 where applicable, as adopted by the local unit of
22 government. All installation of electronic equipment shall
23 be of a permanent nature, durable, and, where applicable,
24 installed in accordance with the provisions of the National
25 Electrical Safety Code of the National Bureau of Standards
26 and National Electrical Code of the National Board of Fire

1 Underwriters.

2 (4) The holder shall not interfere with the local unit
3 of government's performance of public works. Nothing in the
4 State-issued authorization shall be in preference or
5 hindrance to the right of the local unit of government to
6 perform or carry on any public works or public improvements
7 of any kind. The holder expressly agrees that it shall, at
8 its own expense, protect, support, temporarily disconnect,
9 relocate in the same street or other public place, or
10 remove from such street or other public place, any of the
11 network, system, facilities, or equipment when required to
12 do so by the local unit of government, because of necessary
13 public health, safety, and welfare improvements. In the
14 event a holder and other users of a public right-of-way,
15 including incumbent cable operators or utilities, ~~of a~~
16 ~~public right of way~~ are required to relocate and
17 compensation is paid to the users of such public
18 right-of-way, such parties shall be treated equally with
19 respect to such compensation.

20 (5) The holder shall comply with all local units of
21 government inspection requirements. The making of
22 post-construction, subsequent or ~~and/or~~ periodic
23 inspections, or both, or the failure to do so shall not
24 operate to relieve the holder of any responsibility,
25 obligation, or liability.

26 (6) The holder shall maintain insurance or provide

1 evidence of self insurance as required by an applicable
2 ordinance of the local unit of government.

3 (7) The holder shall reimburse all reasonable
4 make-ready expenses, including aerial and underground
5 installation expenses requested by the holder to the local
6 unit of government within 30 ~~thirty (30)~~ days of billing to
7 the holder, provided that such charges shall be at the same
8 rates as charges to others for the same or similar
9 services.

10 (8) The holder shall indemnify and hold harmless the
11 local unit of government and all boards, officers,
12 employees, and representatives thereof from all claims,
13 demands, causes of action, liability, judgments, costs and
14 expenses, or losses for injury or death to persons or
15 damage to property owned by, and Worker's Compensation
16 claims against any parties indemnified herein, arising out
17 of, caused by, or as a result of the holder's construction,
18 lines, cable, erection, maintenance, use or presence of, or
19 removal of any poles, wires, conduit, appurtenances
20 thereto, or equipment or attachments thereto. The holder,
21 however, shall not indemnify the local unit of government
22 for any liabilities, damages, cost, and expense resulting
23 from the willful misconduct, or negligence of the local
24 unit of government, its officers, employees, and agents.
25 The obligations imposed pursuant to this Section by a local
26 unit of government shall be competitively neutral.

1 (9) The holder, upon request, shall provide the local
2 unit of government with information describing the
3 location of the cable service or video service facilities
4 and equipment located in the unit of local government's
5 rights-of-way pursuant to its State-issued authorization.
6 If designated by the holder as confidential, such
7 information provided pursuant to this subsection shall be
8 exempt from inspection and copying under the Illinois
9 Freedom of Information Act, ~~5 ILCS 140/1 et seq.~~, pursuant
10 to the exemption provided for under provision (mm) of item
11 (1) of Section 7 of the Freedom of Information Act ~~5 ILCS~~
12 ~~140/7(1)(mm)~~ and any other present or future exemptions
13 applicable to such information and shall not be disclosed
14 by the unit of local government to any third party without
15 the written consent of the holder.

16 (Source: P.A. 95-9, eff. 6-30-07; revised 10-31-07.)

17 (220 ILCS 5/21-1101)

18 (Section scheduled to be repealed on October 1, 2013)

19 Sec. 21-1101. Requirements to provide video services.

20 (a) The holder of a State-issued authorization shall not
21 deny access to cable service or video service to any potential
22 residential subscribers because of the race or income of the
23 residents in the local area in which the potential subscribers
24 reside.

25 (b) (1) If the holder is using telecommunications

1 facilities to provide cable or video service and has 1,000,000
2 or less telecommunications access lines in this State, but more
3 than 300,000 telecommunications access lines in this State, the
4 holder shall provide: ~~(1) Provide~~ access to its cable or video
5 service to a number of households equal to at least 25% of its
6 telecommunications access lines in this State within 3 years
7 after the date a holder receives a State-issued authorization
8 from the Commission and to a number not less than 35% of these
9 households within 5 years after the date a holder receives a
10 State-issued authorization from the Commission; ~~provided,~~
11 ~~however,~~ that the holder of a State-issued authorization is not
12 required to meet the 35% requirement in this paragraph (1)
13 ~~subsection~~ until 2 years after at least 15% of the households
14 with access to the holder's video service subscribe to the
15 service for 6 consecutive months. The holder's obligation to
16 provide such access in the State shall be distributed, as the
17 holder determines, within 3 ~~three~~ different designated market
18 areas.

19 (2) Within 3 years after the date a holder receives a
20 State-issued authorization from the Commission, at least
21 30% of the total households with access to the holder's
22 cable or video service shall be low-income.

23 Within each designated market area identified in
24 paragraph (1) of this subsection (b) ~~(b) (1)~~, the holder's
25 obligation to offer service to low-income households shall
26 be measured by each exchange, as that term is defined in

1 Section 13-206 of this ~~the Public Utilities~~ Act, in which
2 the holder chooses to provide cable or video service. The
3 holder is under no obligation to serve or provide access to
4 an entire exchange; however, in addition to the statewide
5 obligation to provide low-income access provided by this
6 Section, in each exchange in which the holder chooses to
7 provide cable or video service, the holder shall provide
8 access to a percentage of low-income households that is at
9 least equal to the percentage of the total low-income
10 households within that exchange.

11 (3) The number of telecommunication access lines in
12 this Section shall be based on the number of access lines
13 that exist as of June 30, 2007 (the effective date of
14 Public Act 95-9) ~~this amendatory Act of the 95th General~~
15 ~~Assembly.~~

16 (c) (1) If the holder of a State-issued authorization is
17 using telecommunications facilities to provide cable or video
18 service and has more than 1,000,000 telecommunications access
19 lines in this State, the holder shall provide: ~~(1) (A) Provide~~
20 access to its cable or video service to a number of households
21 equal to at least 35% of the households in the holder's
22 telecommunications service area in the State within 3 years
23 after the date a holder receives a State-issued authorization
24 from the Commission and to a number not less than 50% of these
25 households within 5 years after the date a holder receives a
26 State-issued authorization from the Commission; provided,

1 ~~however,~~ that the holder of a State-issued authorization is not
2 required to meet the 50% requirement in this paragraph (1)
3 ~~subsection~~ until 2 years after at least 15% of the households
4 with access to the holder's video service subscribe to the
5 service for 6 consecutive months.

6 The holder's obligation to provide such access in the State
7 shall be distributed, as the holder determines, within 3 ~~three~~
8 designated market areas, one in each of the northeastern,
9 central, and southwestern portions of the holder's
10 telecommunications service area in the State. The designated
11 market area for the northeastern portion shall consist of 2 ~~two~~
12 separate and distinct reporting areas: (i) a city with more
13 than 1,000,000 inhabitants, and (ii) all other local units of
14 government on a combined basis within such designated market
15 area in which it offers video service.

16 ~~(B)~~ If any state, in which a holder subject to this
17 subsection (c) or one of its affiliates provides or seeks to
18 provide cable or video service, adopts a law permitting
19 state-issued authorization or statewide franchises to provide
20 cable or video service that requires a cable or video provider
21 to offer service to more than 35% of the households in the
22 cable or video provider's service area in that state within 3
23 years, holders subject to this subsection (c) shall provide
24 service in this State to the same percentage of households
25 within 3 years of adoption of such law in that state.

26 Furthermore, if any state, in which a holder subject to

1 this subsection (c) or one of its affiliates provides or seeks
2 to provide cable or video service, adopts a law requiring a
3 holder of a state-issued authorization or statewide franchises
4 to offer cable or video service to more than 35% of its
5 households if less than 15% of the households with access to
6 the holder's video service subscribe to the service for 6
7 consecutive months, then as a precondition to further
8 build-out, holders subject to this subsection (c) shall be
9 subject to the same percentage of service subscription in
10 meeting its obligation to provide service to 50% of the
11 households in this State.

12 (2) Within 3 years after the date a holder receives a
13 State-issued authorization from the Commission, at least
14 30% of the total households with access to the holder's
15 cable or video service shall be low-income.

16 Within each designated market area listed in paragraph
17 (1) of this subsection (c) ~~(e)(1)~~, the holder's obligation
18 to offer service to low-income households shall be measured
19 by each exchange, as that term is defined in Section 13-206
20 of this ~~the Public Utilities~~ Act in which the holder
21 chooses to provide cable or video service. The holder is
22 under no obligation to serve or provide access to an entire
23 exchange; however, in addition to the statewide obligation
24 to provide low-income access provided by this Section, in
25 each exchange in which the holder chooses to provide cable
26 or video service, the holder shall provide access to a

1 percentage of low-income households that is at least equal
2 to the percentage of the total low-income households within
3 that exchange.

4 (d) (1) All other holders shall only provide access to one
5 or more exchanges, as that term is defined in Section 13-206 of
6 ~~this the Public Utilities Act~~, or to local units of government
7 and shall provide access to their cable or video service to a
8 number of households equal to 35% of the households in the
9 exchange or local unit of government within 3 years after the
10 date a holder receives a State-issued authorization from the
11 Commission and to a number not less than 50% of these
12 households within 5 years after the date a holder receives a
13 State-issued authorization from the Commission, provided,~~7~~
14 ~~however,~~ that if the holder is an incumbent cable operator or
15 any successor-in-interest company, it shall be obligated to
16 provide access to cable or video services within the
17 jurisdiction of a local unit of government at the same levels
18 required by the local franchising authorities for that local
19 unit of government on June 30, 2007 (the effective date of
20 Public Act 95-9) ~~this amendatory Act of the 95th General~~
21 ~~Assembly.~~

22 (2) Within 3 years after the date a holder receives a
23 State-issued authorization from the Commission, at least
24 30% of the total households with access to the holder's
25 cable or video service shall be low-income.

26 Within each designated exchange, as that term is

1 defined in Section 13-206 of this ~~the Public Utilities Act~~,
2 or local unit of government listed in paragraph (1) of this
3 subsection (d) ~~(d)(1)~~, the holder's obligation to offer
4 service to low-income households shall be measured by each
5 exchange or local unit of government in which the holder
6 chooses to provide cable or video service. Except as
7 provided in paragraph (1) of this subsection (d) ~~(d)(1)~~,
8 the holder is under no obligation to serve or provide
9 access to an entire exchange or local unit of government;
10 however, in addition to the statewide obligation to provide
11 low-income access provided by this Section, in each
12 exchange or local unit of government in which the holder
13 chooses to provide cable or video service, the holder shall
14 provide access to a percentage of low-income households
15 that is at least equal to the percentage of the total
16 low-income households within that exchange or local unit of
17 government.

18 (e) A holder subject to subsection (c) of this Section
19 ~~21-1101(e)~~ shall provide wireline broadband service, defined
20 as wireline service, capable of supporting, in at least one
21 direction, a speed in excess of 200 kilobits per second (kbps),
22 to the network demarcation point at the subscriber's premises,
23 to a number of households equal to 90% of the households in the
24 holder's telecommunications service area by December 31, 2008,
25 or shall pay within 30 days of December 31, 2008 a sum of
26 \$15,000,000 to the Digital Divide Elimination Infrastructure

1 Fund established pursuant to Section 13-301.3 ~~of Article XIII~~
2 of this Act, or any successor fund established by the General
3 Assembly. In that event the holder is required to make a
4 payment pursuant to this subsection (e), the holder shall have
5 no further accounting for this payment, which shall be used in
6 any part of the State for the purposes established in the
7 Digital Divide Elimination Infrastructure Fund or for
8 broadband deployment.

9 (f) The holder of a State-issued authorization may satisfy
10 the requirements of subsections (b), (c), and (d) of this
11 Section through the use of any technology, which shall not
12 include direct-to-home satellite service, that offers service,
13 functionality, and content that, ~~which~~ is demonstrably similar
14 to that provided through the holder's video service system.

15 (g) In any investigation into or complaint alleging that
16 the holder of a State-issued authorization has failed to meet
17 the requirements of this Section, the following factors may be
18 considered in justification or mitigation or as justification
19 for an extension of time to meet the requirements of
20 subsections (b), (c), and (d) of this Section:

21 (1) The inability to obtain access to public and
22 private rights-of-way under reasonable terms and
23 conditions.

24 (2) Barriers to competition arising from existing
25 exclusive service arrangements in developments or
26 buildings.

1 (3) The inability to access developments or buildings
2 using reasonable technical solutions under commercially
3 reasonable terms and conditions.

4 (4) Natural disasters.

5 (5) Other factors beyond the control of the holder.

6 (h) If the holder relies on the factors identified in
7 subsection (g) of this Section in response to an investigation
8 or complaint, the holder shall demonstrate the following:

9 (1) what substantial effort the holder of a
10 State-issued authorization has taken to meet the
11 requirements of subsection ~~subsections~~ (a), (b), or (c) of
12 this Section;

13 (2) which portions of subsection (g) of this Section
14 apply; and

15 (3) the number of days it has been delayed or the
16 requirements it cannot perform as a consequence of
17 subsection (g) of this Section.

18 (i) The factors in subsection (g) of this Section may be
19 considered by the Attorney General or by a court of competent
20 jurisdiction in determining whether the holder is in violation
21 of this Article.

22 (j) Every holder of a State-issued authorization, no later
23 than April 1, 2009, and annually no later than April 1
24 thereafter, shall report to the Commission for each of the
25 service areas as described in subsections (b), (c), and (d) of
26 this Section in which it provides access to its video service

1 in the State, the following information:

2 (1) Cable service and video service information:

3 (A) The number of households in the holder's
4 telecommunications service area within each designated
5 market area as described in subsections (b) and (c) of
6 this Section or exchange or local unit of government as
7 described in subsection (d) of this Section in which it
8 offers video service.

9 (B) The number of households in the holder's
10 telecommunications service area within each designated
11 market area as described in subsections (b) and (c) of
12 this Section or exchange or local unit of government as
13 described in subsection (d) of this Section that are
14 offered access to video service by the holder.

15 (C) The number of households in the holder's
16 telecommunications service area in the State.

17 (D) The number of households in the holder's
18 telecommunications service area in the State that are
19 offered access to video service by the holder.

20 (2) Low-income household information:

21 (A) The number of low-income households in the
22 holder's telecommunications service area within each
23 designated market area as described in subsections (b)
24 and (c) of this Section, as further identified in terms
25 of exchanges, or exchange or local unit of government
26 as described in subsection (d) of this Section, in

1 which it offers video service.

2 (B) The number of low-income households in the
3 holder's telecommunications service area within each
4 designated market area as described in subsections (b)
5 and (c) of this Section, as further identified in terms
6 of exchanges, or exchange or local unit of government
7 as described in subsection (d) of this Section in the
8 State, that are offered access to video service by the
9 holder.

10 (C) The number of low-income households in the
11 holder's telecommunications service area in the State.

12 (D) The number of low-income households in the
13 holder's telecommunications service area in the State
14 that are offered access to video service by the holder.

15 (k) The Commission, within 30 days of receiving the first
16 report from holders under this Section, and annually no later
17 than July 1 thereafter, shall submit to the General Assembly a
18 report that includes, based on year-end data, the information
19 submitted by holders pursuant to subdivisions (1) and (2) of
20 subsection (j) ~~subsections (j)(1) and (j)(2)~~ of this Section.
21 The Commission shall make this report available to any member
22 of the public or any local unit of government upon request. All
23 information submitted to the Commission and designated by
24 holders as confidential and proprietary shall be subject to the
25 disclosure provisions in subsection (c) of Section 21-401 of
26 this Act ~~21-401(e)~~. No individually identifiable customer

1 information shall be subject to public disclosure.

2 (Source: P.A. 95-9, eff. 6-30-07; revised 7-9-07.)

3 (220 ILCS 5/21-1201)

4 (Section scheduled to be repealed on October 1, 2013)

5 Sec. 21-1201. Multiple-unit dwellings; interference with
6 holder prohibited ~~dwellings Interference with Holder~~
7 ~~Prohibited.~~

8 (a) Neither the owner of any multiple-unit residential
9 dwelling nor an agent or representative shall unreasonably
10 interfere with the right of any tenant or lawful resident
11 thereof to receive cable service or video service installation
12 or maintenance from a holder of a State-issued authorization;
13 provided, however, the owner, agent, or representative may
14 require just and reasonable compensation from the holder for
15 its access to and use of such property to provide installation,
16 operation, maintenance, or removal of such cable service or
17 video service.

18 (b) Neither the owner of any multiple-unit residential
19 dwelling nor an agent or representative shall ask, demand, or
20 receive any additional payment, service, or gratuity in any
21 form from any tenant or lawful resident thereof as a condition
22 for permitting or cooperating with the installation of a cable
23 service or video service to the dwelling unit occupied by a
24 tenant or resident requesting such service.

25 (c) Neither the owner of any multiple-unit residential

1 dwelling nor an agent or representative shall penalize, charge,L
2 or surcharge a tenant or resident, ~~or~~ forfeit or threaten to
3 forfeit any right of such tenant or resident, or discriminate
4 in any way against such tenant or resident who requests or
5 receives cable service or video service from a holder.

6 (d) Nothing in this Section shall prohibit the owner of any
7 multiple-unit residential dwelling nor an agent or
8 representative from requiring that a holder's facilities
9 conform to reasonable conditions necessary to protect safety,
10 functioning, appearance, and value of premises or the
11 convenience and safety of persons or property.

12 (e) The owner of any multiple-unit residential dwelling or
13 an agent or representative may require a holder to agree to
14 indemnify the owner, or his agents or representatives, for
15 damages or from liability for damages caused by the
16 installation, operation, maintenance,L or removal of cable
17 service or video service facilities.

18 (Source: P.A. 95-9, eff. 6-30-07; revised 10-31-07.)

19 (220 ILCS 5/21-1301)

20 (Section scheduled to be repealed on October 1, 2013)

21 Sec. 21-1301. Enforcement;IT penalties.

22 (a) The Attorney General is responsible for administering
23 and ensuring holders' compliance with this Article, provided
24 that nothing in this Article shall deprive local units of
25 government of the right to enforce applicable rights and

1 obligations.

2 (b) The Attorney General may conduct an investigation
3 regarding possible violations by holders of this Article
4 including, without limitation, the issuance of subpoenas to:

5 (1) require the holder to file a statement or report or
6 to answer interrogatories in writing as to all information
7 relevant to the alleged violations;

8 (2) examine, under oath, any person who possesses
9 knowledge or information related to the alleged
10 violations; and

11 (3) examine any record, book, document, account, or
12 paper related to the alleged violation.

13 (c) If the Attorney General determines that there is a
14 reason to believe that a holder has violated or is about to
15 violate this Article, the Attorney General may bring an action
16 in a court of competent jurisdiction in the name of the People
17 of the State against the holder to obtain temporary,
18 preliminary, or permanent injunctive relief and civil
19 penalties for any act, policy, or practice by the holder that
20 violates this Article.

21 (d) If a court orders a holder to make payments to the
22 Attorney General and the payments are to be used for the
23 operations of the Office of the Attorney General or if a holder
24 agrees to make payments to the Attorney General for the
25 operations of the Office of the Attorney General as part of an
26 Assurance of Voluntary Compliance, then the moneys paid under

1 any of the conditions described in this subsection (d) shall be
2 deposited into the Attorney General Court Ordered and Voluntary
3 Compliance Payment Projects Fund. Moneys in the Fund shall be
4 used, subject to appropriation, for the performance of any
5 function pertaining to the exercise of the duties to the
6 Attorney General, including, but not limited to, enforcement of
7 any law of this State and conducting public education programs;
8 however, any moneys in the Fund that are required by the court
9 to be used for a particular purpose shall be used for that
10 purpose.

11 (e) In an action against a holder brought pursuant to this
12 Article, the Attorney General may seek the assessment of one or
13 more of the following civil monetary penalties in any action
14 filed under this Article where the holder violates this Article
15 and does not remedy the violation within 30 days of notice by
16 the Attorney General:

17 (1) Any holder that violates or fails to comply with
18 any of the provisions of this Article or of its
19 State-issued authorization shall be subject to a civil
20 penalty of up to \$30,000 for each and every offense, or
21 0.00825% ~~0.00825%~~ of the holder's gross revenues, as defined
22 in Section 21-801 of this Act, whichever is greater. Every
23 violation of the provisions of this Article by a holder is
24 a separate and distinct offense, provided, ~~however,~~ that if
25 the same act or omission violates more than one provision
26 of this Article, only one penalty or cumulative penalty may

1 be imposed for such act or omission. In the case of a
2 continuing violation, each day's continuance thereof shall
3 be a separate and distinct offense, ~~provided, however,~~ that
4 the cumulative penalty for any continuing violation shall
5 not exceed \$500,000 per year, and provided further that
6 these limits shall not apply where the violation was
7 intentional and either (i) created substantial risk to the
8 safety of the cable service or video service provider's
9 employees or customers or the public or (ii) was intended
10 to cause economic benefits to accrue to the violator.

11 (2) The holder's State-issued authorization may be
12 suspended or revoked if the holder fails to comply with the
13 provisions of this Article after a reasonable time to
14 achieve compliance has passed.

15 (3) If the holder is in violation of Section 21-1101 of
16 this Act, in addition to any other remedies provided by
17 law, a fine not to exceed 3% of the holder's total monthly
18 gross revenue, as that term is defined in this Article,
19 shall be imposed for each month from the date of violation
20 until the date that compliance is achieved.

21 (4) Nothing in this Section shall limit or affect the
22 powers of the Attorney General to enforce the provisions of
23 this Article, Section 22-501 of this Act ~~the Cable and~~
24 ~~Video Customer Protection Law, 220 ILCS 5/70-501 new,~~ or
25 the Consumer Fraud and Deceptive Business Practices Act,
26 ~~815 ILCS 505.~~

1 (Source: P.A. 95-9, eff. 6-30-07; revised 7-9-07.)

2 (220 ILCS 5/Art. XXII heading)

3 ARTICLE XXII ~~70~~. CABLE AND VIDEO CUSTOMER PROTECTION LAW

4 (Source: P.A. 95-9, eff. 6-30-07; revised 12-7-07.)

5 (220 ILCS 5/22-501)

6 Sec. 22-501 ~~70-501~~. Customer service and privacy
7 protection. All cable or video providers in this State shall
8 comply with the following customer service requirements and
9 privacy protections. The provisions of this Act shall not apply
10 to an incumbent cable operator prior to January 1, 2008. For
11 purposes of this paragraph, an incumbent cable operator means a
12 person or entity that provided cable services in a particular
13 area under a franchise agreement with a local unit of
14 government pursuant to Section 11-42-11 of the Illinois
15 Municipal Code or Section 5-1095 of the Counties Code on
16 January 1, 2007. A master antenna television, satellite master
17 antenna television, direct broadcast satellite, multipoint
18 distribution service, and other provider of video programming
19 shall only be subject to the provisions of this Article to the
20 extent permitted by federal law.

21 The following definitions apply to the terms used in this
22 Article:

23 "Basic cable or video service" means any service offering
24 or tier that ~~which~~ includes the retransmission of local

1 television broadcast signals.

2 "Cable or video provider" means any person or entity
3 providing cable service or video service pursuant to
4 authorization under (i) the Cable and Video Competition Law of
5 2007; (ii) Section 11-42-11 of the Illinois Municipal Code;
6 (iii) Section 5-1095 of the Counties Code; or (iv) a master
7 antenna television, satellite master antenna television,
8 direct broadcast satellite, multipoint distribution services,
9 and other providers of video programming, whatever their
10 technology. A cable or video provider shall not include a
11 landlord providing only broadcast video programming to a
12 single-family home or other residential dwelling consisting of
13 4 ~~four~~ units or less.

14 "Franchise" has the same meaning as found in 47 U.S.C.
15 522(9).

16 "Local unit of government" means a city, village,
17 incorporated town, or a county.

18 "Normal business hours" means those hours during which most
19 similar businesses in the geographic area of the local unit of
20 government are open to serve customers. In all cases, "normal
21 business hours" must include some evening hours at least one
22 night per week or some weekend hours.

23 "Normal operating conditions" means those service
24 conditions that are within the control of cable or video
25 providers. Those conditions that are not within the control of
26 cable or video providers include, but are not limited to,

1 natural disasters, civil disturbances, power outages,
2 telephone network outages, and severe or unusual weather
3 conditions. Those conditions that are ordinarily within the
4 control of cable or video providers include, but are not
5 limited to, special promotions, pay-per-view events, rate
6 increases, regular peak or seasonal demand periods, and
7 maintenance or upgrade of the cable service or video service
8 network.

9 "Service interruption" means the loss of picture or sound
10 on one or more cable service or video service on one or more
11 cable or video channels.

12 "Service line drop" means the point of connection between a
13 premises and the cable or video network that enables the
14 premises to receive cable service or video service.

15 (a) General customer service standards:

16 (1) Cable or video providers shall establish general
17 standards related to customer service, which shall
18 include, but not be limited to, installation,
19 disconnection, service and repair obligations; appointment
20 hours⁷ and employee ID requirements; customer service
21 telephone numbers and hours; procedures for billing,
22 charges, deposits, refunds, and credits; procedures for
23 termination of service; notice of deletion of programming
24 service;¹⁷ changes related to transmission of programming;
25 changes or increases in rates; the use and availability of
26 parental control or lock-out devices; the use and

1 availability of an A/B switch if applicable; complaint
2 procedures and procedures for bill dispute resolution; a
3 description of the rights and remedies available to
4 consumers if the cable or video provider does not
5 materially meet its ~~their~~ customer service standards; and
6 special services for customers with visual, hearing, or
7 mobility disabilities.

8 (2) Cable or video providers' rates for each level of
9 service, rules, regulations, and policies related to its
10 cable service or video service described in paragraph (1)
11 of this subsection (a) ~~(a)(1)~~ must be made available to the
12 public and displayed clearly and conspicuously on the cable
13 or video provider's site on the Internet. If a promotional
14 price or a price for a specified period of time is offered,
15 the cable or video provider shall display the price at the
16 end of the promotional period or specified period of time
17 clearly and conspicuously with the display of the
18 promotional price or price for a specified period of time.
19 The cable or video provider shall provide this information
20 upon request.

21 (3) Cable or video providers shall provide notice
22 concerning their general customer service standards to all
23 customers. This notice shall be offered when service is
24 first activated and annually thereafter. The information
25 in the notice shall include all of the information
26 specified in paragraph (1) of this subsection (a) ~~(a)(1)~~,

1 as well as the following: a listing of services offered by
2 the cable or video providers, which shall clearly describe
3 programming for all services and all levels of service; the
4 rates for all services and levels of service; a telephone
5 number ~~number(s)~~ through which customers may subscribe to,
6 change, or terminate service, request customer service, or
7 seek general or billing information; instructions on the
8 use of the cable or video services; and, a description of
9 rights and remedies that the cable or video providers shall
10 make available to their customers if they do not materially
11 meet the general customer service standards described in
12 this Act.

13 (b) General customer service obligations:

14 (1) Cable or video providers shall render reasonably
15 efficient service, promptly make repairs, and interrupt
16 service only as necessary and for good cause, during
17 periods of minimum use of the system and for no more than
18 24 hours.

19 (2) All service representatives or any other person who
20 contacts customers or potential customers on behalf of the
21 cable or video provider shall have a visible identification
22 card with their name and photograph and shall orally
23 identify themselves upon first contact with the customer.
24 Customer service representatives shall orally identify
25 themselves to callers immediately following the greeting
26 during each telephone contact with the public.

1 (3) The cable or video providers shall: (i) maintain a
2 customer service facility within the boundaries of a local
3 unit of government staffed by customer service
4 representatives that have the capacity to accept payment,
5 adjust bills, and respond to repair, installation,
6 reconnection, disconnection, or other service calls and
7 distribute or receive converter boxes, remote control
8 units, digital stereo units, or other equipment related to
9 the provision of cable or video service; ~~or~~ (ii) provide
10 customers with bill payment facilities through retail,
11 financial, or other commercial institutions located within
12 the boundaries of a local unit of government; ~~or~~ (iii)
13 provide an address, toll-free telephone number or
14 electronic address to accept bill payments and
15 correspondence, ~~and~~ provide secure collection boxes for
16 the receipt of bill payments and the return of equipment,
17 provided that if a cable or video provider provides secure
18 collection boxes, it shall provide a printed receipt when
19 items are deposited; or (iv) provide an address, toll-free
20 telephone number, or electronic address to accept bill
21 payments and correspondence, ~~and~~ provide a method for
22 customers to return equipment to the cable or video
23 provider at no cost to the customer.

24 (4) In each contact with a customer, the service
25 representatives or any other person who contacts customers
26 or potential customers on behalf of the cable or video

1 provider~~7~~ shall state the estimated cost of the service,
2 repair, or installation orally prior to delivery of the
3 service or before any work is performed, ~~and~~ shall provide
4 the customer with an oral statement of the total charges
5 before terminating the telephone call or other contact in
6 which a service is ordered, whether in-person or over the
7 Internet, and shall provide a written statement of the
8 total charges before leaving the location at which the work
9 was performed. In the event that the cost of service is a
10 promotional price or is for a limited period of time, the
11 cost of service at the end of the promotion or limited
12 period of time shall be disclosed.

13 (5) Cable or video providers shall provide customers a
14 minimum of 30 days' written notice before increasing rates
15 or eliminating transmission of programming and shall
16 submit the notice to the local unit of government in
17 advance of distribution to customers, provided that the
18 cable or video provider is not in violation of this
19 provision if the elimination of transmission of
20 programming was outside the control of the provider, in
21 which case the provider shall use reasonable efforts to
22 provide as much notice as possible, and any rate decrease
23 related to the elimination of transmission of programming
24 shall be applied to the date of the change.

25 (6) Cable or video providers shall provide clear visual
26 and audio reception that meets or exceeds applicable

1 Federal Communications Commission technical standards. If
2 a customer experiences poor video or audio reception due to
3 the equipment of the cable or video provider, the cable or
4 video provider shall promptly repair the problem at its own
5 expense.

6 (c) Bills, payment, and termination:

7 (1) Cable or video providers shall render monthly bills
8 that are clear, accurate, and understandable.

9 (2) Every residential customer who pays bills directly
10 to the cable or video provider shall have at least 28 days
11 from the date of the bill to pay the listed charges.

12 (3) Customer payments shall be posted promptly. When
13 the payment is sent by United States mail, payment is
14 considered paid on the date it is postmarked.

15 (4) Cable or video providers may not terminate
16 residential service for nonpayment of a bill unless the
17 cable or video provider furnishes notice of the delinquency
18 and impending termination at least 21 days prior to the
19 proposed termination. Notice of proposed termination shall
20 be mailed, postage prepaid, to the customer to whom service
21 is billed. Notice of proposed termination shall not be
22 mailed until the 29th day after the date of the bill for
23 services. Notice of delinquency and impending termination
24 may be part of a billing statement only if the notice is
25 presented in a different color than the bill and is
26 designed to be conspicuous. The cable or video providers

1 may not assess a late fee prior to the 29th day after the
2 date of the bill for service.

3 (5) Every notice of impending termination shall
4 include all of the following: the name and address of
5 customer; the amount of the delinquency; the date on which
6 payment is required to avoid termination; and the telephone
7 number of the cable or video provider's service
8 representative to make payment arrangements and to provide
9 additional information about the charges for failure to
10 return equipment and for reconnection, if any. No customer
11 may be charged a fee for termination or disconnection of
12 service, irrespective of whether the customer initiated
13 termination or disconnection or the cable or video provider
14 initiated termination or disconnection.

15 (6) Service may only be terminated on days when the
16 customer is able to reach a service representative of the
17 cable or video providers, either in person or by telephone.

18 (7) Any service terminated by a cable or video provider
19 without good cause shall be restored without any
20 reconnection fee, charge, or penalty; good cause for
21 termination includes, but is not limited to, failure to pay
22 a bill by the date specified in the notice of impending
23 termination, payment by check for which there are
24 insufficient funds, theft of service, abuse of equipment or
25 personnel, or other similar subscriber actions.

26 (8) Cable or video providers shall cease charging a

1 customer for any or all services within one ~~±~~ business day
2 after it receives a request to immediately terminate
3 service or on the day requested by the customer if such a
4 date is at least 5 days from the date requested by the
5 customer. Nothing in this subsection (c) shall prohibit the
6 provider from billing for charges that the customer incurs
7 prior to the date of termination. Cable or video providers
8 shall issue a credit or~~7~~ a refund~~7~~ or return a deposit
9 within 10 business days after the close of the customer's
10 billing cycle following the request for termination or the
11 return of equipment, if any, whichever is later.

12 (9) The customers or subscribers of a cable or video
13 provider shall be allowed to disconnect their service at
14 any time within the first 60 days after subscribing to or
15 upgrading the service. Within this 60-day period, cable or
16 video providers shall not charge or impose any fees or
17 penalties on the customer for disconnecting service,
18 including, but not limited to, any installation charge or~~7~~
19 the imposition of an early termination charge, except the
20 cable or video provider may impose a charge or fee to
21 offset any rebates or credits received by the customer~~7~~ and
22 may impose monthly service or maintenance charges,
23 including pay-per-view and premium services charges,
24 during such 60-day period.

25 (10) Cable and video providers shall guarantee
26 customer satisfaction for new or upgraded service and the

1 customer shall receive a pro-rata credit in an amount equal
2 to the pro-rata charge for the remaining days of service
3 being disconnected or replaced upon the customers request
4 if the customer is dissatisfied with the service and
5 requests to discontinue the service within the first 60
6 days after subscribing to the upgraded service.

7 (d) Response to customer inquiries:

8 (1) Cable or video providers will maintain a toll-free
9 telephone access line that is ~~will be~~ available to
10 customers 24 hours a day, 7 ~~seven~~ days a week, to accept
11 calls regarding installation, termination, service, and
12 complaints. Trained, knowledgeable, qualified service
13 representatives of the cable or video providers will be
14 available to respond to customer telephone inquiries
15 during normal business hours. Customer service
16 representatives shall be able to provide credit, waive
17 fees, schedule appointments, and change billing cycles.
18 Any difficulties that cannot be resolved by the customer
19 service representatives shall be referred to a supervisor
20 who shall make his or her best efforts to resolve the issue
21 immediately. If the supervisor does not resolve the issue
22 to the customer's satisfaction, the customer shall be
23 informed of the cable or video provider's complaint
24 procedures and procedures for billing dispute resolution
25 and given a description of the rights and remedies
26 available to customers to enforce the terms of this

1 Article, including the customer's rights to have the
2 complaint reviewed by the local unit of government, to
3 request mediation, and to review in a court of competent
4 jurisdiction.

5 (2) After normal business hours, the access line may be
6 answered by a service or an automated response system,
7 including an answering machine. Inquiries received by
8 telephone or e-mail after normal business hours shall be
9 responded to by a trained service representative on the
10 next business day. The cable or video provider shall
11 respond to a written billing inquiry within 10 days of
12 receipt of the inquiry.

13 (3) Cable or video providers shall provide customers
14 seeking non-standard installations with a total
15 installation cost estimate and an estimated date of
16 completion. The actual charge to the customer shall not
17 exceed 10% of the estimated cost without the written
18 consent of the customer.

19 (4) If the cable or video provider receives notice that
20 an unsafe condition exists with respect to its equipment,
21 it shall investigate such condition immediately~~7~~ and shall
22 take such measures as are necessary to remove or eliminate
23 the unsafe condition. The cable or video provider shall
24 inform the local unit of government promptly, but no later
25 than 2 hours after it receives notification of an unsafe
26 condition that it has not remedied.

1 (5) Under normal operating conditions, telephone
2 answer time by the cable or video provider's customer
3 representative, including wait time, shall not exceed 30
4 seconds when the connection is made. If the call needs to
5 be transferred, transfer time shall not exceed 30 seconds.
6 These standards shall be met no less than 90% of the time
7 under normal operating conditions, measured on a quarterly
8 basis.

9 (6) Under normal operating conditions, the cable or
10 video provider's customers will receive a busy signal less
11 than 3% of the time.

12 (e) ~~Installations, Outages and Service Calls.~~ Under normal
13 operating conditions, each of the following standards related
14 to installations, outages, and service calls will be met no
15 less than 95% of the time measured on a quarterly basis:

16 (1) Standard installations will be performed within 7
17 business days after an order has been placed. "Standard"
18 installations are those that are located up to 125 feet
19 from the existing distribution system.

20 (2) Excluding conditions beyond the control of the
21 cable or video providers, the cable or video providers will
22 begin working on "service interruptions" promptly and in no
23 event later than 24 hours after the interruption is
24 reported by the customer or otherwise becomes known to the
25 cable or video providers. Cable or video providers must
26 begin actions to correct other service problems the next

1 business day after notification of the service problem and
2 correct the problem within 48 hours after the interruption
3 is reported by the customer 95% of the time, measured on a
4 quarterly basis.~~+~~

5 (3) The "appointment window" alternatives for
6 installations, service calls, and other installation
7 activities will be either a specific time or, at a maximum,
8 a 4-hour ~~four-hour~~ time block during evening, weekend,+ and
9 normal business hours. The cable or video provider may
10 schedule service calls and other installation activities
11 outside of these hours for the express convenience of the
12 customer.~~+~~and

13 (4) Cable or video providers may not cancel an
14 appointment with a customer after 5:00 p.m. on the business
15 day prior to the scheduled appointment. If the cable or
16 video provider's representative is running late for an
17 appointment with a customer and will not be able to keep
18 the appointment as scheduled, the customer will be
19 contacted. The appointment will be rescheduled, as
20 necessary, at a time that ~~which~~ is convenient for the
21 customer, even if the rescheduled appointment is not within
22 normal business hours.

23 (f) Public benefit obligation:

24 (1) All cable or video providers offering service
25 pursuant to the Cable and Video Competition Law of 2007,
26 the Illinois Municipal Code, or the Counties Code~~+~~ shall

1 provide a free service line drop and free basic service to
2 all current and future public buildings within their
3 footprint, including, but not limited to, all local unit of
4 government buildings, public libraries, and public primary
5 and secondary schools, whether owned or leased by that
6 local unit of government ("eligible buildings"). Such
7 service shall be used in a manner consistent with the
8 government purpose for the eligible building and shall not
9 be resold.

10 (2) This obligation only applies to those cable or
11 video service providers whose cable service or video
12 service systems pass eligible buildings and its cable or
13 video service is generally available to residential
14 subscribers in the same local unit of government in which
15 the eligible building is located. The burden of providing
16 such service at each eligible building shall be shared by
17 all cable and video providers whose systems pass the
18 eligible buildings in an equitable and competitively
19 neutral manner, and nothing herein shall require
20 duplicative installations by more than one cable or video
21 provider at each eligible building. Cable or video
22 providers operating in a local unit of government shall
23 meet as necessary and determine who will provide service to
24 eligible buildings under this subsection (f). If the cable
25 or video providers are unable to reach an agreement, they
26 shall meet with the local unit of government, l which shall

1 determine which cable or video providers will serve each
2 eligible building. The local unit of government shall bear
3 the costs of any inside wiring or video equipment costs not
4 ordinarily provided as part of the cable or video
5 provider's basic offering.

6 (g) After the cable or video providers have offered service
7 for one ~~(1)~~ year, the cable or video providers shall make an
8 annual report to the Commission, to the local unit of
9 government, and to the Attorney General that it is meeting the
10 standards specified in this Article, identifying the number of
11 complaints it received over the prior year in the State, and
12 specifying the number of complaints related to each of the
13 following: (1) billing, charges, refunds, and credits; (2)
14 installation or termination of service; (3) quality of service
15 and repair; (4) programming; and (5) miscellaneous complaints
16 that do not fall within these categories. Thereafter, the cable
17 or video providers shall also provide, upon request by the
18 local unit of government where service is offered and to the
19 Attorney General, an annual public report that includes
20 performance data described in subdivisions (5) and (6) of
21 subsection (d) and subdivisions (1) and (2) of subsection (e)
22 ~~subsections (d) (5), (d) (6), (e) (1) and (e) (2)~~ of this Section
23 for cable services or video services. The performance data
24 shall be disaggregated for each requesting local unit of
25 government or local exchange, as that term is defined in
26 Section 13-206 of this ~~the Public Utilities~~ Act, in which the

1 cable or video providers have customers.

2 (h) To the extent consistent with federal law, cable or
3 video providers shall offer the lowest-cost basic cable or
4 video service as a stand-alone service to residential customers
5 at reasonable rates. Cable or video providers shall not require
6 the subscription to any service other than the lowest-cost
7 basic service or to any telecommunications or information
8 service, as a condition of access to cable or video service,
9 including programming offered on a per channel or per program
10 basis. Cable or video providers shall not discriminate between
11 subscribers to the lowest-cost basic service, subscribers to
12 other cable services or video services, and other subscribers
13 with regard to the rates charged for cable or video programming
14 offered on a per channel or per program basis.

15 (i) To the extent consistent with federal law, cable or
16 video providers shall ensure that charges for changes in the
17 subscriber's selection of services or equipment shall be based
18 on the cost of such change and shall not exceed nominal amounts
19 when the system's configuration permits changes in service tier
20 selection to be effected solely by coded entry on a computer
21 terminal or by other similarly simple method.

22 (j) To the extent consistent with federal law, cable or
23 video providers shall have a rate structure for the provision
24 of cable or video service that is uniform throughout the area
25 within the boundaries of the local unit of government. This
26 subsection (j) is not intended to prohibit bulk discounts to

1 multiple dwelling units or to prohibit reasonable discounts to
2 senior citizens or other economically disadvantaged groups.

3 (k) To the extent consistent with federal law, cable or
4 video providers shall not charge a subscriber for any service
5 or equipment that the subscriber has not affirmatively
6 requested by name. For purposes of this subsection (k), a
7 subscriber's failure to refuse a cable or video provider's
8 proposal to provide service or equipment shall not be deemed to
9 be an affirmative request for such service or equipment.

10 (l) No contract or service offering cable services or video
11 services or any bundle including such services shall be for a
12 term longer than one year. Any contract or service offering
13 with a term of service that contains an early termination fee
14 shall limit the early termination fee to not more than the
15 amount of the discount reflected in the price for cable
16 services or video services for the period during which the
17 consumer benefited from the discount.

18 (m) Cable or video providers shall not discriminate in the
19 provision of services for the hearing and visually impaired,
20 and shall comply with the accessibility requirements of 47
21 U.S.C. 613. Cable or video providers shall deliver and pick-up~~7~~
22 or provide customers with pre-paid shipping and packaging for
23 the return of~~7~~ converters and other necessary equipment at the
24 home of customers with disabilities. Cable or video providers
25 shall provide free use of a converter or remote control unit to
26 mobility impaired customers.

1 (n)(1) To the extent consistent with federal law, cable or
2 video providers shall comply with the provisions of 47 U.S.C.
3 532(h) and (j). The cable or video providers shall not exercise
4 any editorial control over any video programming provided
5 pursuant to this Section, or in any other way consider the
6 content of such programming, except that a cable or video
7 provider may refuse to transmit any leased access program or
8 portion of a leased access program that ~~which~~ contains
9 obscenity, indecency, or nudity and may consider such content
10 to the minimum extent necessary to establish a reasonable price
11 for the commercial use of designated channel capacity by an
12 unaffiliated person. This subsection (n) shall permit cable or
13 video providers to enforce prospectively a written and
14 published policy of prohibiting programming that the cable or
15 video provider reasonably believes describes or depicts sexual
16 or excretory activities or organs in a patently offensive
17 manner as measured by contemporary community standards.

18 (2) Upon customer request, the cable or video provider
19 shall, without charge, fully scramble or otherwise fully
20 block the audio and video programming of each channel
21 carrying such programming so that a person who is not a
22 subscriber does not receive the channel or programming.

23 (3) In providing sexually explicit adult programming
24 or other programming that is indecent on any channel of its
25 service primarily dedicated to sexually oriented
26 programming, the cable or video provider shall fully

1 scramble or otherwise fully block the video and audio
2 portion of such channel so that a person who is ~~one~~ not a
3 subscriber to such channel or programming does not receive
4 it.

5 (4) Scramble means to rearrange the content of the
6 signal of the programming so that the programming cannot be
7 viewed or heard in an understandable manner.

8 (o) Cable or video providers will maintain a listing,
9 specific to the level of street address, of the areas where its
10 cable or video services are available. Customers who inquire
11 about purchasing cable or video service shall be informed about
12 whether the cable or video provider's cable or video services
13 are currently available to them at their specific location.

14 (p) ~~Privacy protections.~~ Cable or video providers shall not
15 disclose the name, address, telephone number or other
16 personally identifying information of a cable service or video
17 service customer to be used in mailing lists or to be used for
18 other commercial purposes not reasonably related to the conduct
19 of its business unless the cable or video provider has provided
20 to the customer a notice, separately or included in any other
21 customer service notice, that clearly and conspicuously
22 describes the customer's ability to prohibit the disclosure.
23 Cable or video providers shall provide an address and telephone
24 number for a customer to use without a toll charge to prevent
25 disclosure of the customer's name and address in mailing lists
26 or for other commercial purposes not reasonably related to the

1 conduct of its business to other businesses or affiliates of
2 the cable or video provider. Cable or video providers shall
3 comply with the consumer privacy requirements of the
4 Communications Consumer Privacy Act, the Restricted Call
5 Registry Act, and 47 U.S.C. 551 that are in effect as of June
6 30, 2007 (the effective date of Public Act 95-9) ~~this~~
7 ~~amendatory Act of the 95th General Assembly,~~ and as amended
8 thereafter.

9 (q) Cable or video providers shall implement an informal
10 process for handling inquiries from local units of government
11 and customers concerning billing issues, service issues,
12 privacy concerns, and other consumer complaints. In the event
13 that an issue is not resolved through this informal process, a
14 local unit of government or the customer may request nonbinding
15 mediation with the cable or video provider, with each party to
16 bear its own costs of such mediation. Selection of the mediator
17 will be by mutual agreement, and preference will be given to
18 mediation services that do not charge the consumer for their
19 services. In the event that the informal process does not
20 produce a satisfactory result to the customer or the local unit
21 of government, enforcement may be pursued as provided in
22 subdivision (4) of subsection (r) of this Section ~~(r)(4)~~.

23 (r) The Attorney General and the local unit of government
24 may enforce all of the customer service and privacy protection
25 standards of this Section with respect to complaints received
26 from residents within the local unit of government's

1 jurisdiction, but it may not adopt or seek to enforce any
2 additional or different customer service or performance
3 standards under any other authority or provision of law.

4 (1) The local unit of government may, by ordinance,
5 provide a schedule of penalties for any material breach of
6 this Section by cable or video providers in addition to the
7 penalties provided herein. No monetary penalties shall be
8 assessed for a material breach if it is out of the
9 reasonable control of the cable or video providers or its
10 affiliate. Monetary penalties adopted in an ordinance
11 pursuant to this Section shall apply on a competitively
12 neutral basis to all providers of cable service or video
13 service within the local unit of government's
14 jurisdiction. In ~~and in~~ no event shall the penalties
15 imposed under this subsection (r) exceed \$750 for each day
16 of the material breach, and these penalties shall not
17 exceed \$25,000 for each occurrence of a material breach per
18 customer.

19 (2) For purposes of this Section, "material breach"
20 means any substantial failure of a cable or video service
21 provider to comply with service quality and other standards
22 specified in any provision of this Act. The Attorney
23 General or the local unit of government shall give the
24 cable or video provider written notice of any alleged
25 material breaches of this Act and allow such provider at
26 least 30 days from receipt of the notice to remedy the

1 specified material breach.

2 (3) A material breach, for the purposes of assessing
3 penalties, shall be deemed to have occurred for each day
4 that a material breach has not been remedied by the cable
5 service or video service provider after the expiration of
6 the period specified in subdivision (2) of this subsection
7 (r) ~~(r) (2)~~ in each local unit of government's jurisdiction,
8 irrespective of the number of customers affected.

9 (4) Any customer, the Attorney General, or a local unit
10 of government may pursue alleged violations of this Act by
11 the cable or video provider in a court of competent
12 jurisdiction. A cable or video provider may seek judicial
13 review of a decision of a local unit of government imposing
14 penalties in a court of competent jurisdiction. No local
15 unit of government shall be subject to suit for damages or
16 other relief based upon its action in connection with its
17 enforcement or review of any of the terms, conditions, and
18 rights contained in this Act except a court may require the
19 return of any penalty it finds was not properly assessed or
20 imposed.

21 (s) Cable or video providers shall credit customers for
22 violations in the amounts stated herein. The credits shall be
23 applied on the statement issued to the customer for the next
24 monthly billing cycle following the violation or following the
25 discovery of the violation. Cable or video providers are
26 responsible for providing the credits described herein and the

1 customer is under no obligation to request the credit. If the
2 customer is no longer taking service from the cable or video
3 provider, the credit amount will be refunded to the customer by
4 check within 30 days of the termination of service. A local
5 unit of government may, by ordinance, adopt a schedule of
6 credits payable directly to customers for breach of the
7 customer service standards and obligations contained in this
8 Article, provided the schedule of customer credits applies on a
9 competitively neutral basis to all providers of cable service
10 or video service in the local unit of government's jurisdiction
11 and the credits are not greater than the credits provided in
12 this Section.

13 (1) Failure to provide notice of customer service
14 standards upon initiation of service: \$25.00.

15 (2) Failure to install service within 7 days: Waiver of
16 50% of the installation fee or the monthly fee for the
17 lowest-cost basic service, whichever is greater. Failure
18 to install service within 14 days: Waiver of 100% of the
19 installation fee or the monthly fee for the lowest-cost
20 basic service, whichever is greater.

21 (3) Failure to remedy service interruptions or poor
22 video or audio service quality within 48 hours: Pro-rata
23 credit of total regular monthly charges equal to the number
24 of days of the service interruption.

25 (4) Failure to keep an appointment or to notify the
26 customer prior to the close of business on the business day

1 prior to the scheduled appointment: \$25.00.

2 (5) Violation of privacy protections: \$150.00.

3 (6) Failure to comply with scrambling requirements:
4 \$50.00 per month.

5 (7) Violation of customer service and billing
6 standards in subsections (c) and (d) of this Section:
7 \$25.00 per occurrence.

8 (8) Violation of the bundling rules in subsection
9 ~~Section~~ (h) of this Section: \$25.00 per month.

10 (t) The enforcement powers granted to the Attorney General
11 in Article XXI of this ~~the Public Utilities~~ Act shall apply to
12 this Article Act, except that the Attorney General may not seek
13 penalties for violation of this Article Act other than in the
14 amounts specified herein. Nothing in this Section shall limit
15 or affect the powers of the Attorney General to enforce the
16 provisions of Article XXI 21 of this ~~the Public Utilities~~ Act
17 or the Consumer Fraud and Deceptive Business Practices Act.

18 (u) This Article Act applies to all cable and video
19 providers in the State, including but not limited to those
20 operating under a local franchise as that term is used in 47
21 U.S.C. 522(9), those operating under authorization pursuant to
22 Section 11-42-11 of the Illinois Municipal Code, those
23 operating under authorization pursuant to Section 5-1095 of the
24 Counties Code, and those operating under a State-issued
25 authorization pursuant to Article XXI of this ~~the Public~~
26 ~~Utilities~~ Act.

1 (Source: P.A. 95-9, eff. 6-30-07; revised 12-7-07.)

2 (220 ILCS 5/22-502)

3 Sec. 22-502 ~~70-502~~. The provisions of this Article are a
4 limitation of home rule powers under subsection (h) of Section
5 6 of Article VII of the Illinois Constitution.

6 (Source: P.A. 95-9, eff. 6-30-07; revised 12-7-07.)

7 (220 ILCS 5/22-503)

8 Sec. 22-503 ~~70-503~~. The provisions of this Article are
9 severable under Section 1.31 of the Statute on Statutes.

10 (Source: P.A. 95-9, eff. 6-30-07; revised 12-7-07.)

11 Section 225. The Environmental Health Practitioner
12 Licensing Act is amended by changing Section 22 as follows:

13 (225 ILCS 37/22)

14 (Section scheduled to be repealed on December 31, 2008)

15 Sec. 22. Environmental health practitioner in training.

16 (a) Any person who meets the educational qualifications
17 specified in Section 20, but does not meet the experience
18 requirement specified in that Section, may make application to
19 the Department on a form prescribed by the Department for
20 licensure as an environmental health practitioner in training.
21 The Department shall license that person as an environmental
22 health practitioner in training upon payment of the fee

1 required by this Act.

2 (b) An environmental health practitioner in training shall
3 apply for licensure as an environmental health practitioner
4 within 3 years of his or her licensure as an environmental
5 health practitioner in training. The license may be renewed or
6 extended as defined by rule of the Department. The Board may
7 extend the licensure of any environmental health practitioner
8 in training who furnishes, in writing, sufficient cause for not
9 applying for examination as an environmental health
10 practitioner within the 3-year period.

11 (c) An environmental health practitioner in training may
12 engage in the practice of environmental health for a period not
13 to exceed 6 years provided that he or she is supervised by a
14 licensed professional engineer or a licensed environmental
15 health practitioner as prescribed in this Act.

16 (Source: P.A. 92-837, eff. 8-22-02; revised 1-16-07.)

17 Section 230. The Health Care Worker Background Check Act is
18 amended by changing Sections 25 and 40 as follows:

19 (225 ILCS 46/25)

20 Sec. 25. Persons ineligible to be hired by health care
21 employers and long-term care facilities.

22 (a) In the discretion of the Director of Public Health, as
23 soon after January 1, 1996, January 1, 1997, January 1, 2006,
24 or October 1, 2007, as applicable, and as is reasonably

1 practical, no health care employer shall knowingly hire,
2 employ, or retain any individual in a position with duties
3 involving direct care for clients, patients, or residents, and
4 no long-term care facility shall knowingly hire, employ, or
5 retain any individual in a position with duties that involve or
6 may involve contact with residents or access to the living
7 quarters or the financial, medical, or personal records of
8 residents, who has been convicted of committing or attempting
9 to commit one or more of the offenses defined in Sections
10 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, 9-3.3,
11 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-7, 11-6, 11-9.1,
12 11-9.5, 11-19.2, 11-20.1, 12-1, 12-2, 12-3, 12-3.1, 12-3.2,
13 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7,
14 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-19,
15 12-21, 12-21.6, 12-32, 12-33, 16-1, 16-1.3, 16A-3, 17-3, 18-1,
16 18-2, 18-3, 18-4, 18-5, 19-1, 19-3, 19-4, 20-1, 20-1.1, 24-1,
17 24-1.2, 24-1.5, or 33A-2 of the Criminal Code of 1961; those
18 provided in Section 4 of the Wrongs to Children Act; those
19 provided in Section 53 of the Criminal Jurisprudence Act; those
20 defined in Section 5, 5.1, 5.2, 7, or 9 of the Cannabis Control
21 Act; those defined in the Methamphetamine Control and Community
22 Protection Act; or those defined in Sections 401, 401.1, 404,
23 405, 405.1, 407, or 407.1 of the Illinois Controlled Substances
24 Act, unless the applicant or employee obtains a waiver pursuant
25 to Section 40.

26 (a-1) In the discretion of the Director of Public Health,

1 as soon after January 1, 2004 or October 1, 2007, as
2 applicable, and as is reasonably practical, no health care
3 employer shall knowingly hire any individual in a position with
4 duties involving direct care for clients, patients, or
5 residents, and no long-term care facility shall knowingly hire
6 any individual in a position with duties that involve or may
7 involve contact with residents or access to the living quarters
8 or the financial, medical, or personal records of residents,
9 who has (i) been convicted of committing or attempting to
10 commit one or more of the offenses defined in Section 12-3.3,
11 12-4.2-5, 16-2, 16G-15, 16G-20, 18-5, 20-1.2, 24-1.1,
12 24-1.2-5, 24-1.6, 24-3.2, or 24-3.3 of the Criminal Code of
13 1961; Section 4, 5, 6, 8, or 17.02 of the Illinois Credit Card
14 and Debit Card Act; or Section 5.1 of the Wrongs to Children
15 Act; or (ii) violated Section 50-50 of the Nurse Practice Act,
16 unless the applicant or employee obtains a waiver pursuant to
17 Section 40 of this Act.

18 A health care employer is not required to retain an
19 individual in a position with duties involving direct care for
20 clients, patients, or residents, and no long-term care facility
21 is required to retain an individual in a position with duties
22 that involve or may involve contact with residents or access to
23 the living quarters or the financial, medical, or personal
24 records of residents, who has been convicted of committing or
25 attempting to commit one or more of the offenses enumerated in
26 this subsection.

1 (b) A health care employer shall not hire, employ, or
2 retain any individual in a position with duties involving
3 direct care of clients, patients, or residents, and no
4 long-term care facility shall knowingly hire, employ, or retain
5 any individual in a position with duties that involve or may
6 involve contact with residents or access to the living quarters
7 or the financial, medical, or personal records of residents, if
8 the health care employer becomes aware that the individual has
9 been convicted in another state of committing or attempting to
10 commit an offense that has the same or similar elements as an
11 offense listed in subsection (a) or (a-1), as verified by court
12 records, records from a state agency, or an FBI criminal
13 history record check, unless the applicant or employee obtains
14 a waiver pursuant to Section 40 of this Act. This shall not be
15 construed to mean that a health care employer has an obligation
16 to conduct a criminal history records check in other states in
17 which an employee has resided.

18 (Source: P.A. 94-556, eff. 9-11-05; 94-665, eff. 1-1-06;
19 94-1053, eff. 7-24-06; 95-120, eff. 8-13-07; 95-639, eff.
20 10-5-07; revised 11-15-07.)

21 (225 ILCS 46/40)

22 Sec. 40. Waiver.

23 (a) Any student, applicant, or employee listed on the
24 Health Care Worker Registry may request a waiver of the
25 prohibition against employment by:

1 (1) completing a waiver application on a form
2 prescribed by the Department of Public Health;

3 (2) providing a written explanation of each conviction
4 to include (i) what happened, (ii) how many years have
5 passed since the offense, (iii) the individuals involved,
6 (iv) the age of the applicant at the time of the offense,
7 and (v) any other circumstances surrounding the offense;
8 and

9 (3) providing official documentation showing that all
10 fines have been paid, if applicable, and the date probation
11 or parole was satisfactorily completed, if applicable.

12 (b) The applicant may, but is not required to, submit
13 employment and character references and any other evidence
14 demonstrating the ability of the applicant or employee to
15 perform the employment responsibilities competently and
16 evidence that the applicant or employee does not pose a threat
17 to the health or safety of residents, patients, or clients.
18 ~~Health care worker~~

19 (c) The Department of Public Health must inform health care
20 employers if a waiver is being sought by entering a record on
21 the Health Care Worker Registry that a waiver is pending and
22 must act upon the waiver request within 30 days of receipt of
23 all necessary information, as defined by rule. Except in cases
24 where a rehabilitation waiver is granted, a letter shall be
25 sent to the applicant notifying the applicant that he or she
26 has received an automatic waiver.

1 (d) An individual shall not be employed from the time that
2 the employer receives a notification from the Department of
3 Public Health based upon the results of a fingerprint-based
4 criminal history records check containing disqualifying
5 conditions until the time that the individual receives a
6 waiver.

7 (e) The entity responsible for inspecting, licensing,
8 certifying, or registering the health care employer and the
9 Department of Public Health shall be immune from liability for
10 any waivers granted under this Section.

11 (f) A health care employer is not obligated to employ or
12 offer permanent employment to an applicant, or to retain an
13 employee who is granted a waiver under this Section.

14 (Source: P.A. 94-665, eff. 1-1-06; 95-120, eff. 8-13-07;
15 95-545, eff. 8-28-07; revised 11-15-07.)

16 Section 235. The Health Care Worker Self-Referral Act is
17 amended by changing Section 15 as follows:

18 (225 ILCS 47/15)

19 Sec. 15. Definitions. In this Act:

20 (a) "Board" means the Health Facilities Planning Board.

21 (b) "Entity" means any individual, partnership, firm,
22 corporation, or other business that provides health services
23 but does not include an individual who is a health care worker
24 who provides professional services to an individual.

1 (c) "Group practice" means a group of 2 or more health care
2 workers legally organized as a partnership, professional
3 corporation, not-for-profit corporation, faculty practice plan
4 or a similar association in which:

5 (1) each health care worker who is a member or employee
6 or an independent contractor of the group provides
7 substantially the full range of services that the health
8 care worker routinely provides, including consultation,
9 diagnosis, or treatment, through the use of office space,
10 facilities, equipment, or personnel of the group;

11 (2) the services of the health care workers are
12 provided through the group, and payments received for
13 health services are treated as receipts of the group; and

14 (3) the overhead expenses and the income from the
15 practice are distributed by methods previously determined
16 by the group.

17 (d) "Health care worker" means any individual licensed
18 under the laws of this State to provide health services,
19 including but not limited to: dentists licensed under the
20 Illinois Dental Practice Act; dental hygienists licensed under
21 the Illinois Dental Practice Act; nurses and advanced practice
22 nurses licensed under the Nurse Practice Act; occupational
23 therapists licensed under the Illinois Occupational Therapy
24 Practice Act; optometrists licensed under the Illinois
25 Optometric Practice Act of 1987; pharmacists licensed under the
26 Pharmacy Practice Act; physical therapists licensed under the

1 Illinois Physical Therapy Act; physicians licensed under the
2 Medical Practice Act of 1987; physician assistants licensed
3 under the Physician Assistant Practice Act of 1987; podiatrists
4 licensed under the Podiatric Medical Practice Act of 1987;
5 clinical psychologists licensed under the Clinical
6 Psychologist Licensing Act; clinical social workers licensed
7 under the Clinical Social Work and Social Work Practice Act;
8 speech-language pathologists and audiologists licensed under
9 the Illinois Speech-Language Pathology and Audiology Practice
10 Act; or hearing instrument dispensers licensed under the
11 Hearing Instrument Consumer Protection Act, or any of their
12 successor Acts.

13 (e) "Health services" means health care procedures and
14 services provided by or through a health care worker.

15 (f) "Immediate family member" means a health care worker's
16 spouse, child, child's spouse, or a parent.

17 (g) "Investment interest" means an equity or debt security
18 issued by an entity, including, without limitation, shares of
19 stock in a corporation, units or other interests in a
20 partnership, bonds, debentures, notes, or other equity
21 interests or debt instruments except that investment interest
22 for purposes of Section 20 does not include interest in a
23 hospital licensed under the laws of the State of Illinois.

24 (h) "Investor" means an individual or entity directly or
25 indirectly owning a legal or beneficial ownership or investment
26 interest, (such as through an immediate family member, trust,

1 or another entity related to the investor).

2 (i) "Office practice" includes the facility or facilities
3 at which a health care worker, on an ongoing basis, provides or
4 supervises the provision of professional health services to
5 individuals.

6 (j) "Referral" means any referral of a patient for health
7 services, including, without limitation:

8 (1) The forwarding of a patient by one health care
9 worker to another health care worker or to an entity
10 outside the health care worker's office practice or group
11 practice that provides health services.

12 (2) The request or establishment by a health care
13 worker of a plan of care outside the health care worker's
14 office practice or group practice that includes the
15 provision of any health services.

16 (Source: P.A. 95-639, eff. 10-5-07; 95-689, eff. 10-29-07;
17 revised 11-15-07.)

18 Section 240. The Nurse Practice Act is amended by changing
19 Section 50-15 as follows:

20 (225 ILCS 65/50-15) (was 225 ILCS 65/5-15)

21 (Section scheduled to be repealed on January 1, 2018)

22 Sec. 50-15. Policy; application of Act.

23 (a) For the protection of life and the promotion of health,
24 and the prevention of illness and communicable diseases, any

1 person practicing or offering to practice advanced,
2 professional, or practical nursing in Illinois shall submit
3 evidence that he or she is qualified to practice, and shall be
4 licensed as provided under this Act. No person shall practice
5 or offer to practice advanced, professional, or practical
6 nursing in Illinois or use any title, sign, card or device to
7 indicate that such a person is practicing professional or
8 practical nursing unless such person has been licensed under
9 the provisions of this Act.

10 (b) This Act does not prohibit the following:

11 (1) The practice of nursing in Federal employment in
12 the discharge of the employee's duties by a person who is
13 employed by the United States government or any bureau,
14 division or agency thereof and is a legally qualified and
15 licensed nurse of another state or territory and not in
16 conflict with Sections 50-50, 55-10, 60-10, and 70-5 of
17 this Act.

18 (2) Nursing that is included in the program of study by
19 students enrolled in programs of nursing or in current
20 nurse practice update courses approved by the Department.

21 (3) The furnishing of nursing assistance in an
22 emergency.

23 (4) The practice of nursing by a nurse who holds an
24 active license in another state when providing services to
25 patients in Illinois during a bonafide emergency or in
26 immediate preparation for or during interstate transit.

1 (5) The incidental care of the sick by members of the
2 family, domestic servants or housekeepers, or care of the
3 sick where treatment is by prayer or spiritual means.

4 (6) Persons from being employed as unlicensed
5 assistive personnel in private homes, long term care
6 facilities, nurseries, hospitals or other institutions.

7 (7) The practice of practical nursing by one who is a
8 licensed practical nurse under the laws of another U.S.
9 jurisdiction and has applied in writing to the Department,
10 in form and substance satisfactory to the Department, for a
11 license as a licensed practical nurse and who is qualified
12 to receive such license under this Act, until (i) the
13 expiration of 6 months after the filing of such written
14 application, (ii) the withdrawal of such application, or
15 (iii) the denial of such application by the Department.

16 (8) The practice of advanced practice nursing by one
17 who is an advanced practice nurse under the laws of another
18 state, territory of the United States, or country and has
19 applied in writing to the Department, in form and substance
20 satisfactory to the Department, for a license as an
21 advanced practice nurse and who is qualified to receive
22 such license under this Act, until (i) the expiration of 6
23 months after the filing of such written application, (ii)
24 the withdrawal of such application, or (iii) the denial of
25 such application by the Department.

26 (9) The practice of professional nursing by one who is

1 a registered professional nurse under the laws of another
2 state, territory of the United States or country and has
3 applied in writing to the Department, in form and substance
4 satisfactory to the Department, for a license as a
5 registered professional nurse and who is qualified to
6 receive such license under Section 55-10, until (1) the
7 expiration of 6 months after the filing of such written
8 application, (2) the withdrawal of such application, or (3)
9 the denial of such application by the Department.

10 (10) The practice of professional nursing that is
11 included in a program of study by one who is a registered
12 professional nurse under the laws of another state or
13 territory of the United States or foreign country,
14 territory or province and who is enrolled in a graduate
15 nursing education program or a program for the completion
16 of a baccalaureate nursing degree in this State, which
17 includes clinical supervision by faculty as determined by
18 the educational institution offering the program and the
19 health care organization where the practice of nursing
20 occurs.

21 (11) Any person licensed in this State under any other
22 Act from engaging in the practice for which she or he is
23 licensed.

24 (12) Delegation to authorized direct care staff
25 trained under Section 15.4 of the Mental Health and
26 Developmental Disabilities Administrative Act consistent

1 with the policies of the Department.

2 ~~(13)~~ Nothing in this Act shall be construed to limit the
3 delegation of tasks or duties by a physician, dentist, or
4 podiatrist to a licensed practical nurse, a registered
5 professional nurse, or other persons.

6 (Source: P.A. 95-639, eff. 10-5-07; revised 12-7-07.)

7 Section 245. The Collection Agency Act is amended by
8 changing Section 9.1 as follows:

9 (225 ILCS 425/9.1)

10 (Section scheduled to be repealed on January 1, 2016)

11 Sec. 9.1. Communication with persons other than debtor. ~~(a)~~
12 Any debt collector or collection agency communicating with any
13 person other than the debtor for the purpose of acquiring
14 location information about the debtor shall:

15 (1) identify himself or herself, state that he or she
16 is confirming or correcting location information
17 concerning the consumer, and, only if expressly requested,
18 identify his or her employer;

19 (2) not state that the consumer owes any debt;

20 (3) not communicate with any person more than once
21 unless requested to do so by the person or unless the debt
22 collector or collection agency reasonably believes that
23 the earlier response of the person is erroneous or
24 incomplete and that the person now has correct or complete

1 location information;

2 (4) not communicate by postcard;

3 (5) not use any language or symbol on any envelope or
4 in the contents of any communication effected by mail or
5 telegram that indicates that the debt collector or
6 collection agency is in the debt collection business or
7 that the communication relates to the collection of a debt;
8 and

9 (6) after the debt collector or collection agency knows
10 the debtor is represented by an attorney with regard to the
11 subject debt and has knowledge of or can readily ascertain
12 the attorney's name and address, not communicate with any
13 person other than the attorney, unless the attorney fails
14 to respond within a reasonable period of time, not less
15 than 30 days, to communication from the debt collector or
16 collection agency.

17 (Source: P.A. 95-437, eff. 1-1-08; revised 11-15-07.)

18 Section 250. The Private Detective, Private Alarm, Private
19 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
20 amended by changing Section 31-30 as follows:

21 (225 ILCS 447/31-30)

22 (Section scheduled to be repealed on January 1, 2014)

23 Sec. 31-30. Restrictions on firearms.

24 (a) Nothing in this Act or the rules adopted under this Act

1 shall authorize a person licensed as a fingerprint vendor or
2 any employee of a licensed fingerprint vendor agency to possess
3 or carry a firearm in the course of providing fingerprinting
4 services.

5 (b) Nothing in this Act or the rules adopted under this Act
6 shall grant or authorize the issuance of a firearm control
7 ~~authorization~~ card to a fingerprint vendor or any employee of a
8 licensed fingerprint vendor agency.

9 (Source: P.A. 95-613, eff. 9-11-07; revised 11-15-07.)

10 Section 255. The Illinois Public Aid Code is amended by
11 changing Sections 8A-7.1 and 9A-11 as follows:

12 (305 ILCS 5/8A-7.1) (from Ch. 23, par. 8A-7.1)

13 Sec. 8A-7.1. The Director, upon making a determination
14 based upon information in the possession of the Illinois
15 Department, that continuation in practice of a licensed health
16 care professional would constitute an immediate danger to the
17 public, shall submit a written communication to the Director of
18 Professional Regulation indicating such determination and
19 additionally providing a complete summary of the information
20 upon which such determination is based, and recommending that
21 the Director of Professional Regulation immediately suspend
22 such person's license. All relevant evidence, or copies
23 thereof, in the Illinois Department's possession may also be
24 submitted in conjunction with the written communication. A copy

1 of such written communication, which is exempt from the copying
2 and inspection provisions of the Freedom of Information Act,
3 shall at the time of submittal to the Director of Professional
4 Regulation be simultaneously mailed to the last known business
5 address of such licensed health care professional by certified
6 or registered postage, United States Mail, return receipt
7 requested. Any evidence, or copies thereof, which is submitted
8 in conjunction with the written communication is also exempt
9 from the copying and inspection provisions of the Freedom of
10 Information Act.

11 The Director, upon making a determination based upon
12 information in the possession of the Illinois Department, that
13 a licensed health care professional is willfully committing
14 fraud upon the Illinois Department's medical assistance
15 program, shall submit a written communication to the Director
16 of Professional Regulation indicating such determination and
17 additionally providing a complete summary of the information
18 upon which such determination is based. All relevant evidence,
19 or copies thereof, in the Illinois Department's possession may
20 also be submitted in conjunction with the written
21 communication.

22 Upon receipt of such written communication, the Director of
23 Professional Regulation shall promptly investigate the
24 allegations contained in such written communication. A copy of
25 such written communication, which is exempt from the copying
26 and inspection provisions of the Freedom of Information Act,

1 shall at the time of submission to the Director of Professional
2 Regulation, be simultaneously mailed to the last known address
3 of such licensed health care professional by certified or
4 registered postage, United States Mail, return receipt
5 requested. Any evidence, or copies thereof, which is submitted
6 in conjunction with the written communication is also exempt
7 from the copying and inspection provisions of the Freedom of
8 Information Act.

9 For the purposes of this Section, "licensed health care
10 professional" means any person licensed under the Illinois
11 Dental Practice Act, the Nurse Practice Act, the Medical
12 Practice Act of 1987, the Pharmacy Practice Act, the Podiatric
13 Medical Practice Act of 1987, or the Illinois Optometric
14 Practice Act of 1987.

15 (Source: P.A. 95-639, eff. 10-5-07; 95-689, eff. 10-29-07;
16 revised 11-15-07.)

17 (305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)

18 Sec. 9A-11. Child Care.

19 (a) The General Assembly recognizes that families with
20 children need child care in order to work. Child care is
21 expensive and families with low incomes, including those who
22 are transitioning from welfare to work, often struggle to pay
23 the costs of day care. The General Assembly understands the
24 importance of helping low income working families become and
25 remain self-sufficient. The General Assembly also believes

1 that it is the responsibility of families to share in the costs
2 of child care. It is also the preference of the General
3 Assembly that all working poor families should be treated
4 equally, regardless of their welfare status.

5 (b) To the extent resources permit, the Illinois Department
6 shall provide child care services to parents or other relatives
7 as defined by rule who are working or participating in
8 employment or Department approved education or training
9 programs. At a minimum, the Illinois Department shall cover the
10 following categories of families:

11 (1) recipients of TANF under Article IV participating
12 in work and training activities as specified in the
13 personal plan for employment and self-sufficiency;

14 (2) families transitioning from TANF to work;

15 (3) families at risk of becoming recipients of TANF;

16 (4) families with special needs as defined by rule; and

17 (5) working families with very low incomes as defined
18 by rule.

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 In determining income eligibility for child care benefits,
25 the Department annually, at the beginning of each fiscal year,
26 shall establish, by rule, one income threshold for each family

1 size, in relation to percentage of State median income for a
2 family of that size, that makes families with incomes below the
3 specified threshold eligible for assistance and families with
4 incomes above the specified threshold ineligible for
5 assistance. Through and including fiscal year 2007, the
6 specified threshold must be no less than 50% of the
7 then-current State median income for each family size.
8 Beginning in fiscal year 2008, the specified threshold must be
9 no less than 185% of the then-current federal poverty level for
10 each family size.

11 In determining eligibility for assistance, the Department
12 shall not give preference to any category of recipients or give
13 preference to individuals based on their receipt of benefits
14 under this Code.

15 The Department shall allocate \$7,500,000 annually for a
16 test program for families who are income-eligible for child
17 care assistance, who are not recipients of TANF under Article
18 IV, and who need child care assistance to participate in
19 education and training activities. The Department shall
20 specify by rule the conditions of eligibility for this test
21 program.

22 Nothing in this Section shall be construed as conferring
23 entitlement status to eligible families.

24 The Illinois Department is authorized to lower income
25 eligibility ceilings, raise parent co-payments, create waiting
26 lists, or take such other actions during a fiscal year as are

1 necessary to ensure that child care benefits paid under this
2 Article do not exceed the amounts appropriated for those child
3 care benefits. These changes may be accomplished by emergency
4 rule under Section 5-45 of the Illinois Administrative
5 Procedure Act, except that the limitation on the number of
6 emergency rules that may be adopted in a 24-month period shall
7 not apply.

8 The Illinois Department may contract with other State
9 agencies or child care organizations for the administration of
10 child care services.

11 (c) Payment shall be made for child care that otherwise
12 meets the requirements of this Section and applicable standards
13 of State and local law and regulation, including any
14 requirements the Illinois Department promulgates by rule in
15 addition to the licensure requirements promulgated by the
16 Department of Children and Family Services and Fire Prevention
17 and Safety requirements promulgated by the Office of the State
18 Fire Marshal and is provided in any of the following:

19 (1) a child care center which is licensed or exempt
20 from licensure pursuant to Section 2.09 of the Child Care
21 Act of 1969;

22 (2) a licensed child care home or home exempt from
23 licensing;

24 (3) a licensed group child care home;

25 (4) other types of child care, including child care
26 provided by relatives or persons living in the same home as

1 the child, as determined by the Illinois Department by
2 rule.

3 (c-5) ~~(b-5)~~ Solely for the purposes of coverage under the
4 Illinois Public Labor Relations Act, child and day care home
5 providers, including licensed and license exempt,
6 participating in the Department's child care assistance
7 program shall be considered to be public employees and the
8 State of Illinois shall be considered to be their employer as
9 of the effective date of this amendatory Act of the 94th
10 General Assembly, but not before. The State shall engage in
11 collective bargaining with an exclusive representative of
12 child and day care home providers participating in the child
13 care assistance program concerning their terms and conditions
14 of employment that are within the State's control. Nothing in
15 this subsection shall be understood to limit the right of
16 families receiving services defined in this Section to select
17 child and day care home providers or supervise them within the
18 limits of this Section. The State shall not be considered to be
19 the employer of child and day care home providers for any
20 purposes not specifically provided in this amendatory Act of
21 the 94th General Assembly, including but not limited to,
22 purposes of vicarious liability in tort and purposes of
23 statutory retirement or health insurance benefits. Child and
24 day care home providers shall not be covered by the State
25 Employees Group Insurance Act of 1971.

26 In according child and day care home providers and their

1 selected representative rights under the Illinois Public Labor
2 Relations Act, the State intends that the State action
3 exemption to application of federal and State antitrust laws be
4 fully available to the extent that their activities are
5 authorized by this amendatory Act of the 94th General Assembly.

6 (d) The Illinois Department shall, by rule, require
7 co-payments for child care services by any parent, including
8 parents whose only income is from assistance under this Code.
9 The co-payment shall be assessed based on a sliding scale based
10 on family income, family size, and the number of children in
11 care. Co-payments shall not be increased due solely to a change
12 in the methodology for counting family income.

13 (d-5) The Illinois Department, in consultation with its
14 Child Care and Development Advisory Council, shall develop a
15 plan to revise the child care assistance program's co-payment
16 scale. The plan shall be completed no later than February 1,
17 2008, and shall include:

18 (1) findings as to the percentage of income that the
19 average American family spends on child care and the
20 relative amounts that low-income families and the average
21 American family spend on other necessities of life;

22 (2) recommendations for revising the child care
23 co-payment scale to assure that families receiving child
24 care services from the Department are paying no more than
25 they can reasonably afford;

26 (3) recommendations for revising the child care

1 co-payment scale to provide at-risk children with complete
2 access to Preschool for All and Head Start; and

3 (4) recommendations for changes in child care program
4 policies that affect the affordability of child care.

5 (e) (Blank).

6 (f) The Illinois Department shall, by rule, set rates to be
7 paid for the various types of child care. Child care may be
8 provided through one of the following methods:

9 (1) arranging the child care through eligible
10 providers by use of purchase of service contracts or
11 vouchers;

12 (2) arranging with other agencies and community
13 volunteer groups for non-reimbursed child care;

14 (3) (blank); or

15 (4) adopting such other arrangements as the Department
16 determines appropriate.

17 (f-5) (Blank).

18 (g) Families eligible for assistance under this Section
19 shall be given the following options:

20 (1) receiving a child care certificate issued by the
21 Department or a subcontractor of the Department that may be
22 used by the parents as payment for child care and
23 development services only; or

24 (2) if space is available, enrolling the child with a
25 child care provider that has a purchase of service contract
26 with the Department or a subcontractor of the Department

1 for the provision of child care and development services.
2 The Department may identify particular priority
3 populations for whom they may request special
4 consideration by a provider with purchase of service
5 contracts, provided that the providers shall be permitted
6 to maintain a balance of clients in terms of household
7 incomes and families and children with special needs, as
8 defined by rule.

9 (Source: P.A. 94-320, eff. 1-1-06; 95-206, eff. 8-16-07;
10 95-322, eff. 1-1-08; revised 11-15-07.)

11 Section 260. The Elder Abuse and Neglect Act is amended by
12 changing Section 2 as follows:

13 (320 ILCS 20/2) (from Ch. 23, par. 6602)

14 Sec. 2. Definitions. As used in this Act, unless the
15 context requires otherwise:

16 (a) "Abuse" means causing any physical, mental or sexual
17 injury to an eligible adult, including exploitation of such
18 adult's financial resources.

19 Nothing in this Act shall be construed to mean that an
20 eligible adult is a victim of abuse, neglect, or self-neglect
21 for the sole reason that he or she is being furnished with or
22 relies upon treatment by spiritual means through prayer alone,
23 in accordance with the tenets and practices of a recognized
24 church or religious denomination.

1 Nothing in this Act shall be construed to mean that an
2 eligible adult is a victim of abuse because of health care
3 services provided or not provided by licensed health care
4 professionals.

5 (a-5) "Abuser" means a person who abuses, neglects, or
6 financially exploits an eligible adult.

7 (a-7) "Caregiver" means a person who either as a result of
8 a family relationship, voluntarily, or in exchange for
9 compensation has assumed responsibility for all or a portion of
10 the care of an eligible adult who needs assistance with
11 activities of daily living.

12 (b) "Department" means the Department on Aging of the State
13 of Illinois.

14 (c) "Director" means the Director of the Department.

15 (d) "Domestic living situation" means a residence where the
16 eligible adult lives alone or with his or her family or a
17 caregiver, or others, or a board and care home or other
18 community-based unlicensed facility, but is not:

19 (1) A licensed facility as defined in Section 1-113 of
20 the Nursing Home Care Act;

21 (2) A "life care facility" as defined in the Life Care
22 Facilities Act;

23 (3) A home, institution, or other place operated by the
24 federal government or agency thereof or by the State of
25 Illinois;

26 (4) A hospital, sanitarium, or other institution, the

1 principal activity or business of which is the diagnosis,
2 care, and treatment of human illness through the
3 maintenance and operation of organized facilities
4 therefor, which is required to be licensed under the
5 Hospital Licensing Act;

6 (5) A "community living facility" as defined in the
7 Community Living Facilities Licensing Act;

8 (6) A "community residential alternative" as defined
9 in the Community Residential Alternatives Licensing Act;

10 (7) A "community-integrated living arrangement" as
11 defined in the Community-Integrated Living Arrangements
12 Licensure and Certification Act;

13 (8) An assisted living or shared housing establishment
14 as defined in the Assisted Living and Shared Housing Act;

15 or

16 (9) A supportive living facility as described in
17 Section 5-5.01a of the Illinois Public Aid Code.

18 (e) "Eligible adult" means a person 60 years of age or
19 older who resides in a domestic living situation and is, or is
20 alleged to be, abused, neglected, or financially exploited by
21 another individual or who neglects himself or herself.

22 (f) "Emergency" means a situation in which an eligible
23 adult is living in conditions presenting a risk of death or
24 physical, mental or sexual injury and the provider agency has
25 reason to believe the eligible adult is unable to consent to
26 services which would alleviate that risk.

1 (f-5) "Mandated reporter" means any of the following
2 persons while engaged in carrying out their professional
3 duties:

4 (1) a professional or professional's delegate while
5 engaged in: (i) social services, (ii) law enforcement,
6 (iii) education, (iv) the care of an eligible adult or
7 eligible adults, or (v) any of the occupations required to
8 be licensed under the Clinical Psychologist Licensing Act,
9 the Clinical Social Work and Social Work Practice Act, the
10 Illinois Dental Practice Act, the Dietetic and Nutrition
11 Services Practice Act, the Marriage and Family Therapy
12 Licensing Act, the Medical Practice Act of 1987, the
13 Naprapathic Practice Act, the Nurse Practice Act, the
14 Nursing Home Administrators Licensing and Disciplinary
15 Act, the Illinois Occupational Therapy Practice Act, the
16 Illinois Optometric Practice Act of 1987, the Pharmacy
17 Practice Act, the Illinois Physical Therapy Act, the
18 Physician Assistant Practice Act of 1987, the Podiatric
19 Medical Practice Act of 1987, the Respiratory Care Practice
20 Act, the Professional Counselor and Clinical Professional
21 Counselor Licensing Act, the Illinois Speech-Language
22 Pathology and Audiology Practice Act, the Veterinary
23 Medicine and Surgery Practice Act of 2004, and the Illinois
24 Public Accounting Act;

25 (2) an employee of a vocational rehabilitation
26 facility prescribed or supervised by the Department of

1 Human Services;

2 (3) an administrator, employee, or person providing
3 services in or through an unlicensed community based
4 facility;

5 (4) any religious practitioner who provides treatment
6 by prayer or spiritual means alone in accordance with the
7 tenets and practices of a recognized church or religious
8 denomination, except as to information received in any
9 confession or sacred communication enjoined by the
10 discipline of the religious denomination to be held
11 confidential;

12 (5) field personnel of the Department of Healthcare and
13 Family Services, Department of Public Health, and
14 Department of Human Services, and any county or municipal
15 health department;

16 (6) personnel of the Department of Human Services, the
17 Guardianship and Advocacy Commission, the State Fire
18 Marshal, local fire departments, the Department on Aging
19 and its subsidiary Area Agencies on Aging and provider
20 agencies, and the Office of State Long Term Care Ombudsman;

21 (7) any employee of the State of Illinois not otherwise
22 specified herein who is involved in providing services to
23 eligible adults, including professionals providing medical
24 or rehabilitation services and all other persons having
25 direct contact with eligible adults;

26 (8) a person who performs the duties of a coroner or

1 medical examiner; or

2 (9) a person who performs the duties of a paramedic or
3 an emergency medical technician.

4 (g) "Neglect" means another individual's failure to
5 provide an eligible adult with or willful withholding from an
6 eligible adult the necessities of life including, but not
7 limited to, food, clothing, shelter or health care. This
8 subsection does not create any new affirmative duty to provide
9 support to eligible adults. Nothing in this Act shall be
10 construed to mean that an eligible adult is a victim of neglect
11 because of health care services provided or not provided by
12 licensed health care professionals.

13 (h) "Provider agency" means any public or nonprofit agency
14 in a planning and service area appointed by the regional
15 administrative agency with prior approval by the Department on
16 Aging to receive and assess reports of alleged or suspected
17 abuse, neglect, or financial exploitation.

18 (i) "Regional administrative agency" means any public or
19 nonprofit agency in a planning and service area so designated
20 by the Department, provided that the designated Area Agency on
21 Aging shall be designated the regional administrative agency if
22 it so requests. The Department shall assume the functions of
23 the regional administrative agency for any planning and service
24 area where another agency is not so designated.

25 (i-5) "Self-neglect" means a condition that is the result
26 of an eligible adult's inability, due to physical or mental

1 impairments, or both, or a diminished capacity, to perform
2 essential self-care tasks that substantially threaten his or
3 her own health, including: providing essential food, clothing,
4 shelter, and health care; and obtaining goods and services
5 necessary to maintain physical health, mental health,
6 emotional well-being, and general safety.

7 (j) "Substantiated case" means a reported case of alleged
8 or suspected abuse, neglect, financial exploitation, or
9 self-neglect in which a provider agency, after assessment,
10 determines that there is reason to believe abuse, neglect, or
11 financial exploitation has occurred.

12 (Source: P.A. 94-1064, eff. 1-1-07; 95-639, eff. 10-5-07;
13 95-689, eff. 10-29-07; revised 11-15-07.)

14 Section 265. The Senior Citizens and Disabled Persons
15 Property Tax Relief and Pharmaceutical Assistance Act is
16 amended by changing Section 4 as follows:

17 (320 ILCS 25/4) (from Ch. 67 1/2, par. 404)

18 Sec. 4. Amount of Grant.

19 (a) In general. Any individual 65 years or older or any
20 individual who will become 65 years old during the calendar
21 year in which a claim is filed, and any surviving spouse of
22 such a claimant, who at the time of death received or was
23 entitled to receive a grant pursuant to this Section, which
24 surviving spouse will become 65 years of age within the 24

1 months immediately following the death of such claimant and
2 which surviving spouse but for his or her age is otherwise
3 qualified to receive a grant pursuant to this Section, and any
4 disabled person whose annual household income is less than the
5 income eligibility limitation, as defined in subsection (a-5)
6 and whose household is liable for payment of property taxes
7 accrued or has paid rent constituting property taxes accrued
8 and is domiciled in this State at the time he or she files his
9 or her claim is entitled to claim a grant under this Act. With
10 respect to claims filed by individuals who will become 65 years
11 old during the calendar year in which a claim is filed, the
12 amount of any grant to which that household is entitled shall
13 be an amount equal to 1/12 of the amount to which the claimant
14 would otherwise be entitled as provided in this Section,
15 multiplied by the number of months in which the claimant was 65
16 in the calendar year in which the claim is filed.

17 (a-5) Income eligibility limitation. For purposes of this
18 Section, "income eligibility limitation" means an amount:

19 (i) for grant years before the 1998 grant year, less
20 than \$14,000;

21 (ii) for the 1998 and 1999 grant year, less than
22 \$16,000;

23 (iii) for grant years 2000 through 2007:

24 (A) less than \$21,218 for a household containing
25 one person;

26 (B) less than \$28,480 for a household containing 2

1 persons; or

2 (C) less than \$35,740 for a household containing 3

3 or more persons; or

4 (iv) for grant years 2008 and thereafter:

5 (A) less than \$22,218 for a household containing

6 one person;

7 (B) less than \$29,480 for a household containing 2

8 persons; or

9 (C) less than \$36,740 for a household containing 3

10 or more persons.

11 (b) Limitation. Except as otherwise provided in
12 subsections (a) and (f) of this Section, the maximum amount of
13 grant which a claimant is entitled to claim is the amount by
14 which the property taxes accrued which were paid or payable
15 during the last preceding tax year or rent constituting
16 property taxes accrued upon the claimant's residence for the
17 last preceding taxable year exceeds 3 1/2% of the claimant's
18 household income for that year but in no event is the grant to
19 exceed (i) \$700 less 4.5% of household income for that year for
20 those with a household income of \$14,000 or less or (ii) \$70 if
21 household income for that year is more than \$14,000.

22 (c) Public aid recipients. If household income in one or
23 more months during a year includes cash assistance in excess of
24 \$55 per month from the Department of Healthcare and Family
25 Services or the Department of Human Services (acting as
26 successor to the Department of Public Aid under the Department

1 of Human Services Act) which was determined under regulations
2 of that Department on a measure of need that included an
3 allowance for actual rent or property taxes paid by the
4 recipient of that assistance, the amount of grant to which that
5 household is entitled, except as otherwise provided in
6 subsection (a), shall be the product of (1) the maximum amount
7 computed as specified in subsection (b) of this Section and (2)
8 the ratio of the number of months in which household income did
9 not include such cash assistance over \$55 to the number twelve.
10 If household income did not include such cash assistance over
11 \$55 for any months during the year, the amount of the grant to
12 which the household is entitled shall be the maximum amount
13 computed as specified in subsection (b) of this Section. For
14 purposes of this paragraph (c), "cash assistance" does not
15 include any amount received under the federal Supplemental
16 Security Income (SSI) program.

17 (d) Joint ownership. If title to the residence is held
18 jointly by the claimant with a person who is not a member of
19 his or her household, the amount of property taxes accrued used
20 in computing the amount of grant to which he or she is entitled
21 shall be the same percentage of property taxes accrued as is
22 the percentage of ownership held by the claimant in the
23 residence.

24 (e) More than one residence. If a claimant has occupied
25 more than one residence in the taxable year, he or she may
26 claim only one residence for any part of a month. In the case

1 of property taxes accrued, he or she shall prorate 1/12 of the
2 total property taxes accrued on his or her residence to each
3 month that he or she owned and occupied that residence; and, in
4 the case of rent constituting property taxes accrued, shall
5 prorate each month's rent payments to the residence actually
6 occupied during that month.

7 (f) There is hereby established a program of pharmaceutical
8 assistance to the aged and disabled which shall be administered
9 by the Department in accordance with this Act, to consist of
10 payments to authorized pharmacies, on behalf of beneficiaries
11 of the program, for the reasonable costs of covered
12 prescription drugs. Each beneficiary who pays \$5 for an
13 identification card shall pay no additional prescription
14 costs. Each beneficiary who pays \$25 for an identification card
15 shall pay \$3 per prescription. In addition, after a beneficiary
16 receives \$2,000 in benefits during a State fiscal year, that
17 beneficiary shall also be charged 20% of the cost of each
18 prescription for which payments are made by the program during
19 the remainder of the fiscal year. To become a beneficiary under
20 this program a person must: (1) be (i) 65 years of age or
21 older, or (ii) the surviving spouse of such a claimant, who at
22 the time of death received or was entitled to receive benefits
23 pursuant to this subsection, which surviving spouse will become
24 65 years of age within the 24 months immediately following the
25 death of such claimant and which surviving spouse but for his
26 or her age is otherwise qualified to receive benefits pursuant

1 to this subsection, or (iii) disabled, and (2) be domiciled in
2 this State at the time he or she files his or her claim, and (3)
3 have a maximum household income of less than the income
4 eligibility limitation, as defined in subsection (a-5). In
5 addition, each eligible person must (1) obtain an
6 identification card from the Department, (2) at the time the
7 card is obtained, sign a statement assigning to the State of
8 Illinois benefits which may be otherwise claimed under any
9 private insurance plans, and (3) present the identification
10 card to the dispensing pharmacist.

11 The Department may adopt rules specifying participation
12 requirements for the pharmaceutical assistance program,
13 including copayment amounts, identification card fees,
14 expenditure limits, and the benefit threshold after which a 20%
15 charge is imposed on the cost of each prescription, to be in
16 effect on and after July 1, 2004. Notwithstanding any other
17 provision of this paragraph, however, the Department may not
18 increase the identification card fee above the amount in effect
19 on May 1, 2003 without the express consent of the General
20 Assembly. To the extent practicable, those requirements shall
21 be commensurate with the requirements provided in rules adopted
22 by the Department of Healthcare and Family Services to
23 implement the pharmacy assistance program under Section
24 5-5.12a of the Illinois Public Aid Code.

25 Whenever a generic equivalent for a covered prescription
26 drug is available, the Department shall reimburse only for the

1 reasonable costs of the generic equivalent, less the co-pay
2 established in this Section, unless (i) the covered
3 prescription drug contains one or more ingredients defined as a
4 narrow therapeutic index drug at 21 CFR 320.33, (ii) the
5 prescriber indicates on the face of the prescription "brand
6 medically necessary", and (iii) the prescriber specifies that a
7 substitution is not permitted. When issuing an oral
8 prescription for covered prescription medication described in
9 item (i) of this paragraph, the prescriber shall stipulate
10 "brand medically necessary" and that a substitution is not
11 permitted. If the covered prescription drug and its authorizing
12 prescription do not meet the criteria listed above, the
13 beneficiary may purchase the non-generic equivalent of the
14 covered prescription drug by paying the difference between the
15 generic cost and the non-generic cost plus the beneficiary
16 co-pay.

17 Any person otherwise eligible for pharmaceutical
18 assistance under this Act whose covered drugs are covered by
19 any public program for assistance in purchasing any covered
20 prescription drugs shall be ineligible for assistance under
21 this Act to the extent such costs are covered by such other
22 plan.

23 The fee to be charged by the Department for the
24 identification card shall be equal to \$5 per coverage year for
25 persons below the official poverty line as defined by the
26 United States Department of Health and Human Services and \$25

1 per coverage year for all other persons.

2 In the event that 2 or more persons are eligible for any
3 benefit under this Act, and are members of the same household,
4 (1) each such person shall be entitled to participate in the
5 pharmaceutical assistance program, provided that he or she
6 meets all other requirements imposed by this subsection and (2)
7 each participating household member contributes the fee
8 required for that person by the preceding paragraph for the
9 purpose of obtaining an identification card.

10 The provisions of this subsection (f), other than this
11 paragraph, are inoperative after December 31, 2005.
12 Beneficiaries who received benefits under the program
13 established by this subsection (f) are not entitled, at the
14 termination of the program, to any refund of the identification
15 card fee paid under this subsection.

16 (g) Effective January 1, 2006, there is hereby established
17 a program of pharmaceutical assistance to the aged and
18 disabled, entitled the Illinois Seniors and Disabled Drug
19 Coverage Program, which shall be administered by the Department
20 of Healthcare and Family Services and the Department on Aging
21 in accordance with this subsection, to consist of coverage of
22 specified prescription drugs on behalf of beneficiaries of the
23 program as set forth in this subsection. The program under this
24 subsection replaces and supersedes the program established
25 under subsection (f), which shall end at midnight on December
26 31, 2005.

1 To become a beneficiary under the program established under
2 this subsection, a person must:

3 (1) be (i) 65 years of age or older or (ii) disabled;
4 and

5 (2) be domiciled in this State; and

6 (3) enroll with a qualified Medicare Part D
7 Prescription Drug Plan if eligible and apply for all
8 available subsidies under Medicare Part D; and

9 (4) have a maximum household income of (i) less than
10 \$21,218 for a household containing one person, (ii) less
11 than \$28,480 for a household containing 2 persons, or (iii)
12 less than \$35,740 for a household containing 3 or more
13 persons. If any income eligibility limit set forth in items
14 (i) through (iii) is less than 200% of the Federal Poverty
15 Level for any year, the income eligibility limit for that
16 year for households of that size shall be income equal to
17 or less than 200% of the Federal Poverty Level.

18 All individuals enrolled as of December 31, 2005, in the
19 pharmaceutical assistance program operated pursuant to
20 subsection (f) of this Section and all individuals enrolled as
21 of December 31, 2005, in the SeniorCare Medicaid waiver program
22 operated pursuant to Section 5-5.12a of the Illinois Public Aid
23 Code shall be automatically enrolled in the program established
24 by this subsection for the first year of operation without the
25 need for further application, except that they must apply for
26 Medicare Part D and the Low Income Subsidy under Medicare Part

1 D. A person enrolled in the pharmaceutical assistance program
2 operated pursuant to subsection (f) of this Section as of
3 December 31, 2005, shall not lose eligibility in future years
4 due only to the fact that they have not reached the age of 65.

5 To the extent permitted by federal law, the Department may
6 act as an authorized representative of a beneficiary in order
7 to enroll the beneficiary in a Medicare Part D Prescription
8 Drug Plan if the beneficiary has failed to choose a plan and,
9 where possible, to enroll beneficiaries in the low-income
10 subsidy program under Medicare Part D or assist them in
11 enrolling in that program.

12 Beneficiaries under the program established under this
13 subsection shall be divided into the following 5 eligibility
14 groups:

15 (A) Eligibility Group 1 shall consist of beneficiaries
16 who are not eligible for Medicare Part D coverage and who
17 are:

18 (i) disabled and under age 65; or

19 (ii) age 65 or older, with incomes over 200% of the
20 Federal Poverty Level; or

21 (iii) age 65 or older, with incomes at or below
22 200% of the Federal Poverty Level and not eligible for
23 federally funded means-tested benefits due to
24 immigration status.

25 (B) Eligibility Group 2 shall consist of beneficiaries
26 otherwise described in Eligibility Group 1 but who are

1 eligible for Medicare Part D coverage.

2 (C) Eligibility Group 3 shall consist of beneficiaries
3 age 65 or older, with incomes at or below 200% of the
4 Federal Poverty Level, who are not barred from receiving
5 federally funded means-tested benefits due to immigration
6 status and are eligible for Medicare Part D coverage.

7 (D) Eligibility Group 4 shall consist of beneficiaries
8 age 65 or older, with incomes at or below 200% of the
9 Federal Poverty Level, who are not barred from receiving
10 federally funded means-tested benefits due to immigration
11 status and are not eligible for Medicare Part D coverage.

12 If the State applies and receives federal approval for
13 a waiver under Title XIX of the Social Security Act,
14 persons in Eligibility Group 4 shall continue to receive
15 benefits through the approved waiver, and Eligibility
16 Group 4 may be expanded to include disabled persons under
17 age 65 with incomes under 200% of the Federal Poverty Level
18 who are not eligible for Medicare and who are not barred
19 from receiving federally funded means-tested benefits due
20 to immigration status.

21 (E) On and after January 1, 2007, Eligibility Group 5
22 shall consist of beneficiaries who are otherwise described
23 in Eligibility Groups 2 and 3 who have a diagnosis of HIV
24 or AIDS.

25 The program established under this subsection shall cover
26 the cost of covered prescription drugs in excess of the

1 beneficiary cost-sharing amounts set forth in this paragraph
2 that are not covered by Medicare. In 2006, beneficiaries shall
3 pay a co-payment of \$2 for each prescription of a generic drug
4 and \$5 for each prescription of a brand-name drug. In future
5 years, beneficiaries shall pay co-payments equal to the
6 co-payments required under Medicare Part D for "other
7 low-income subsidy eligible individuals" pursuant to 42 CFR
8 423.782(b). For individuals in Eligibility Groups 1, 2, 3, and
9 4, once the program established under this subsection and
10 Medicare combined have paid \$1,750 in a year for covered
11 prescription drugs, the beneficiary shall pay 20% of the cost
12 of each prescription in addition to the co-payments set forth
13 in this paragraph. For individuals in Eligibility Group 5, once
14 the program established under this subsection and Medicare
15 combined have paid \$1,750 in a year for covered prescription
16 drugs, the beneficiary shall pay 20% of the cost of each
17 prescription in addition to the co-payments set forth in this
18 paragraph unless the drug is included in the formulary of the
19 Illinois AIDS Drug Assistance Program operated by the Illinois
20 Department of Public Health. If the drug is included in the
21 formulary of the Illinois AIDS Drug Assistance Program,
22 individuals in Eligibility Group 5 shall continue to pay the
23 co-payments set forth in this paragraph after the program
24 established under this subsection and Medicare combined have
25 paid \$1,750 in a year for covered prescription drugs.

26 For beneficiaries eligible for Medicare Part D coverage,

1 the program established under this subsection shall pay 100% of
2 the premiums charged by a qualified Medicare Part D
3 Prescription Drug Plan for Medicare Part D basic prescription
4 drug coverage, not including any late enrollment penalties.
5 Qualified Medicare Part D Prescription Drug Plans may be
6 limited by the Department of Healthcare and Family Services to
7 those plans that sign a coordination agreement with the
8 Department.

9 Notwithstanding Section 3.15, for purposes of the program
10 established under this subsection, the term "covered
11 prescription drug" has the following meanings:

12 For Eligibility Group 1, "covered prescription drug"
13 means: (1) any cardiovascular agent or drug; (2) any
14 insulin or other prescription drug used in the treatment of
15 diabetes, including syringe and needles used to administer
16 the insulin; (3) any prescription drug used in the
17 treatment of arthritis; (4) any prescription drug used in
18 the treatment of cancer; (5) any prescription drug used in
19 the treatment of Alzheimer's disease; (6) any prescription
20 drug used in the treatment of Parkinson's disease; (7) any
21 prescription drug used in the treatment of glaucoma; (8)
22 any prescription drug used in the treatment of lung disease
23 and smoking-related illnesses; (9) any prescription drug
24 used in the treatment of osteoporosis; and (10) any
25 prescription drug used in the treatment of multiple
26 sclerosis. The Department may add additional therapeutic

1 classes by rule. The Department may adopt a preferred drug
2 list within any of the classes of drugs described in items
3 (1) through (10) of this paragraph. The specific drugs or
4 therapeutic classes of covered prescription drugs shall be
5 indicated by rule.

6 For Eligibility Group 2, "covered prescription drug"
7 means those drugs covered for Eligibility Group 1 that are
8 also covered by the Medicare Part D Prescription Drug Plan
9 in which the beneficiary is enrolled.

10 For Eligibility Group 3, "covered prescription drug"
11 means those drugs covered by the Medicare Part D
12 Prescription Drug Plan in which the beneficiary is
13 enrolled.

14 For Eligibility Group 4, "covered prescription drug"
15 means those drugs covered by the Medical Assistance Program
16 under Article V of the Illinois Public Aid Code.

17 For Eligibility Group 5, for individuals otherwise
18 described in Eligibility Group 2, "covered prescription
19 drug" means: (1) those drugs covered for Eligibility Group
20 2 that are also covered by the Medicare Part D Prescription
21 Drug Plan in which the beneficiary is enrolled; and (2)
22 those drugs included in the formulary of the Illinois AIDS
23 Drug Assistance Program operated by the Illinois
24 Department of Public Health that are also covered by the
25 Medicare Part D Prescription Drug Plan in which the
26 beneficiary is enrolled. For Eligibility Group 5, for

1 individuals otherwise described in Eligibility Group 3,
2 "covered prescription drug" means those drugs covered by
3 the Medicare Part D Prescription Drug Plan in which the
4 beneficiary is enrolled.

5 An individual in Eligibility Group 1, 2, 3, 4, or 5 may opt
6 to receive a \$25 monthly payment in lieu of the direct coverage
7 described in this subsection.

8 Any person otherwise eligible for pharmaceutical
9 assistance under this subsection whose covered drugs are
10 covered by any public program is ineligible for assistance
11 under this subsection to the extent that the cost of those
12 drugs is covered by the other program.

13 The Department of Healthcare and Family Services shall
14 establish by rule the methods by which it will provide for the
15 coverage called for in this subsection. Those methods may
16 include direct reimbursement to pharmacies or the payment of a
17 capitated amount to Medicare Part D Prescription Drug Plans.

18 For a pharmacy to be reimbursed under the program
19 established under this subsection, it must comply with rules
20 adopted by the Department of Healthcare and Family Services
21 regarding coordination of benefits with Medicare Part D
22 Prescription Drug Plans. A pharmacy may not charge a
23 Medicare-enrolled beneficiary of the program established under
24 this subsection more for a covered prescription drug than the
25 appropriate Medicare cost-sharing less any payment from or on
26 behalf of the Department of Healthcare and Family Services.

1 The Department of Healthcare and Family Services or the
2 Department on Aging, as appropriate, may adopt rules regarding
3 applications, counting of income, proof of Medicare status,
4 mandatory generic policies, and pharmacy reimbursement rates
5 and any other rules necessary for the cost-efficient operation
6 of the program established under this subsection.

7 (Source: P.A. 94-86, eff. 1-1-06; 94-909, eff. 6-23-06; 95-208,
8 eff. 8-16-07; 95-644, eff. 10-12-07; revised 10-25-07.)

9 Section 270. The Abused and Neglected Child Reporting Act
10 is amended by changing Section 4 as follows:

11 (325 ILCS 5/4) (from Ch. 23, par. 2054)

12 Sec. 4. Persons required to report; privileged
13 communications; transmitting false report. Any physician,
14 resident, intern, hospital, hospital administrator and
15 personnel engaged in examination, care and treatment of
16 persons, surgeon, dentist, dentist hygienist, osteopath,
17 chiropractor, podiatrist, physician assistant, substance abuse
18 treatment personnel, funeral home director or employee,
19 coroner, medical examiner, emergency medical technician,
20 acupuncturist, crisis line or hotline personnel, school
21 personnel (including administrators and both certified and
22 non-certified school employees), educational advocate assigned
23 to a child pursuant to the School Code, member of a school
24 board or the Chicago Board of Education or the governing body

1 of a private school (but only to the extent required in
2 accordance with other provisions of this Section expressly
3 concerning the duty of school board members to report suspected
4 child abuse), truant officers, social worker, social services
5 administrator, domestic violence program personnel, registered
6 nurse, licensed practical nurse, genetic counselor,
7 respiratory care practitioner, advanced practice nurse, home
8 health aide, director or staff assistant of a nursery school or
9 a child day care center, recreational program or facility
10 personnel, law enforcement officer, licensed professional
11 counselor, licensed clinical professional counselor,
12 registered psychologist and assistants working under the
13 direct supervision of a psychologist, psychiatrist, or field
14 personnel of the Department of Healthcare and Family Services,
15 Juvenile Justice, Public Health, Human Services (acting as
16 successor to the Department of Mental Health and Developmental
17 Disabilities, Rehabilitation Services, or Public Aid),
18 Corrections, Human Rights, or Children and Family Services,
19 supervisor and administrator of general assistance under the
20 Illinois Public Aid Code, probation officer, or any other
21 foster parent, homemaker or child care worker having reasonable
22 cause to believe a child known to them in their professional or
23 official capacity may be an abused child or a neglected child
24 shall immediately report or cause a report to be made to the
25 Department.

26 Any member of the clergy having reasonable cause to believe

1 that a child known to that member of the clergy in his or her
2 professional capacity may be an abused child as defined in item
3 (c) of the definition of "abused child" in Section 3 of this
4 Act shall immediately report or cause a report to be made to
5 the Department.

6 If an allegation is raised to a school board member during
7 the course of an open or closed school board meeting that a
8 child who is enrolled in the school district of which he or she
9 is a board member is an abused child as defined in Section 3 of
10 this Act, the member shall direct or cause the school board to
11 direct the superintendent of the school district or other
12 equivalent school administrator to comply with the
13 requirements of this Act concerning the reporting of child
14 abuse. For purposes of this paragraph, a school board member is
15 granted the authority in his or her individual capacity to
16 direct the superintendent of the school district or other
17 equivalent school administrator to comply with the
18 requirements of this Act concerning the reporting of child
19 abuse.

20 Whenever such person is required to report under this Act
21 in his capacity as a member of the staff of a medical or other
22 public or private institution, school, facility or agency, or
23 as a member of the clergy, he shall make report immediately to
24 the Department in accordance with the provisions of this Act
25 and may also notify the person in charge of such institution,
26 school, facility or agency, or church, synagogue, temple,

1 mosque, or other religious institution, or his designated agent
2 that such report has been made. Under no circumstances shall
3 any person in charge of such institution, school, facility or
4 agency, or church, synagogue, temple, mosque, or other
5 religious institution, or his designated agent to whom such
6 notification has been made, exercise any control, restraint,
7 modification or other change in the report or the forwarding of
8 such report to the Department.

9 The privileged quality of communication between any
10 professional person required to report and his patient or
11 client shall not apply to situations involving abused or
12 neglected children and shall not constitute grounds for failure
13 to report as required by this Act.

14 A member of the clergy may claim the privilege under
15 Section 8-803 of the Code of Civil Procedure.

16 In addition to the above persons required to report
17 suspected cases of abused or neglected children, any other
18 person may make a report if such person has reasonable cause to
19 believe a child may be an abused child or a neglected child.

20 Any person who enters into employment on and after July 1,
21 1986 and is mandated by virtue of that employment to report
22 under this Act, shall sign a statement on a form prescribed by
23 the Department, to the effect that the employee has knowledge
24 and understanding of the reporting requirements of this Act.
25 The statement shall be signed prior to commencement of the
26 employment. The signed statement shall be retained by the

1 employer. The cost of printing, distribution, and filing of the
2 statement shall be borne by the employer.

3 The Department shall provide copies of this Act, upon
4 request, to all employers employing persons who shall be
5 required under the provisions of this Section to report under
6 this Act.

7 Any person who knowingly transmits a false report to the
8 Department commits the offense of disorderly conduct under
9 subsection (a)(7) of Section 26-1 of the "Criminal Code of
10 1961". Any person who violates this provision a second or
11 subsequent time shall be guilty of a Class 3 felony.

12 Any person who knowingly and willfully violates any
13 provision of this Section other than a second or subsequent
14 violation of transmitting a false report as described in the
15 preceding paragraph, is guilty of a Class A misdemeanor for a
16 first violation and a Class 4 felony for a second or subsequent
17 violation; except that if the person acted as part of a plan or
18 scheme having as its object the prevention of discovery of an
19 abused or neglected child by lawful authorities for the purpose
20 of protecting or insulating any person or entity from arrest or
21 prosecution, the person is guilty of a Class 4 felony for a
22 first offense and a Class 3 felony for a second or subsequent
23 offense (regardless of whether the second or subsequent offense
24 involves any of the same facts or persons as the first or other
25 prior offense).

26 A child whose parent, guardian or custodian in good faith

1 selects and depends upon spiritual means through prayer alone
2 for the treatment or cure of disease or remedial care may be
3 considered neglected or abused, but not for the sole reason
4 that his parent, guardian or custodian accepts and practices
5 such beliefs.

6 A child shall not be considered neglected or abused solely
7 because the child is not attending school in accordance with
8 the requirements of Article 26 of the School Code, as amended.

9 (Source: P.A. 94-888, eff. 6-20-06; 95-10, eff. 6-30-07;
10 95-461, eff. 8-27-07; revised 11-15-07.)

11 Section 275. The Developmental Disability and Mental
12 Disability Services Act is amended by renumbering the heading
13 of Article 10 as follows:

14 (405 ILCS 80/Art. X heading)

15 Article X ~~10~~. Workforce Task Force for
16 Persons with Disabilities

17 Section 280. The Environmental Protection Act is amended by
18 changing Sections 3.330 and 55.8 as follows:

19 (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

20 Sec. 3.330. Pollution control facility.

21 (a) "Pollution control facility" is any waste storage site,
22 sanitary landfill, waste disposal site, waste transfer

1 station, waste treatment facility, or waste incinerator. This
2 includes sewers, sewage treatment plants, and any other
3 facilities owned or operated by sanitary districts organized
4 under the Metropolitan Water Reclamation District Act.

5 The following are not pollution control facilities:

6 (1) (blank);

7 (2) waste storage sites regulated under 40 CFR, Part
8 761.42;

9 (3) sites or facilities used by any person conducting a
10 waste storage, waste treatment, waste disposal, waste
11 transfer or waste incineration operation, or a combination
12 thereof, for wastes generated by such person's own
13 activities, when such wastes are stored, treated, disposed
14 of, transferred or incinerated within the site or facility
15 owned, controlled or operated by such person, or when such
16 wastes are transported within or between sites or
17 facilities owned, controlled or operated by such person;

18 (4) sites or facilities at which the State is
19 performing removal or remedial action pursuant to Section
20 22.2 or 55.3;

21 (5) abandoned quarries used solely for the disposal of
22 concrete, earth materials, gravel, or aggregate debris
23 resulting from road construction activities conducted by a
24 unit of government or construction activities due to the
25 construction and installation of underground pipes, lines,
26 conduit or wires off of the premises of a public utility

- 1 company which are conducted by a public utility;
- 2 (6) sites or facilities used by any person to
3 specifically conduct a landscape composting operation;
- 4 (7) regional facilities as defined in the Central
5 Midwest Interstate Low-Level Radioactive Waste Compact;
- 6 (8) the portion of a site or facility where coal
7 combustion wastes are stored or disposed of in accordance
8 with subdivision (r) (2) or (r) (3) of Section 21;
- 9 (9) the portion of a site or facility used for the
10 collection, storage or processing of waste tires as defined
11 in Title XIV;
- 12 (10) the portion of a site or facility used for
13 treatment of petroleum contaminated materials by
14 application onto or incorporation into the soil surface and
15 any portion of that site or facility used for storage of
16 petroleum contaminated materials before treatment. Only
17 those categories of petroleum listed in Section 57.9(a) (3)
18 are exempt under this subdivision (10);
- 19 (11) the portion of a site or facility where used oil
20 is collected or stored prior to shipment to a recycling or
21 energy recovery facility, provided that the used oil is
22 generated by households or commercial establishments, and
23 the site or facility is a recycling center or a business
24 where oil or gasoline is sold at retail;
- 25 (11.5) processing sites or facilities that receive
26 only on-specification used oil, as defined in 35 Ill.

1 Admin. Code 739, originating from used oil collectors for
2 processing that is managed under 35 Ill. Admin. Code 739 to
3 produce products for sale to off-site petroleum
4 facilities, if these processing sites or facilities are:
5 (i) located within a home rule unit of local government
6 with a population of at least 30,000 according to the 2000
7 federal census, that home rule unit of local government has
8 been designated as an Urban Round II Empowerment Zone by
9 the United States Department of Housing and Urban
10 Development, and that home rule unit of local government
11 has enacted an ordinance approving the location of the site
12 or facility and provided funding for the site or facility;
13 and (ii) in compliance with all applicable zoning
14 requirements;

15 (12) the portion of a site or facility utilizing coal
16 combustion waste for stabilization and treatment of only
17 waste generated on that site or facility when used in
18 connection with response actions pursuant to the federal
19 Comprehensive Environmental Response, Compensation, and
20 Liability Act of 1980, the federal Resource Conservation
21 and Recovery Act of 1976, or the Illinois Environmental
22 Protection Act or as authorized by the Agency;

23 (13) the portion of a site or facility accepting
24 exclusively general construction or demolition debris,
25 located in a county with a population over 700,000 as of
26 January 1, 2000, and operated and located in accordance

1 with Section 22.38 of this Act;

2 (14) the portion of a site or facility, located within
3 a unit of local government that has enacted local zoning
4 requirements, used to accept, separate, and process
5 uncontaminated broken concrete, with or without protruding
6 metal bars, provided that the uncontaminated broken
7 concrete and metal bars are not speculatively accumulated,
8 are at the site or facility no longer than one year after
9 their acceptance, and are returned to the economic
10 mainstream in the form of raw materials or products;

11 (15) the portion of a site or facility located in a
12 county with a population over 3,000,000 that has obtained
13 local siting approval under Section 39.2 of this Act for a
14 municipal waste incinerator on or before July 1, 2005 and
15 that is used for a non-hazardous waste transfer station;
16 ~~and~~

17 (16) a site or facility that temporarily holds in
18 transit for 10 days or less, non-petruscible solid waste in
19 original containers, no larger in capacity than 500
20 gallons, provided that such waste is further transferred to
21 a recycling, disposal, treatment, or storage facility on a
22 non-contiguous site and provided such site or facility
23 complies with the applicable 10-day transfer requirements
24 of the federal Resource Conservation and Recovery Act of
25 1976 and United States Department of Transportation
26 hazardous material requirements. For purposes of this

1 Section only, "non-petruscible solid waste" means waste
2 other than municipal garbage that does not rot or become
3 putrid, including, but not limited to, paints, solvent,
4 filters, and absorbents;~~;~~

5 (17) ~~(16)~~ the portion of a site or facility located in
6 a county with a population greater than 3,000,000 that has
7 obtained local siting approval, under Section 39.2 of this
8 Act, for a municipal waste incinerator on or before July 1,
9 2005 and that is used for wood combustion facilities for
10 energy recovery that accept and burn only wood material, as
11 included in a fuel specification approved by the Agency;
12 and~~;~~

13 (18) ~~(16)~~ a transfer station used exclusively for
14 landscape waste, including a transfer station where
15 landscape waste is ground to reduce its volume, where the
16 landscape waste is held no longer than 24 hours from the
17 time it was received.

18 (b) A new pollution control facility is:

19 (1) a pollution control facility initially permitted
20 for development or construction after July 1, 1981; or

21 (2) the area of expansion beyond the boundary of a
22 currently permitted pollution control facility; or

23 (3) a permitted pollution control facility requesting
24 approval to store, dispose of, transfer or incinerate, for
25 the first time, any special or hazardous waste.

26 (Source: P.A. 94-94, eff. 7-1-05; 94-249, eff. 7-19-05; 94-824,

1 eff. 6-2-06; 95-131, eff. 8-13-07; 95-331, eff. 8-21-07;
2 95-408, eff. 8-24-07; 95-177, eff. 1-1-08; revised 11-15-07.)

3 (415 ILCS 5/55.8) (from Ch. 111 1/2, par. 1055.8)

4 Sec. 55.8. Tire retailers.

5 (a) Any person selling new or used tires at retail or
6 offering new or used tires for retail sale in this State shall:

7 (1) beginning on June 20, 2003 (the effective date of
8 Public Act 93-32), collect from retail customers a fee of
9 \$2 per new or used tire sold and delivered in this State,
10 to be paid to the Department of Revenue and deposited into
11 the Used Tire Management Fund, less a collection allowance
12 of 10 cents per tire to be retained by the retail seller
13 and a collection allowance of 10 cents per tire to be
14 retained by the Department of Revenue and paid into the
15 General Revenue Fund;

16 (1.5) beginning on July 1, 2003, collect from retail
17 customers an additional 50 cents per new or used tire sold
18 and delivered in this State; ~~the money collected from this~~
19 fee shall be deposited into the Emergency Public Health
20 Fund~~;~~;

21 (2) accept for recycling used tires from customers, at
22 the point of transfer, in a quantity equal to the number of
23 new tires purchased; and

24 (3) post in a conspicuous place a written notice at
25 least 8.5 by 11 inches in size that includes the universal

1 recycling symbol and the following statements: "DO NOT put
2 used tires in the trash."; "Recycle your used tires."; and
3 "State law requires us to accept used tires for recycling,
4 in exchange for new tires purchased."

5 (b) A person who accepts used tires for recycling under
6 subsection (a) shall not allow the tires to accumulate for
7 periods of more than 90 days.

8 (c) The requirements of subsection (a) of this Section do
9 not apply to mail order sales nor shall the retail sale of a
10 motor vehicle be considered to be the sale of tires at retail
11 or offering of tires for retail sale. Instead of filing
12 returns, retailers of tires may remit the tire user fee of
13 \$1.00 per tire to their suppliers of tires if the supplier of
14 tires is a registered retailer of tires and agrees or otherwise
15 arranges to collect and remit the tire fee to the Department of
16 Revenue, notwithstanding the fact that the sale of the tire is
17 a sale for resale and not a sale at retail. A tire supplier who
18 enters into such an arrangement with a tire retailer shall be
19 liable for the tax on all tires sold to the tire retailer and
20 must (i) provide the tire retailer with a receipt that
21 separately reflects the tire tax collected from the retailer on
22 each transaction and (ii) accept used tires for recycling from
23 the retailer's customers. The tire supplier shall be entitled
24 to the collection allowance of 10 cents per tire.

25 The retailer of the tires must maintain in its books and
26 records evidence that the appropriate fee was paid to the tire

1 supplier and that the tire supplier has agreed to remit the fee
2 to the Department of Revenue for each tire sold by the
3 retailer. Otherwise, the tire retailer shall be directly liable
4 for the fee on all tires sold at retail. Tire retailers paying
5 the fee to their suppliers are not entitled to the collection
6 allowance of 10 cents per tire.

7 (d) The requirements of subsection (a) of this Section
8 shall apply exclusively to tires to be used for vehicles
9 defined in Section 1-217 of the Illinois Vehicle Code, aircraft
10 tires, special mobile equipment, and implements of husbandry.

11 (e) The requirements of paragraph (1) of subsection (a) do
12 not apply to the sale of reprocessed tires. For purposes of
13 this Section, "reprocessed tire" means a used tire that has
14 been recapped, retreaded, or regrooved and that has not been
15 placed on a vehicle wheel rim.

16 (Source: P.A. 95-49, eff. 8-10-07; 95-331, eff. 8-21-07;
17 revised 11-26-07.)

18 Section 285. The Fish and Aquatic Life Code is amended by
19 changing Section 20-92 as follows:

20 (515 ILCS 5/20-92)

21 Sec. 20-92. Commercial roe dealer permit.

22 (a) Any resident wholesale aquatic life dealer who buys,
23 sells, or ships roe from roe-bearing species, whether from the
24 waters within or without the State, must annually procure a

1 commercial roe dealer permit from the Department in addition to
2 an aquatic life dealers license ~~permit~~. The annual fee for a
3 commercial roe dealer permit is \$500 for resident wholesale
4 aquatic life dealers and \$1,500 for non-resident aquatic life
5 dealers. All commercial roe dealer permits shall expire on May
6 31 of each year.

7 (b) Legally licensed commercial roe dealer permit holders
8 may designate up to 2 employees on their commercial roe dealer
9 permit. Employees designated on a commercial roe dealer permit
10 must retain a copy of this permit in their possession while
11 transporting roe bearing fishes either whole or in part.

12 (c) A violation of this Section is a Class A misdemeanor
13 with a minimum mandatory fine of \$500.

14 (Source: P.A. 95-147, eff. 8-14-07; revised 11-15-07.)

15 Section 290. The Wildlife Code is amended by changing
16 Sections 2.25, 2.26, 2.33, and 3.5 as follows:

17 (520 ILCS 5/2.25) (from Ch. 61, par. 2.25)

18 Sec. 2.25. It shall be unlawful for any person to take deer
19 except (i) with a shotgun, handgun, or muzzleloading rifle or
20 (ii) as provided by administrative rule, with a bow and arrow,
21 or crossbow device for handicapped persons, as defined in
22 Section 2.33, and persons age 62 or older during the open
23 season of not more than 14 days which will be set annually by
24 the Director between the dates of November 1st and December

1 31st, both inclusive, or a special 2-day, youth-only season
2 between the dates of September 1 and October 31. For the
3 purposes of this Section, legal handguns include any centerfire
4 handguns of .30 caliber or larger with a minimum barrel length
5 of 4 inches. The only legal ammunition for a centerfire handgun
6 is a cartridge of .30 caliber or larger with a capability of at
7 least 500 foot pounds of energy at the muzzle. Full metal
8 jacket bullets may not be used to harvest deer.

9 The Department shall make administrative rules concerning
10 management restrictions applicable to the firearm and bow and
11 arrow season.

12 It shall be unlawful for any person to take deer except
13 with a bow and arrow, or crossbow device for handicapped
14 persons, as defined in Section 2.33, and persons age 62 or
15 older during the open season for bow and arrow set annually by
16 the Director between the dates of September 1st and January
17 31st, both inclusive.

18 It shall be unlawful for any person to take deer except
19 with (i) a muzzleloading rifle, or (ii) bow and arrow, or
20 crossbow device for handicapped persons, as defined in Section
21 2.33, and persons age 62 or older during the open season for
22 muzzleloading rifles set annually by the Director.

23 The Director shall cause an administrative rule setting
24 forth the prescribed rules and regulations, including bag and
25 possession limits and those counties of the State where open
26 seasons are established, to be published in accordance with

1 Sections 1.3 and 1.13 of this Act.

2 The Department may establish separate harvest periods for
3 the purpose of managing or eradicating disease that has been
4 found in the deer herd. This season shall be restricted to gun
5 or bow and arrow hunting only. The Department shall publicly
6 announce, via statewide news release, the season dates and
7 shooting hours, the counties and sites open to hunting, permit
8 requirements, application dates, hunting rules, legal weapons,
9 and reporting requirements.

10 The Department is authorized to establish a separate
11 harvest period at specific sites within the State for the
12 purpose of harvesting surplus deer that cannot be taken during
13 the regular season provided for the taking of deer. This season
14 shall be restricted to gun or bow and arrow hunting only and
15 shall be established during the period of September 1st to
16 February 15th, both inclusive. The Department shall publish
17 suitable prescribed rules and regulations established by
18 administrative rule pertaining to management restrictions
19 applicable to this special harvest program. The Department
20 shall allow unused gun deer permits that are left over from a
21 regular season for the taking of deer to be rolled over and
22 used during any separate harvest period held within 6 months of
23 the season for which those tags were issued at no additional
24 cost to the permit holder subject to the management
25 restrictions applicable to the special harvest program.

26 (Source: P.A. 94-919, eff. 6-26-06; 95-13, eff. 1-1-08; 95-329,

1 eff. 8-21-07; revised 11-15-07.)

2 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

3 Sec. 2.26. Deer hunting permits. In this Section, "bona
4 fide equity shareholder" means an individual who (1) purchased,
5 for market price, publicly sold stock shares in a corporation,
6 purchased shares of a privately-held corporation for a value
7 equal to the percentage of the appraised value of the corporate
8 assets represented by the ownership in the corporation, or is a
9 member of a closely-held family-owned corporation and has
10 purchased or been gifted with shares of stock in the
11 corporation accurately reflecting his or her percentage of
12 ownership and (2) intends to retain the ownership of the shares
13 of stock for at least 5 years.

14 In this Section, "bona fide equity member" means an
15 individual who (1) (i) became a member upon the formation of
16 the limited liability company or (ii) has purchased a
17 distributional interest in a limited liability company for a
18 value equal to the percentage of the appraised value of the LLC
19 assets represented by the distributional interest in the LLC
20 and subsequently becomes a member of the company pursuant to
21 Article 30 of the Limited Liability Company Act and who (2)
22 intends to retain the membership for at least 5 years.

23 In this Section, "bona fide equity partner" means an
24 individual who (1) (i) became a partner, either general or
25 limited, upon the formation of a partnership or limited

1 partnership, or (ii) has purchased, acquired, or been gifted a
2 partnership interest accurately representing his or her
3 percentage distributional interest in the profits, losses, and
4 assets of a partnership or limited partnership, (2) intends to
5 retain ownership of the partnership interest for at least 5
6 years, and (3) is a resident of Illinois.

7 Any person attempting to take deer shall first obtain a
8 "Deer Hunting Permit" in accordance with prescribed
9 regulations set forth in an Administrative Rule. Deer Hunting
10 Permits shall be issued by the Department. The fee for a Deer
11 Hunting Permit to take deer with either bow and arrow or gun
12 shall not exceed \$15.00 for residents of the State. The
13 Department may by administrative rule provide for non-resident
14 deer hunting permits for which the fee will not exceed \$300 in
15 2005, \$350 in 2006, and \$400 in 2007 and thereafter except as
16 provided below for non-resident landowners and non-resident
17 archery hunters. The Department may by administrative rule
18 provide for a non-resident archery deer permit consisting of
19 not more than 2 harvest tags at a total cost not to exceed \$325
20 in 2005, \$375 in 2006, and \$425 in 2007 and thereafter. Permits
21 shall be issued without charge to:

22 (a) Illinois landowners residing in Illinois who own at
23 least 40 acres of Illinois land and wish to hunt their land
24 only,

25 (b) resident tenants of at least 40 acres of commercial
26 agricultural land where they will hunt, and

1 (c) Bona fide equity shareholders of a corporation,
2 bona fide equity members of a limited liability company, or
3 bona fide equity partners of a general or limited
4 partnership which owns at least 40 acres of land in a
5 county in Illinois who wish to hunt on the corporation's,
6 company's, or partnership's land only. One permit shall be
7 issued without charge to one bona fide equity shareholder,
8 one bona fide equity member, or one bona fide equity
9 partner for each 40 acres of land owned by the corporation,
10 company, or partnership in a county; however, the number of
11 permits issued without charge to bona fide equity
12 shareholders of any corporation or bona fide equity members
13 of a limited liability company in any county shall not
14 exceed 15, and shall not exceed 3 in the case of bona fide
15 equity partners of a partnership.

16 Bona fide landowners or tenants who do not wish to hunt
17 only on the land they own, rent, or lease or bona fide equity
18 shareholders, bona fide equity members, or bona fide equity
19 partners who do not wish to hunt only on the land owned by the
20 corporation, limited liability company, or partnership shall
21 be charged the same fee as the applicant who is not a
22 landowner, tenant, bona fide equity shareholder, bona fide
23 equity member, or bona fide equity partner. Nonresidents of
24 Illinois who own at least 40 acres of land and wish to hunt on
25 their land only shall be charged a fee set by administrative
26 rule. The method for obtaining these permits shall be

1 prescribed by administrative rule.

2 The deer hunting permit issued without fee shall be valid
3 on all farm lands which the person to whom it is issued owns,
4 leases or rents, except that in the case of a permit issued to
5 a bona fide equity shareholder, bona fide equity member, or
6 bona fide equity partner, the permit shall be valid on all
7 lands owned by the corporation, limited liability company, or
8 partnership in the county.

9 The standards and specifications for use of guns and bow
10 and arrow for deer hunting shall be established by
11 administrative rule.

12 No person may have in his possession any firearm not
13 authorized by administrative rule for a specific hunting season
14 when taking deer.

15 Persons having a firearm deer hunting permit shall be
16 permitted to take deer only during the period from 1/2 hour
17 before sunrise to 1/2 hour after sunset, and only during those
18 days for which an open season is established for the taking of
19 deer by use of shotgun, handgun, or muzzle loading rifle.

20 Persons having an archery deer hunting permit shall be
21 permitted to take deer only during the period from 1/2 hour
22 before sunrise to 1/2 hour after sunset, and only during those
23 days for which an open season is established for the taking of
24 deer by use of bow and arrow.

25 It shall be unlawful for any person to take deer by use of
26 dogs, horses, automobiles, aircraft or other vehicles, or by

1 the use of salt or bait of any kind. An area is considered as
2 baited during the presence of and for 10 consecutive days
3 following the removal of bait. Nothing in this Section shall
4 prohibit the use of a dog to track wounded deer. Any person
5 using a dog for tracking wounded deer must maintain physical
6 control of the dog at all times by means of a maximum 50 foot
7 lead attached to the dog's collar or harness. Tracking wounded
8 deer is permissible at night, but at no time outside of legal
9 deer hunting hours or seasons shall any person handling or
10 accompanying a dog being used for tracking wounded deer be in
11 possession of any firearm or archery device. Persons tracking
12 wounded deer with a dog during the firearm deer seasons shall
13 wear blaze orange as required. Dog handlers tracking wounded
14 deer with a dog are exempt from hunting license and deer permit
15 requirements so long as they are accompanied by the licensed
16 deer hunter who wounded the deer.

17 It shall be unlawful to possess or transport any wild deer
18 which has been injured or killed in any manner upon a public
19 highway or public right-of-way of this State unless exempted by
20 administrative rule.

21 Persons hunting deer must have gun unloaded and no bow and
22 arrow device shall be carried with the arrow in the nocked
23 position during hours when deer hunting is unlawful.

24 It shall be unlawful for any person, having taken the legal
25 limit of deer by gun, to further participate with gun in any
26 deer hunting party.

1 It shall be unlawful for any person, having taken the legal
2 limit of deer by bow and arrow, to further participate with bow
3 and arrow in any deer hunting party.

4 The Department may prohibit upland game hunting during the
5 gun deer season by administrative rule.

6 The Department shall not limit the number of non-resident
7 either sex archery deer hunting permits to less than 20,000.

8 It shall be legal for handicapped persons, as defined in
9 Section 2.33, and persons age 62 or older to utilize a crossbow
10 device, as defined in Department rules, to take deer.

11 Any person who violates any of the provisions of this
12 Section, including administrative rules, shall be guilty of a
13 Class B misdemeanor.

14 (Source: P.A. 94-10, eff. 6-7-05; 95-289, eff. 8-20-07; 95-329,
15 eff. 8-21-07; revised 11-15-07.)

16 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

17 Sec. 2.33. Prohibitions.

18 (a) It is unlawful to carry or possess any gun in any State
19 refuge unless otherwise permitted by administrative rule.

20 (b) It is unlawful to use or possess any snare or
21 snare-like device, deadfall, net, or pit trap to take any
22 species, except that snares not powered by springs or other
23 mechanical devices may be used to trap fur-bearing mammals, in
24 water sets only, if at least one-half of the snare noose is
25 located underwater at all times.

1 (c) It is unlawful for any person at any time to take a
2 wild mammal protected by this Act from its den by means of any
3 mechanical device, spade, or digging device or to use smoke or
4 other gases to dislodge or remove such mammal except as
5 provided in Section 2.37.

6 (d) It is unlawful to use a ferret or any other small
7 mammal which is used in the same or similar manner for which
8 ferrets are used for the purpose of frightening or driving any
9 mammals from their dens or hiding places.

10 (e) (Blank).

11 (f) It is unlawful to use spears, gigs, hooks or any like
12 device to take any species protected by this Act.

13 (g) It is unlawful to use poisons, chemicals or explosives
14 for the purpose of taking any species protected by this Act.

15 (h) It is unlawful to hunt adjacent to or near any peat,
16 grass, brush or other inflammable substance when it is burning.

17 (i) It is unlawful to take, pursue or intentionally harass
18 or disturb in any manner any wild birds or mammals by use or
19 aid of any vehicle or conveyance, except as permitted by the
20 Code of Federal Regulations for the taking of waterfowl. It is
21 also unlawful to use the lights of any vehicle or conveyance or
22 any light from or any light connected to the vehicle or
23 conveyance in any area where wildlife may be found except in
24 accordance with Section 2.37 of this Act; however, nothing in
25 this Section shall prohibit the normal use of headlamps for the
26 purpose of driving upon a roadway. Striped skunk, opossum, red

1 fox, gray fox, raccoon and coyote may be taken during the open
2 season by use of a small light which is worn on the body or
3 hand-held by a person on foot and not in any vehicle.

4 (j) It is unlawful to use any shotgun larger than 10 gauge
5 while taking or attempting to take any of the species protected
6 by this Act.

7 (k) It is unlawful to use or possess in the field any
8 shotgun shell loaded with a shot size larger than lead BB or
9 steel T (.20 diameter) when taking or attempting to take any
10 species of wild game mammals (excluding white-tailed deer),
11 wild game birds, migratory waterfowl or migratory game birds
12 protected by this Act, except white-tailed deer as provided for
13 in Section 2.26 and other species as provided for by subsection
14 (l) or administrative rule.

15 (l) It is unlawful to take any species of wild game, except
16 white-tailed deer, with a shotgun loaded with slugs unless
17 otherwise provided for by administrative rule.

18 (m) It is unlawful to use any shotgun capable of holding
19 more than 3 shells in the magazine or chamber combined, except
20 on game breeding and hunting preserve areas licensed under
21 Section 3.27 and except as permitted by the Code of Federal
22 Regulations for the taking of waterfowl. If the shotgun is
23 capable of holding more than 3 shells, it shall, while being
24 used on an area other than a game breeding and shooting
25 preserve area licensed pursuant to Section 3.27, be fitted with
26 a one piece plug that is irremovable without dismantling the

1 shotgun or otherwise altered to render it incapable of holding
2 more than 3 shells in the magazine and chamber, combined.

3 (n) It is unlawful for any person, except persons who
4 possess a permit to hunt from a vehicle as provided in this
5 Section and persons otherwise permitted by law, to have or
6 carry any gun in or on any vehicle, conveyance or aircraft,
7 unless such gun is unloaded and enclosed in a case, except that
8 at field trials authorized by Section 2.34 of this Act,
9 unloaded guns or guns loaded with blank cartridges only, may be
10 carried on horseback while not contained in a case, or to have
11 or carry any bow or arrow device in or on any vehicle unless
12 such bow or arrow device is unstrung or enclosed in a case, or
13 otherwise made inoperable.

14 (o) It is unlawful to use any crossbow for the purpose of
15 taking any wild birds or mammals, except as provided for in
16 Section 2.33.

17 (p) It is unlawful to take game birds, migratory game birds
18 or migratory waterfowl with a rifle, pistol, revolver or
19 airgun.

20 (q) It is unlawful to fire a rifle, pistol, revolver or
21 airgun on, over or into any waters of this State, including
22 frozen waters.

23 (r) It is unlawful to discharge any gun or bow and arrow
24 device along, upon, across, or from any public right-of-way or
25 highway in this State.

26 (s) It is unlawful to use a silencer or other device to

1 muffle or mute the sound of the explosion or report resulting
2 from the firing of any gun.

3 (t) It is unlawful for any person to trap or hunt, or
4 intentionally or wantonly allow a dog to hunt, within or upon
5 the land of another, or upon waters flowing over or standing on
6 the land of another, without first obtaining permission from
7 the owner or tenant. It shall be prima facie evidence that a
8 person does not have permission of the owner or tenant if the
9 person is unable to demonstrate to the law enforcement officer
10 in the field that permission had been obtained. This provision
11 may only be rebutted by testimony of the owner or tenant that
12 permission had been given. Before enforcing this Section the
13 law enforcement officer must have received notice from the
14 owner or tenant of a violation of this Section. Statements made
15 to the law enforcement officer regarding this notice shall not
16 be rendered inadmissible by the hearsay rule when offered for
17 the purpose of showing the required notice.

18 (u) It is unlawful for any person to discharge any firearm
19 for the purpose of taking any of the species protected by this
20 Act, or hunt with gun or dog, or intentionally or wantonly
21 allow a dog to hunt, within 300 yards of an inhabited dwelling
22 without first obtaining permission from the owner or tenant,
23 except that while trapping, hunting with bow and arrow, hunting
24 with dog and shotgun using shot shells only, or hunting with
25 shotgun using shot shells only, or on licensed game breeding
26 and hunting preserve areas, as defined in Section 3.27, on

1 property operated under a Migratory Waterfowl Hunting Area
2 Permit, on federally owned and managed lands and on Department
3 owned, managed, leased or controlled lands, a 100 yard
4 restriction shall apply.

5 (v) It is unlawful for any person to remove fur-bearing
6 mammals from, or to move or disturb in any manner, the traps
7 owned by another person without written authorization of the
8 owner to do so.

9 (w) It is unlawful for any owner of a dog to knowingly or
10 wantonly allow his or her dog to pursue, harass or kill deer,
11 except that nothing in this Section shall prohibit the tracking
12 of wounded deer with a dog in accordance with the provisions of
13 Section 2.26 of this Code.

14 (x) It is unlawful for any person to wantonly or carelessly
15 injure or destroy, in any manner whatsoever, any real or
16 personal property on the land of another while engaged in
17 hunting or trapping thereon.

18 (y) It is unlawful to hunt wild game protected by this Act
19 between one half hour after sunset and one half hour before
20 sunrise, except that hunting hours between one half hour after
21 sunset and one half hour before sunrise may be established by
22 administrative rule for fur-bearing mammals.

23 (z) It is unlawful to take any game bird (excluding wild
24 turkeys and crippled pheasants not capable of normal flight and
25 otherwise irretrievable) protected by this Act when not flying.
26 Nothing in this Section shall prohibit a person from carrying

1 an uncased, unloaded shotgun in a boat, while in pursuit of a
2 crippled migratory waterfowl that is incapable of normal
3 flight, for the purpose of attempting to reduce the migratory
4 waterfowl to possession, provided that the attempt is made
5 immediately upon downing the migratory waterfowl and is done
6 within 400 yards of the blind from which the migratory
7 waterfowl was downed. This exception shall apply only to
8 migratory game birds that are not capable of normal flight.
9 Migratory waterfowl that are crippled may be taken only with a
10 shotgun as regulated by subsection (j) of this Section using
11 shotgun shells as regulated in subsection (k) of this Section.

12 (aa) It is unlawful to use or possess any device that may
13 be used for tree climbing or cutting, while hunting fur-bearing
14 mammals.

15 (bb) It is unlawful for any person, except licensed game
16 breeders, pursuant to Section 2.29 to import, carry into, or
17 possess alive in this State any species of wildlife taken
18 outside of this State, without obtaining permission to do so
19 from the Director.

20 (cc) It is unlawful for any person to have in his or her
21 possession any freshly killed species protected by this Act
22 during the season closed for taking.

23 (dd) It is unlawful to take any species protected by this
24 Act and retain it alive except as provided by administrative
25 rule.

26 (ee) It is unlawful to possess any rifle while in the field

1 during gun deer season except as provided in Section 2.26 and
2 administrative rules.

3 (ff) It is unlawful for any person to take any species
4 protected by this Act, except migratory waterfowl, during the
5 gun deer hunting season in those counties open to gun deer
6 hunting, unless he or she wears, when in the field, a cap and
7 upper outer garment of a solid blaze orange color, with such
8 articles of clothing displaying a minimum of 400 square inches
9 of blaze orange material.

10 (gg) It is unlawful during the upland game season for any
11 person to take upland game with a firearm unless he or she
12 wears, while in the field, a cap of solid blaze orange color.
13 For purposes of this Act, upland game is defined as Bobwhite
14 Quail, Hungarian Partridge, Ring-necked Pheasant, Eastern
15 Cottontail and Swamp Rabbit.

16 (hh) It shall be unlawful to kill or cripple any species
17 protected by this Act for which there is a daily bag limit
18 without making a reasonable effort to retrieve such species and
19 include such in the daily bag limit.

20 (ii) This Section shall apply only to those species
21 protected by this Act taken within the State. Any species or
22 any parts thereof, legally taken in and transported from other
23 states or countries, may be possessed within the State, except
24 as provided in this Section and Sections 2.35, 2.36 and 3.21.

25 (jj) Nothing contained in this Section shall prohibit the
26 use of bow and arrow, prohibit the use of a crossbow by persons

1 age 62 or older, or prevent the Director from issuing permits
2 to use a crossbow to handicapped persons as provided by
3 administrative rule. As used herein, "handicapped persons"
4 means those persons who have a permanent physical impairment
5 due to injury or disease, congenital or acquired, which renders
6 them so severely disabled as to be unable to use a conventional
7 bow and arrow device. Permits will be issued only after the
8 receipt of a physician's statement confirming the applicant is
9 handicapped as defined above.

10 (kk) Nothing contained in this Section shall prohibit the
11 Director from issuing permits to paraplegics or to other
12 disabled persons who meet the requirements set forth in
13 administrative rule to shoot or hunt from a vehicle as provided
14 by that rule, provided that such is otherwise in accord with
15 this Act.

16 (ll) Nothing contained in this Act shall prohibit the
17 taking of aquatic life protected by the Fish and Aquatic Life
18 Code or birds and mammals protected by this Act, except deer
19 and fur-bearing mammals, from a boat not camouflaged or
20 disguised to alter its identity or to further provide a place
21 of concealment and not propelled by sail or mechanical power.
22 However, only shotguns not larger than 10 gauge nor smaller
23 than .410 bore loaded with not more than 3 shells of a shot
24 size no larger than lead BB or steel T (.20 diameter) may be
25 used to take species protected by this Act.

26 (mm) Nothing contained in this Act shall prohibit the use

1 of a shotgun, not larger than 10 gauge nor smaller than a 20
2 gauge, with a rifled barrel.

3 (Source: P.A. 94-764, eff. 1-1-07; 95-196, eff. 1-1-08; 95-329,
4 eff. 8-21-07; revised 10-25-07.)

5 (520 ILCS 5/3.5) (from Ch. 61, par. 3.5)

6 Sec. 3.5. Penalties; probation.

7 (a) Any person who violates any of the provisions of
8 Section 2.36a, including administrative rules, shall be guilty
9 of a Class 3 felony, except as otherwise provided in subsection
10 (b) of this Section and subsection (a) of Section 2.36a.

11 (b) Whenever any person who has not previously been
12 convicted of, or placed on probation or court supervision for,
13 any offense under Section 1.22, 2.36, or 2.36a or subsection
14 (i) or (cc) of Section 2.33, the court may, without entering a
15 judgment and with the person's consent, sentence the person to
16 probation for a violation of Section 2.36a.

17 (1) When a person is placed on probation, the court
18 shall enter an order specifying a period of probation of 24
19 months and shall defer further proceedings in the case
20 until the conclusion of the period or until the filing of a
21 petition alleging violation of a term or condition of
22 probation.

23 (2) The conditions of probation shall be that the
24 person:

25 (A) Not violate any criminal statute of any

1 jurisdiction.

2 (B) Perform no less than 30 hours of community
3 service, provided community service is available in
4 the jurisdiction and is funded and approved by the
5 county board.

6 (3) The court may, in addition to other conditions:

7 (A) Require that the person make a report to and
8 appear in person before or participate with the court
9 or courts, person, or social service agency as directed
10 by the court in the order of probation.

11 (B) Require that the person pay a fine and costs.

12 (C) Require that the person refrain from
13 possessing a firearm or other dangerous weapon.

14 (D) Prohibit the person from associating with any
15 person who is actively engaged in any of the activities
16 regulated by the permits issued or privileges granted
17 by the Department of Natural Resources.

18 (4) Upon violation of a term or condition of probation,
19 the court may enter a judgment on its original finding of
20 guilt and proceed as otherwise provided.

21 (5) Upon fulfillment of the terms and conditions of
22 probation, the court shall discharge the person and dismiss
23 the proceedings against the person.

24 (6) A disposition of probation is considered to be a
25 conviction for the purposes of imposing the conditions of
26 probation, for appeal, and for administrative revocation

1 and suspension of licenses and privileges; however,
2 discharge and dismissal under this Section is not a
3 conviction for purposes of disqualification or
4 disabilities imposed by law upon conviction of a crime.

5 (7) Discharge and dismissal under this Section may
6 occur only once with respect to any person.

7 (8) If a person is convicted of an offense under this
8 Act within 5 years subsequent to a discharge and dismissal
9 under this Section, the discharge and dismissal under this
10 Section shall be admissible in the sentencing proceeding
11 for that conviction as a factor in aggravation.

12 (9) The Circuit Clerk shall notify the Department of
13 State Police of all persons convicted of or placed under
14 probation for violations of Section 2.36a.

15 (c) Any person who violates any of the provisions of
16 Sections 2.9, 2.11, 2.16, 2.18, 2.24, 2.25, 2.26, 2.29, 2.30,
17 2.31, 2.32, 2.33 (except subsections (g), (i), (o), (p), (y),
18 and (cc)), 2.33-1, 2.33a, 3.3, 3.4, 3.11 through 3.16 ~~3.11—~~
19 ~~3.16, 3.19, 3.20, 3.21~~ ~~3.19—3.21~~ (except subsections (b),
20 (c), (d), (e), (f), (f.5), (g), (h), and (i)), ~~and~~ 3.24, 3.25,
21 and 3.26 (except subsection (f)), including administrative
22 rules, shall be guilty of a Class B misdemeanor.

23 A person who violates Section 2.33b by using any computer
24 software or service to remotely control a weapon that takes
25 wildlife by remote operation is guilty of a Class B
26 misdemeanor. A person who violates Section 2.33b by

1 facilitating a violation of Section 2.33b, including an owner
2 of land in which remote control hunting occurs, a computer
3 programmer who designs a program or software to facilitate
4 remote control hunting, or a person who provides weapons or
5 equipment to facilitate remote control hunting, is guilty of a
6 Class A misdemeanor.

7 Any person who violates any of the provisions of Sections
8 1.22, 2.4, 2.36 and 2.38, including administrative rules, shall
9 be guilty of a Class A misdemeanor. Any second or subsequent
10 violations of Sections 2.4 and 2.36 shall be a Class 4 felony.

11 Any person who violates any of the provisions of this Act,
12 including administrative rules, during such period when his
13 license, privileges, or permit is revoked or denied by virtue
14 of Section 3.36, shall be guilty of a Class A misdemeanor.

15 Any person who violates subsection (g), (i), (o), (p), (y),
16 or (cc) of Section 2.33 shall be guilty of a Class A
17 misdemeanor and subject to a fine of no less than \$500 and no
18 more than \$5,000 in addition to other statutory penalties. In
19 addition, the Department shall suspend the privileges, under
20 this Act, of any person found guilty of violating Section
21 2.33(cc) for a period of not less than one year.

22 Any person who violates any other of the provisions of this
23 Act including administrative rules, unless otherwise stated,
24 shall be guilty of a petty offense. Offenses committed by
25 minors under the direct control or with the consent of a parent
26 or guardian may subject the parent or guardian to the penalties

1 prescribed in this Section.

2 In addition to any fines imposed pursuant to the provisions
3 of this Section or as otherwise provided in this Act, any
4 person found guilty of unlawfully taking or possessing any
5 species protected by this Act, shall be assessed a civil
6 penalty for such species in accordance with the values
7 prescribed in Section 2.36a of this Act. This civil penalty
8 shall be imposed by the Circuit Court for the county within
9 which the offense was committed at the time of the conviction.
10 All penalties provided for in this Section shall be remitted to
11 the Department in accordance with the same provisions provided
12 for in Section 1.18 of this Act.

13 (Source: P.A. 94-222, eff. 7-14-05; 95-13, eff. 1-1-08; 95-196,
14 eff. 1-1-08; 95-283, eff. 8-20-07; revised 11-15-07.)

15 Section 295. The Illinois Prescribed Burning Act is amended
16 by changing Section 20 as follows:

17 (525 ILCS 37/20)

18 Sec. 20. Rules. The Department, in consultation with the
19 Office of the State Fire Marshal ~~Marshall~~, shall promulgate
20 rules to implement this Act, including but not limited to,
21 rules governing prescribed burn manager certification and
22 revocation and rules governing prescribed burn prescriptions.

23 (Source: P.A. 95-108, eff. 8-13-07; revised 11-15-07.)

1 Section 300. The Illinois Vehicle Code is amended by
2 changing Sections 2-123, 3-609, 3-707, 3-806.1, 3-806.3,
3 3-806.5, 3-806.6, 4-203, 6-103, 6-113, 6-201, 6-204, 6-205,
4 6-206, 6-206.1, 6-206.2, 6-208, 6-208.1, 6-303, 6-510, 11-501,
5 11-501.1, 11-501.8, 11-1301.3, 11-1426.1, and 12-610.1, by
6 setting forth, renumbering, and changing multiple versions of
7 Section 3-664, and by renumbering and changing multiple
8 versions of Section 3-665 as follows:

9 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

10 Sec. 2-123. Sale and Distribution of Information.

11 (a) Except as otherwise provided in this Section, the
12 Secretary may make the driver's license, vehicle and title
13 registration lists, in part or in whole, and any statistical
14 information derived from these lists available to local
15 governments, elected state officials, state educational
16 institutions, and all other governmental units of the State and
17 Federal Government requesting them for governmental purposes.
18 The Secretary shall require any such applicant for services to
19 pay for the costs of furnishing such services and the use of
20 the equipment involved, and in addition is empowered to
21 establish prices and charges for the services so furnished and
22 for the use of the electronic equipment utilized.

23 (b) The Secretary is further empowered to and he may, in
24 his discretion, furnish to any applicant, other than listed in
25 subsection (a) of this Section, vehicle or driver data on a

1 computer tape, disk, other electronic format or computer
2 processable medium, or printout at a fixed fee of \$250 for
3 orders received before October 1, 2003 and \$500 for orders
4 received on or after October 1, 2003, in advance, and require
5 in addition a further sufficient deposit based upon the
6 Secretary of State's estimate of the total cost of the
7 information requested and a charge of \$25 for orders received
8 before October 1, 2003 and \$50 for orders received on or after
9 October 1, 2003, per 1,000 units or part thereof identified or
10 the actual cost, whichever is greater. The Secretary is
11 authorized to refund any difference between the additional
12 deposit and the actual cost of the request. This service shall
13 not be in lieu of an abstract of a driver's record nor of a
14 title or registration search. This service may be limited to
15 entities purchasing a minimum number of records as required by
16 administrative rule. The information sold pursuant to this
17 subsection shall be the entire vehicle or driver data list, or
18 part thereof. The information sold pursuant to this subsection
19 shall not contain personally identifying information unless
20 the information is to be used for one of the purposes
21 identified in subsection (f-5) of this Section. Commercial
22 purchasers of driver and vehicle record databases shall enter
23 into a written agreement with the Secretary of State that
24 includes disclosure of the commercial use of the information to
25 be purchased.

26 (b-1) The Secretary is further empowered to and may, in his

1 or her discretion, furnish vehicle or driver data on a computer
2 tape, disk, or other electronic format or computer processible
3 medium, at no fee, to any State or local governmental agency
4 that uses the information provided by the Secretary to transmit
5 data back to the Secretary that enables the Secretary to
6 maintain accurate driving records, including dispositions of
7 traffic cases. This information may be provided without fee not
8 more often than once every 6 months.

9 (c) Secretary of State may issue registration lists. The
10 Secretary of State may compile a list of all registered
11 vehicles. Each list of registered vehicles shall be arranged
12 serially according to the registration numbers assigned to
13 registered vehicles and may contain in addition the names and
14 addresses of registered owners and a brief description of each
15 vehicle including the serial or other identifying number
16 thereof. Such compilation may be in such form as in the
17 discretion of the Secretary of State may seem best for the
18 purposes intended.

19 (d) The Secretary of State shall furnish no more than 2
20 current available lists of such registrations to the sheriffs
21 of all counties and to the chiefs of police of all cities and
22 villages and towns of 2,000 population and over in this State
23 at no cost. Additional copies may be purchased by the sheriffs
24 or chiefs of police at the fee of \$500 each or at the cost of
25 producing the list as determined by the Secretary of State.
26 Such lists are to be used for governmental purposes only.

1 (e) (Blank).

2 (e-1) (Blank).

3 (f) The Secretary of State shall make a title or
4 registration search of the records of his office and a written
5 report on the same for any person, upon written application of
6 such person, accompanied by a fee of \$5 for each registration
7 or title search. The written application shall set forth the
8 intended use of the requested information. No fee shall be
9 charged for a title or registration search, or for the
10 certification thereof requested by a government agency. The
11 report of the title or registration search shall not contain
12 personally identifying information unless the request for a
13 search was made for one of the purposes identified in
14 subsection (f-5) of this Section. The report of the title or
15 registration search shall not contain highly restricted
16 personal information unless specifically authorized by this
17 Code.

18 The Secretary of State shall certify a title or
19 registration record upon written request. The fee for
20 certification shall be \$5 in addition to the fee required for a
21 title or registration search. Certification shall be made under
22 the signature of the Secretary of State and shall be
23 authenticated by Seal of the Secretary of State.

24 The Secretary of State may notify the vehicle owner or
25 registrant of the request for purchase of his title or
26 registration information as the Secretary deems appropriate.

1 No information shall be released to the requestor until
2 expiration of a 10 day period. This 10 day period shall not
3 apply to requests for information made by law enforcement
4 officials, government agencies, financial institutions,
5 attorneys, insurers, employers, automobile associated
6 businesses, persons licensed as a private detective or firms
7 licensed as a private detective agency under the Private
8 Detective, Private Alarm, Private Security, Fingerprint
9 Vendor, and Locksmith Act of 2004, who are employed by or are
10 acting on behalf of law enforcement officials, government
11 agencies, financial institutions, attorneys, insurers,
12 employers, automobile associated businesses, and other
13 business entities for purposes consistent with the Illinois
14 Vehicle Code, the vehicle owner or registrant or other entities
15 as the Secretary may exempt by rule and regulation.

16 Any misrepresentation made by a requestor of title or
17 vehicle information shall be punishable as a petty offense,
18 except in the case of persons licensed as a private detective
19 or firms licensed as a private detective agency which shall be
20 subject to disciplinary sanctions under Section 40-10 of the
21 Private Detective, Private Alarm, Private Security,
22 Fingerprint Vendor, and Locksmith Act of 2004.

23 (f-5) The Secretary of State shall not disclose or
24 otherwise make available to any person or entity any personally
25 identifying information obtained by the Secretary of State in
26 connection with a driver's license, vehicle, or title

1 registration record unless the information is disclosed for one
2 of the following purposes:

3 (1) For use by any government agency, including any
4 court or law enforcement agency, in carrying out its
5 functions, or any private person or entity acting on behalf
6 of a federal, State, or local agency in carrying out its
7 functions.

8 (2) For use in connection with matters of motor vehicle
9 or driver safety and theft; motor vehicle emissions; motor
10 vehicle product alterations, recalls, or advisories;
11 performance monitoring of motor vehicles, motor vehicle
12 parts, and dealers; and removal of non-owner records from
13 the original owner records of motor vehicle manufacturers.

14 (3) For use in the normal course of business by a
15 legitimate business or its agents, employees, or
16 contractors, but only:

17 (A) to verify the accuracy of personal information
18 submitted by an individual to the business or its
19 agents, employees, or contractors; and

20 (B) if such information as so submitted is not
21 correct or is no longer correct, to obtain the correct
22 information, but only for the purposes of preventing
23 fraud by, pursuing legal remedies against, or
24 recovering on a debt or security interest against, the
25 individual.

26 (4) For use in research activities and for use in

1 producing statistical reports, if the personally
2 identifying information is not published, redisclosed, or
3 used to contact individuals.

4 (5) For use in connection with any civil, criminal,
5 administrative, or arbitral proceeding in any federal,
6 State, or local court or agency or before any
7 self-regulatory body, including the service of process,
8 investigation in anticipation of litigation, and the
9 execution or enforcement of judgments and orders, or
10 pursuant to an order of a federal, State, or local court.

11 (6) For use by any insurer or insurance support
12 organization or by a self-insured entity or its agents,
13 employees, or contractors in connection with claims
14 investigation activities, antifraud activities, rating, or
15 underwriting.

16 (7) For use in providing notice to the owners of towed
17 or impounded vehicles.

18 (8) For use by any person licensed as a private
19 detective or firm licensed as a private detective agency
20 under the Private Detective, Private Alarm, Private
21 Security, Fingerprint Vendor, and Locksmith Act of 2004,
22 private investigative agency or security service licensed
23 in Illinois for any purpose permitted under this
24 subsection.

25 (9) For use by an employer or its agent or insurer to
26 obtain or verify information relating to a holder of a

1 commercial driver's license that is required under chapter
2 313 of title 49 of the United States Code.

3 (10) For use in connection with the operation of
4 private toll transportation facilities.

5 (11) For use by any requester, if the requester
6 demonstrates it has obtained the written consent of the
7 individual to whom the information pertains.

8 (12) For use by members of the news media, as defined
9 in Section 1-148.5, for the purpose of newsgathering when
10 the request relates to the operation of a motor vehicle or
11 public safety.

12 (13) For any other use specifically authorized by law,
13 if that use is related to the operation of a motor vehicle
14 or public safety.

15 (f-6) The Secretary of State shall not disclose or
16 otherwise make available to any person or entity any highly
17 restricted personal information obtained by the Secretary of
18 State in connection with a driver's license, vehicle, or title
19 registration record unless specifically authorized by this
20 Code.

21 (g) 1. The Secretary of State may, upon receipt of a
22 written request and a fee of \$6 before October 1, 2003 and
23 a fee of \$12 on and after October 1, 2003, furnish to the
24 person or agency so requesting a driver's record. Such
25 document may include a record of: current driver's license
26 issuance information, except that the information on

1 judicial driving permits shall be available only as
2 otherwise provided by this Code; convictions; orders
3 entered revoking, suspending or cancelling a driver's
4 license or privilege; and notations of accident
5 involvement. All other information, unless otherwise
6 permitted by this Code, shall remain confidential.
7 Information released pursuant to a request for a driver's
8 record shall not contain personally identifying
9 information, unless the request for the driver's record was
10 made for one of the purposes set forth in subsection (f-5)
11 of this Section. The Secretary of State may, without fee,
12 allow a parent or guardian of a person under the age of 18
13 years, who holds an instruction permit or graduated
14 driver's license, to view that person's driving record
15 online, through a computer connection. The parent or
16 guardian's online access to the driving record will
17 terminate when the instruction permit or graduated
18 driver's license holder reaches the age of 18.

19 2. The Secretary of State shall not disclose or
20 otherwise make available to any person or entity any highly
21 restricted personal information obtained by the Secretary
22 of State in connection with a driver's license, vehicle, or
23 title registration record unless specifically authorized
24 by this Code. The Secretary of State may certify an
25 abstract of a driver's record upon written request
26 therefor. Such certification shall be made under the

1 signature of the Secretary of State and shall be
2 authenticated by the Seal of his office.

3 3. All requests for driving record information shall be
4 made in a manner prescribed by the Secretary and shall set
5 forth the intended use of the requested information.

6 The Secretary of State may notify the affected driver
7 of the request for purchase of his driver's record as the
8 Secretary deems appropriate.

9 No information shall be released to the requester until
10 expiration of a 10 day period. This 10 day period shall not
11 apply to requests for information made by law enforcement
12 officials, government agencies, financial institutions,
13 attorneys, insurers, employers, automobile associated
14 businesses, persons licensed as a private detective or
15 firms licensed as a private detective agency under the
16 Private Detective, Private Alarm, Private Security,
17 Fingerprint Vendor, and Locksmith Act of 2004, who are
18 employed by or are acting on behalf of law enforcement
19 officials, government agencies, financial institutions,
20 attorneys, insurers, employers, automobile associated
21 businesses, and other business entities for purposes
22 consistent with the Illinois Vehicle Code, the affected
23 driver or other entities as the Secretary may exempt by
24 rule and regulation.

25 Any misrepresentation made by a requestor of driver
26 information shall be punishable as a petty offense, except

1 in the case of persons licensed as a private detective or
2 firms licensed as a private detective agency which shall be
3 subject to disciplinary sanctions under Section 40-10 of
4 the Private Detective, Private Alarm, Private Security,
5 Fingerprint Vendor, and Locksmith Act of 2004.

6 4. The Secretary of State may furnish without fee, upon
7 the written request of a law enforcement agency, any
8 information from a driver's record on file with the
9 Secretary of State when such information is required in the
10 enforcement of this Code or any other law relating to the
11 operation of motor vehicles, including records of
12 dispositions; documented information involving the use of
13 a motor vehicle; whether such individual has, or previously
14 had, a driver's license; and the address and personal
15 description as reflected on said driver's record.

16 5. Except as otherwise provided in this Section, the
17 Secretary of State may furnish, without fee, information
18 from an individual driver's record on file, if a written
19 request therefor is submitted by any public transit system
20 or authority, public defender, law enforcement agency, a
21 state or federal agency, or an Illinois local
22 intergovernmental association, if the request is for the
23 purpose of a background check of applicants for employment
24 with the requesting agency, or for the purpose of an
25 official investigation conducted by the agency, or to
26 determine a current address for the driver so public funds

1 can be recovered or paid to the driver, or for any other
2 purpose set forth in subsection (f-5) of this Section.

3 The Secretary may also furnish the courts a copy of an
4 abstract of a driver's record, without fee, subsequent to
5 an arrest for a violation of Section 11-501 or a similar
6 provision of a local ordinance. Such abstract may include
7 records of dispositions; documented information involving
8 the use of a motor vehicle as contained in the current
9 file; whether such individual has, or previously had, a
10 driver's license; and the address and personal description
11 as reflected on said driver's record.

12 6. Any certified abstract issued by the Secretary of
13 State or transmitted electronically by the Secretary of
14 State pursuant to this Section, to a court or on request of
15 a law enforcement agency, for the record of a named person
16 as to the status of the person's driver's license shall be
17 prima facie evidence of the facts therein stated and if the
18 name appearing in such abstract is the same as that of a
19 person named in an information or warrant, such abstract
20 shall be prima facie evidence that the person named in such
21 information or warrant is the same person as the person
22 named in such abstract and shall be admissible for any
23 prosecution under this Code and be admitted as proof of any
24 prior conviction or proof of records, notices, or orders
25 recorded on individual driving records maintained by the
26 Secretary of State.

1 7. Subject to any restrictions contained in the
2 Juvenile Court Act of 1987, and upon receipt of a proper
3 request and a fee of \$6 before October 1, 2003 and a fee of
4 \$12 on or after October 1, 2003, the Secretary of State
5 shall provide a driver's record to the affected driver, or
6 the affected driver's attorney, upon verification. Such
7 record shall contain all the information referred to in
8 paragraph 1 of this subsection (g) plus: any recorded
9 accident involvement as a driver; information recorded
10 pursuant to subsection (e) of Section 6-117 and paragraph
11 (4) of subsection (a) of Section 6-204 of this Code. All
12 other information, unless otherwise permitted by this
13 Code, shall remain confidential.

14 (h) The Secretary shall not disclose social security
15 numbers or any associated information obtained from the Social
16 Security Administration except pursuant to a written request
17 by, or with the prior written consent of, the individual
18 except: (1) to officers and employees of the Secretary who have
19 a need to know the social security numbers in performance of
20 their official duties, (2) to law enforcement officials for a
21 lawful, civil or criminal law enforcement investigation, and if
22 the head of the law enforcement agency has made a written
23 request to the Secretary specifying the law enforcement
24 investigation for which the social security numbers are being
25 sought, (3) to the United States Department of Transportation,
26 or any other State, pursuant to the administration and

1 enforcement of the Commercial Motor Vehicle Safety Act of 1986,
2 (4) pursuant to the order of a court of competent jurisdiction,
3 or (5) to the Department of Healthcare and Family Services
4 (formerly Department of Public Aid) for utilization in the
5 child support enforcement duties assigned to that Department
6 under provisions of the Illinois Public Aid Code after the
7 individual has received advanced meaningful notification of
8 what redisclosure is sought by the Secretary in accordance with
9 the federal Privacy Act.

10 (i) (Blank).

11 (j) Medical statements or medical reports received in the
12 Secretary of State's Office shall be confidential. No
13 confidential information may be open to public inspection or
14 the contents disclosed to anyone, except officers and employees
15 of the Secretary who have a need to know the information
16 contained in the medical reports and the Driver License Medical
17 Advisory Board, unless so directed by an order of a court of
18 competent jurisdiction.

19 (k) All fees collected under this Section shall be paid
20 into the Road Fund of the State Treasury, except that (i) for
21 fees collected before October 1, 2003, \$3 of the \$6 fee for a
22 driver's record shall be paid into the Secretary of State
23 Special Services Fund, (ii) for fees collected on and after
24 October 1, 2003, of the \$12 fee for a driver's record, \$3 shall
25 be paid into the Secretary of State Special Services Fund and
26 \$6 shall be paid into the General Revenue Fund, and (iii) for

1 fees collected on and after October 1, 2003, 50% of the amounts
2 collected pursuant to subsection (b) shall be paid into the
3 General Revenue Fund.

4 (l) (Blank).

5 (m) Notations of accident involvement that may be disclosed
6 under this Section shall not include notations relating to
7 damage to a vehicle or other property being transported by a
8 tow truck. This information shall remain confidential,
9 provided that nothing in this subsection (m) shall limit
10 disclosure of any notification of accident involvement to any
11 law enforcement agency or official.

12 (n) Requests made by the news media for driver's license,
13 vehicle, or title registration information may be furnished
14 without charge or at a reduced charge, as determined by the
15 Secretary, when the specific purpose for requesting the
16 documents is deemed to be in the public interest. Waiver or
17 reduction of the fee is in the public interest if the principal
18 purpose of the request is to access and disseminate information
19 regarding the health, safety, and welfare or the legal rights
20 of the general public and is not for the principal purpose of
21 gaining a personal or commercial benefit. The information
22 provided pursuant to this subsection shall not contain
23 personally identifying information unless the information is
24 to be used for one of the purposes identified in subsection
25 (f-5) of this Section.

26 (o) The redisclosure of personally identifying information

1 obtained pursuant to this Section is prohibited, except to the
2 extent necessary to effectuate the purpose for which the
3 original disclosure of the information was permitted.

4 (p) The Secretary of State is empowered to adopt rules to
5 effectuate this Section.

6 (Source: P.A. 94-56, eff. 6-17-05; 95-201, eff. 1-1-08; 95-287,
7 eff. 1-1-08; 95-331, eff. 8-21-07; 95-613, eff. 9-11-07;
8 revised 11-16-07.)

9 (625 ILCS 5/3-609) (from Ch. 95 1/2, par. 3-609)

10 Sec. 3-609. Disabled Veterans' Plates. Any disabled
11 veteran whose degree of disability has been declared to be 100%
12 by the United States Department of Veterans Affairs and who has
13 been or declared eligible for funds for the purchase of a motor
14 vehicle of the first division or for a motor vehicle of the
15 second division weighing not more than 8,000 pounds by the
16 United States Federal Government because of his disability, may
17 make application for the registration of one such vehicle, to
18 the Secretary of State without the payment of any registration
19 fee. The Secretary may, in his or her discretion, allow the
20 plates to be issued as vanity or personalized plates in
21 accordance with Section 3-405.1 of this Code. Registration
22 shall be for a multi-year period effective in 1980 and may be
23 issued staggered registration.

24 Any disabled veteran of World War I, of World War II, of
25 the National Emergency between June 25, 1950 and January 31,

1 1955 or of the period beginning February 1, 1955 and ending on
2 the day before the first day thereafter in which individuals
3 (other than individuals liable for induction by reason of prior
4 deferment) are no longer liable for induction for training and
5 service into the armed forces under the Military Selective
6 Service Act of 1967, or of any armed conflict involving the
7 armed forces of the United States, who has a service-connected
8 disability of such a nature that it would, if it had been
9 incurred in World War II, have entitled him to be awarded an
10 automobile by the United States Federal Government, or who is
11 receiving compensation from the Veterans Administration for
12 total service-connected disability, may make application to
13 the Secretary of State for the registration of one motor
14 vehicle of the first division without accompanying such
15 application with the payment of any fee.

16 Renewal of such registration must be accompanied with
17 documentation for eligibility of registration without fee
18 unless the applicant has a permanent qualifying disability, and
19 such registration plates may not be issued to any person not
20 eligible therefor.

21 The Illinois Veterans Commission may assist in providing
22 the documentation of disability.

23 Commencing with the 2009 registration year, any person
24 eligible to receive license plates under this Section who has
25 been approved for benefits under the Senior Citizens and
26 Disabled Persons Property Tax Relief and Pharmaceutical

1 Assistance Act, or who has claimed and received a grant under
2 that Act, shall pay a fee of \$24 instead of the fee otherwise
3 provided in this Code for passenger cars displaying standard
4 multi-year registration plates issued under Section 3-414.1,
5 for motor vehicles registered at 8,000 pounds or less under
6 Section 3-815(a), or for recreational vehicles registered at
7 8,000 pounds or less under Section 3-815(b), for a second set
8 of plates under this Section.

9 (Source: P.A. 95-157, eff. 1-1-08; 95-167, eff. 1-1-08; 95-353,
10 eff. 1-1-08; revised 11-16-07.)

11 (625 ILCS 5/3-664)

12 Sec. 3-664. Gold Star license plates. Upon proper
13 application, the Secretary of State shall issue registration
14 plates designated as Gold Star license plates to any Illinois
15 resident who is the surviving widow, widower, or parent of a
16 person who served in the Armed Forces of the United States and
17 lost his or her life while in service whether in peacetime or
18 war. The surviving widow or widower and each surviving parent,
19 or in the absence of a surviving parent, only one surviving
20 sibling shall be issued one set of registration plates.
21 Registration plates issued under this Section shall be for
22 first division vehicles and second division vehicles of 8,000
23 pounds or less. The Secretary may, in his or her discretion,
24 allow the plates to be issued as vanity or personalized plates
25 in accordance with Section 3-405.1 of this Code. An applicant

1 shall be charged only the appropriate registration fee.

2 (Source: P.A. 94-311, eff. 1-1-06; 94-343, eff. 1-1-06; 95-34,
3 eff. 1-1-08; 95-331, eff. 8-21-07; 95-353, eff. 1-1-08; revised
4 12-10-07.)

5 (625 ILCS 5/3-665)

6 Sec. 3-665 ~~3-664~~. Agriculture in the Classroom plates.

7 (a) The Secretary, upon receipt of all applicable fees and
8 applications made in the form prescribed by the Secretary, may
9 issue special registration plates designated as Agriculture in
10 the Classroom license plates.

11 The special plates issued under this Section shall be
12 affixed only to passenger vehicles of the first division or
13 motor vehicles of the second division weighing not more than
14 8,000 pounds.

15 Plates issued under this Section shall expire according to
16 the multi-year procedure established by Section 3-414.1 of this
17 Code.

18 (b) The design and color of the special plates shall be
19 wholly within the discretion of the Secretary.

20 (c) An applicant for the special plate shall be charged a
21 \$40 fee for original issuance in addition to the appropriate
22 registration fee. Of this fee, \$25 shall be deposited into the
23 Agriculture in the Classroom Fund and \$15 shall be deposited
24 into the Secretary of State Special License Plate Fund, to be
25 used by the Secretary to help defray the administrative

1 processing costs.

2 For each registration renewal period, a \$27 fee, in
3 addition to the appropriate registration fee, shall be charged.
4 Of this fee, \$25 shall be deposited into the Agriculture in the
5 Classroom Fund and \$2 shall be deposited into the Secretary of
6 State Special License Plate Fund.

7 (d) The Agriculture in the Classroom Fund is created as a
8 special fund in the State treasury. All moneys in the
9 Agriculture in the Classroom Fund shall be paid, subject to
10 appropriation by the General Assembly and approval by the
11 Secretary, to the Illinois Agricultural Association
12 Foundation, a charitable organization that meets the
13 requirements of Title 26, Section 501(c)(3) of the United
14 States Code, to be used as grants to support Agriculture in the
15 Classroom programming for public and private schools within
16 Illinois.

17 (Source: P.A. 95-94, eff. 8-13-07; revised 12-10-07.)

18 (625 ILCS 5/3-667)

19 Sec. 3-667 ~~3-664~~. Korean Service license plates.

20 (a) In addition to any other special license plate, the
21 Secretary, upon receipt of all applicable fees and applications
22 made in the form prescribed by the Secretary of State, may
23 issue special registration plates designated as Korean Service
24 license plates to residents of Illinois who, on or after July
25 27, 1954, participated in the United States Armed Forces in

1 Korea. The special plate issued under this Section shall be
2 affixed only to passenger vehicles of the first division,
3 motorcycles, motor vehicles of the second division weighing not
4 more than 8,000 pounds, and recreational vehicles as defined by
5 Section 1-169 of this Code. Plates issued under this Section
6 shall expire according to the staggered multi-year procedure
7 established by Section 3-414.1 of this Code.

8 (b) The design, color, and format of the plates shall be
9 wholly within the discretion of the Secretary of State. The
10 Secretary may, in his or her discretion, allow the plates to be
11 issued as vanity or personalized plates in accordance with
12 Section 3-405.1 of this Code. The plates are not required to
13 designate "Land of ~~of~~ Lincoln", as prescribed in subsection (b)
14 of Section 3-412 of this Code. The Secretary shall prescribe
15 the eligibility requirements and, in his or her discretion,
16 shall approve and prescribe stickers or decals as provided
17 under Section 3-412.

18 (c) An applicant shall be charged a \$15 fee for original
19 issuance in addition to the applicable registration fee. Of
20 this additional fee, \$13 shall be deposited into the Secretary
21 of State Special License Plate Fund and \$2 shall be deposited
22 into the Korean War Memorial Construction Fund a special fund
23 in the State treasury.

24 (d) An individual who has been issued Korean Service
25 license plates for a vehicle and who has been approved for
26 benefits under the Senior Citizens and Disabled Persons

1 Property Tax Relief and Pharmaceutical Assistance Act shall pay
2 the original issuance and the regular annual fee for the
3 registration of the vehicle as provided in Section 3-806.3 of
4 this Code in addition to the fees specified in subsection (c)
5 of this Section.

6 (Source: P.A. 95-162, eff. 1-1-08; revised 12-10-07.)

7 (625 ILCS 5/3-668)

8 Sec. 3-668 ~~3-664~~. Iraq Campaign license plates.

9 (a) In addition to any other special license plate, the
10 Secretary, upon receipt of all applicable fees and applications
11 made in the form prescribed by the Secretary of State, may
12 issue Iraq Campaign license plates to residents of Illinois who
13 have earned the Iraq Campaign Medal from the United States
14 Armed Forces. The special Iraq Campaign plates issued under
15 this Section shall be affixed only to passenger vehicles of the
16 first division, motorcycles, and motor vehicles of the second
17 division weighing not more than 8,000 pounds. Plates issued
18 under this Section shall expire according to the staggered
19 multi-year procedure established by Section 3-414.1 of this
20 Code.

21 (b) The design, color, and format of the plates shall be
22 wholly within the discretion of the Secretary of State. The
23 Secretary may, in his or her discretion, allow the plates to be
24 issued as vanity plates or personalized in accordance with
25 Section 3-405.1 of this Code. The plates are not required to

1 designate "Land of ~~of~~ Lincoln", as prescribed in subsection (b)
2 of Section 3-412 of this Code. The Secretary shall, in his or
3 her discretion, approve and prescribe stickers or decals as
4 provided under Section 3-412.

5 (c) An applicant for the special plate shall be charged a
6 \$40 fee for original issuance in addition to the appropriate
7 registration fee. Of this fee, \$25 shall be deposited into the
8 Illinois Military Family Relief Fund and \$15 shall be deposited
9 into the Secretary of State Special License Plate Fund, to be
10 used by the Secretary to help defray the administrative
11 processing costs. For each registration renewal period, a \$27
12 fee, in addition to the appropriate registration fee, shall be
13 charged. Of this fee, \$25 shall be deposited into the Illinois
14 Military Family Relief Fund and \$2 shall be deposited into the
15 Secretary of State Special License Plate Fund.

16 (Source: P.A. 95-190, eff. 8-16-07; revised 12-10-07.)

17 (625 ILCS 5/3-669)

18 Sec. 3-669 ~~3-665~~. Afghanistan Campaign license plates.

19 (a) In addition to any other special license plate, the
20 Secretary, upon receipt of all applicable fees and applications
21 made in the form prescribed by the Secretary of State, may
22 issue Afghanistan Campaign license plates to residents of
23 Illinois who have earned the Afghanistan Campaign Medal from
24 the United States Armed Forces. The special Afghanistan
25 Campaign plates issued under this Section shall be affixed only

1 to passenger vehicles of the first division, motorcycles, and
2 motor vehicles of the second division weighing not more than
3 8,000 pounds. Plates issued under this Section shall expire
4 according to the staggered multi-year procedure established by
5 Section 3-414.1 of this Code.

6 (b) The design, color, and format of the plates shall be
7 wholly within the discretion of the Secretary of State. The
8 Secretary may, in his or her discretion, allow the plates to be
9 issued as vanity plates or personalized in accordance with
10 Section 3-405.1 of this Code. The plates are not required to
11 designate "Land of ~~Of~~ Lincoln", as prescribed in subsection (b)
12 of Section 3-412 of this Code. The Secretary shall, in his or
13 her discretion, approve and prescribe stickers or decals as
14 provided under Section 3-412.

15 (c) An applicant for the special plate shall be charged a
16 \$40 fee for original issuance in addition to the appropriate
17 registration fee. Of this fee, \$25 shall be deposited into the
18 Illinois Military Family Relief Fund and \$15 shall be deposited
19 into the Secretary of State Special License Plate Fund, to be
20 used by the Secretary to help defray the administrative
21 processing costs. For each registration renewal period, a \$27
22 fee, in addition to the appropriate registration fee, shall be
23 charged. Of this fee, \$25 shall be deposited into the Illinois
24 Military Family Relief Fund and \$2 shall be deposited into the
25 Secretary of State Special License Plate Fund.

26 (Source: P.A. 95-190, eff. 8-16-07; revised 12-10-07.)

1 (625 ILCS 5/3-670)

2 Sec. 3-670 ~~3-664~~. Autism Awareness license plates.

3 (a) The Secretary, upon receipt of an application made in
4 the form prescribed by the Secretary, may issue special
5 registration plates designated as Autism Awareness license
6 plates. The special plates issued under this Section shall be
7 affixed only to passenger vehicles of the first division and
8 motor vehicles of the second division weighing not more than
9 8,000 pounds. Plates issued under this Section shall expire
10 according to the multi-year procedure established by Section
11 3-414.1 of this Code.

12 (b) The design and color of the plates is wholly within the
13 discretion of the Secretary of State. The Secretary, in his or
14 her discretion, may allow the plates to be issued as vanity or
15 personalized plates under Section 3-405.1 of this Code. The
16 Secretary shall prescribe stickers or decals as provided under
17 Section 3-412 of this Code.

18 (c) An applicant for the special plate shall be charged a
19 \$40 fee for original issuance in addition to the appropriate
20 registration fee. Of this fee, \$25 shall be deposited into the
21 Autism Awareness Fund and \$15 shall be deposited into the
22 Secretary of State Special License Plate Fund, to be used by
23 the Secretary to help defray the administrative processing
24 costs.

25 For each registration renewal period, a \$27 fee, in

1 addition to the appropriate registration fee, shall be charged.
2 Of this fee, \$25 shall be deposited into the Autism Awareness
3 Fund and \$2 shall be deposited into the Secretary of State
4 Special License Plate Fund.

5 (d) The Autism Awareness Fund is created as a special fund
6 in the State treasury. All moneys in the Autism Awareness Fund
7 shall be paid, subject to appropriation by the General Assembly
8 and approval by the Secretary, to the Illinois Department of
9 Human Services for the purpose of grants for research,
10 education, and awareness regarding autism and autism spectrum
11 disorders.

12 (Source: P.A. 95-226, eff. 1-1-08; revised 12-10-07.)

13 (625 ILCS 5/3-671)

14 Sec. 3-671 ~~3-664~~. Boy Scout and Girl Scout license plates.

15 (a) The Secretary, upon receipt of an application made in
16 the form prescribed by the Secretary, may issue special
17 registration plates designated to be Boy Scout and Girl Scout
18 plates. The special plates issued under this Section shall be
19 affixed only to passenger vehicles of the first division or
20 motor vehicles of the second division weighing not more than
21 8,000 pounds. Plates issued under this Section shall expire
22 according to the multi-year procedure established by Section
23 3-414.1 of this Code.

24 (b) Except as provided in subsections (c) and (d), the
25 design and color of the plates shall be wholly within the

1 discretion of the Secretary. Appropriate documentation, as
2 determined by the Secretary, shall accompany the application.

3 (c) The Secretary may issue Boy Scout plates bearing the
4 Eagle Scout badge only to an applicant who provides written
5 proof of Eagle Scout rank, in the form of appropriate
6 documentation from the National Boy Scout Council. The
7 Secretary shall make these plates available to qualified
8 applicants.

9 (d) The Secretary may issue Girl Scout plates bearing the
10 symbol of the Gold Award only to an applicant who provides
11 written proof of Gold Award status, in the form of appropriate
12 documentation from the National Office of the Girl Scouts of
13 the U.S.A. The Secretary shall make these plates available to
14 qualified applicants.

15 (e) An applicant shall be charged a \$40 fee for original
16 issuance in addition to the appropriate registration fee, if
17 applicable. Of this fee, \$25 shall be deposited into the Boy
18 Scout and Girl Scout Fund as created by this Section and \$15
19 shall be deposited into the Secretary of State Special License
20 Plate Fund to be used by the Secretary to help defray the
21 administrative processing costs. For each registration renewal
22 period a \$27 fee, in addition to the appropriate registration
23 fee, shall be charged. Of this fee, \$25 shall be deposited into
24 the Boy Scout and Girl Scout Fund and \$2 shall be deposited
25 into the Secretary of State Special License Plate Fund.

26 (f) The Boy Scout and Girl Scout Fund is created as a

1 special fund in the State treasury. All moneys in the Boy Scout
2 and Girl Scout Fund shall, subject to appropriation by the
3 General Assembly and approval by the Secretary, be paid as
4 grants, to be divided between the Illinois divisions of the
5 Boys Scouts of America and the Girl Scouts of the U.S.A. on a
6 pro rata basis, according to the number of each type of plate
7 sold. Grants shall be made to the county division in which the
8 plates are sold.

9 (Source: P.A. 95-320, eff. 1-1-08; revised 12-10-07.)

10 (625 ILCS 5/3-672)

11 Sec. 3-672 ~~3-664~~. Illinois Professional Golfers
12 Association Foundation Junior Golf license plates.

13 (a) The Secretary, upon receipt of all applicable fees and
14 applications made in the form prescribed by the Secretary, may
15 issue special registration plates designated as Illinois
16 Professional Golfers Association Foundation Junior Golf
17 license plates.

18 The special plates issued under this Section shall be
19 affixed only to passenger vehicles of the first division or
20 motor vehicles of the second division weighing not more than
21 8,000 pounds.

22 Plates issued under this Section shall expire according to
23 the multi-year procedure established by Section 3-414.1 of this
24 Code.

25 (b) The design and color of the special plates shall be

1 wholly within the discretion of the Secretary. Appropriate
2 documentation, as determined by the Secretary, shall accompany
3 each application.

4 (c) An applicant for the special plate shall be charged a
5 \$40 fee for original issuance in addition to the appropriate
6 registration fee. Of this fee, \$25 shall be deposited into the
7 Illinois Professional Golfers Association Foundation Junior
8 Golf Fund and \$15 shall be deposited into the Secretary of
9 State Special License Plate Fund, to be used by the Secretary
10 to help defray the administrative processing costs.

11 For each registration renewal period, a \$40 fee, in
12 addition to the appropriate registration fee, shall be charged.
13 Of this fee, \$38 shall be deposited into the Illinois
14 Professional Golfers Association Foundation Junior Golf Fund
15 and \$2 shall be deposited into the Secretary of State Special
16 License Plate Fund.

17 (d) The Illinois Professional Golfers Association
18 Foundation Junior Golf Fund is created as a special fund in the
19 State treasury. All moneys in the Illinois Professional Golfers
20 Association Foundation Junior Golf Fund shall be paid, subject
21 to appropriation by the General Assembly and approval by the
22 Secretary, as grants to the Illinois Professional Golfers
23 Association Foundation to help Association members expose
24 Illinois youngsters to the game of golf.

25 (Source: P.A. 95-444, eff. 8-27-07; revised 12-10-07.)

1 (625 ILCS 5/3-673)

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

4 Sec. 3-673 ~~3-664~~. Rotary Club plates.

5 (a) The Secretary, upon receipt of all applicable fees and
6 applications made in the form prescribed by the Secretary, may
7 issue special registration plates designated as Rotary Club
8 license plates.

9 The special plates issued under this Section shall be
10 affixed only to passenger vehicles of the first division or
11 motor vehicles of the second division weighing not more than
12 8,000 pounds.

13 Plates issued under this Section shall expire according to
14 the multi-year procedure established by Section 3-414.1 of this
15 Code.

16 (b) The design and color of the special plates shall be
17 wholly within the discretion of the Secretary. Appropriate
18 documentation, as determined by the Secretary, shall accompany
19 each application.

20 (c) An applicant for the special plate shall be charged a
21 \$25 fee for original issuance in addition to the appropriate
22 registration fee. Of this fee, \$10 shall be deposited into the
23 Rotary Club Fund and \$15 shall be deposited into the Secretary
24 of State Special License Plate Fund, to be used by the
25 Secretary to help defray the administrative processing costs.

26 For each registration renewal period, a \$25 fee, in

1 addition to the appropriate registration fee, shall be charged.
2 Of this fee, \$23 shall be deposited into the Rotary Club Fund
3 and \$2 shall be deposited into the Secretary of State Special
4 License Plate Fund.

5 (d) The Rotary Club Fund is created as a special fund in
6 the State treasury. All moneys in the Rotary Club Fund shall be
7 paid, subject to appropriation by the General Assembly and
8 approval by the Secretary, as grants for charitable purposes
9 sponsored by the Rotary Club.

10 (Source: P.A. 95-523, eff. 6-1-08; revised 12-10-07.)

11 (625 ILCS 5/3-674)

12 Sec. 3-674 ~~3-664~~. Sheet Metal Workers International
13 Association license plates.

14 (a) The Secretary, upon receipt of all applicable fees and
15 applications made in the form prescribed by the Secretary, may
16 issue special registration plates designated as Sheet Metal
17 Workers International Association license plates. The special
18 plates issued under this Section shall be affixed only to
19 passenger vehicles of the first division or motor vehicles of
20 the second division weighing not more than 8,000 pounds. Plates
21 issued under this Section shall expire according to the
22 multi-year procedure established by Section 3-414.1 of this
23 Code.

24 (b) The design and color of the special plates shall be
25 wholly within the discretion of the Secretary. Appropriate

1 documentation, as determined by the Secretary, shall accompany
2 each application. The Secretary may allow the plates to be
3 issued as vanity plates or personalized plates under Section
4 3-405.1 of this Code. The Secretary shall prescribe stickers or
5 decals as provided under Section 3-412 of this Code.

6 (c) An applicant for the special plate shall be charged a
7 \$25 fee for original issuance in addition to the appropriate
8 registration fee. Of this fee, \$10 shall be deposited into the
9 Sheet Metal Workers International Association of Illinois Fund
10 and \$15 shall be deposited into the Secretary of State Special
11 License Plate Fund, to be used by the Secretary to help defray
12 the administrative processing costs.

13 For each registration renewal period, a \$25 fee, in
14 addition to the appropriate registration fee, shall be charged.
15 Of this fee, \$23 shall be deposited into the Sheet Metal
16 Workers International Association of Illinois Fund and \$2 shall
17 be deposited into the Secretary of State Special License Plate
18 Fund.

19 (d) The Sheet Metal Workers International Association of
20 Illinois Fund is created as a special fund in the State
21 treasury. All moneys in the Sheet Metal Workers International
22 Association of Illinois Fund shall be paid, subject to
23 appropriation by the General Assembly and approval by the
24 Secretary, as grants for charitable purposes sponsored by
25 Illinois local chapters of the Sheet Metal Workers
26 International Association.

1 (Source: P.A. 95-531, eff. 1-1-08; revised 12-10-07.)

2 (625 ILCS 5/3-675)

3 Sec. 3-675 ~~3-664~~. Support Our Troops license plates.

4 (a) The Secretary, upon receipt of all applicable fees and
5 applications made in the form prescribed by the Secretary, may
6 issue special registration plates designated as Support Our
7 Troops license plates. The special plates issued under this
8 Section shall be affixed only to passenger vehicles of the
9 first division or motor vehicles of the second division
10 weighing not more than 8,000 pounds. Plates issued under this
11 Section shall expire according to the multi-year procedure
12 established by Section 3-414.1 of this Code.

13 (b) The design and color of the special plates shall be
14 wholly within the discretion of the Secretary, except that the
15 emblem of the organization Illinois Support Our Troops, Inc.,
16 and its "Support Our Troops!" mark shall appear on the plate.
17 The address of the organization's Internet web site may appear
18 on the plate, and the organization may alternate the mark to
19 "Salute our Heroes!" in a manner that respects inventory. The
20 field of the plate may be colored. The Secretary may, in his or
21 her discretion, allow the plates to be issued as vanity or
22 personalized plates in accordance with Section 3-405.1 of this
23 Code. The plates are not required to designate "Land of
24 Lincoln", as prescribed in subsection (b) of Section 3-412 of
25 this Code. The Secretary, in his or her discretion, shall

1 approve and prescribe stickers or decals as provided under
2 Section 3-412.

3 (c) An applicant for the special plate shall be charged a
4 \$40 fee for original issuance in addition to the appropriate
5 registration fee. Of this fee, \$25 shall be deposited into the
6 Support Our Troops Fund and \$15 shall be deposited into the
7 Secretary of State Special License Plate Fund to be used by the
8 Secretary to help defray the administrative processing costs.
9 For each registration renewal period, a \$27 fee, in addition to
10 the appropriate registration fee, shall be charged. Of this
11 fee, \$25 shall be deposited into the Support Our Troops Fund
12 and \$2 shall be deposited into the Secretary of State Special
13 License Plate Fund.

14 (d) The Support Our Troops Fund is created as a special
15 fund in the State treasury. All moneys in the Support Our
16 Troops Fund shall be paid, subject to appropriation by the
17 General Assembly and approval by the Secretary, as grants to
18 Illinois Support Our Troops, Inc., a not-for-profit public
19 purpose charity under Internal Revenue Code Section 501(c)(3),
20 for charitable assistance to the troops and their families in
21 accordance with its Articles of Incorporation.

22 (Source: P.A. 95-534, eff. 8-28-07; revised 12-10-07.)

23 (625 ILCS 5/3-676)

24 Sec. 3-676 ~~3-664~~. Iraq Campaign license plates.

25 (a) In addition to any other special license plate, the

1 Secretary, upon receipt of all applicable fees and applications
2 made in the form prescribed by the Secretary of State, may
3 issue Iraq Campaign license plates to residents of Illinois who
4 have earned the Iraq Campaign Medal from the United States
5 Armed Forces. The special Iraq Campaign plates issued under
6 this Section shall be affixed only to passenger vehicles of the
7 first division, motorcycles, and motor vehicles of the second
8 division weighing not more than 8,000 pounds. Plates issued
9 under this Section shall expire according to the staggered
10 multi-year procedure established by Section 3-414.1 of this
11 Code.

12 (b) The design, color, and format of the plates shall be
13 wholly within the discretion of the Secretary of State. The
14 Secretary may, in his or her discretion, allow the plates to be
15 issued as vanity plates or personalized in accordance with
16 Section 3-405.1 of this Code. The plates are not required to
17 designate "Land of ~~of~~ Lincoln", as prescribed in subsection (b)
18 of Section 3-412 of this Code. The Secretary shall, in his or
19 her discretion, approve and prescribe stickers or decals as
20 provided under Section 3-412.

21 (c) An applicant shall be charged a \$15 fee for original
22 issuance in addition to the applicable registration fee. This
23 additional fee shall be deposited into the Secretary of State
24 Special License Plate Fund.

25 (Source: P.A. 95-542, eff. 8-28-07; revised 12-10-07.)

1 (625 ILCS 5/3-677)

2 Sec. 3-677 ~~3-665~~. Afghanistan Campaign license plates.

3 (a) In addition to any other special license plate, the
4 Secretary, upon receipt of all applicable fees and applications
5 made in the form prescribed by the Secretary of State, may
6 issue Afghanistan Campaign license plates to residents of
7 Illinois who have earned the Afghanistan Campaign Medal from
8 the United States Armed Forces. The special Afghanistan
9 Campaign plates issued under this Section shall be affixed only
10 to passenger vehicles of the first division, motorcycles, and
11 motor vehicles of the second division weighing not more than
12 8,000 pounds. Plates issued under this Section shall expire
13 according to the staggered multi-year procedure established by
14 Section 3-414.1 of this Code.

15 (b) The design, color, and format of the plates shall be
16 wholly within the discretion of the Secretary of State. The
17 Secretary may, in his or her discretion, allow the plates to be
18 issued as vanity plates or personalized in accordance with
19 Section 3-405.1 of this Code. The plates are not required to
20 designate "Land of ~~of~~ Lincoln", as prescribed in subsection (b)
21 of Section 3-412 of this Code. The Secretary shall, in his or
22 her discretion, approve and prescribe stickers or decals as
23 provided under Section 3-412.

24 (c) An applicant shall be charged a \$15 fee for original
25 issuance in addition to the applicable registration fee. This
26 additional fee shall be deposited into the Secretary of State

1 Special License Plate Fund.

2 (Source: P.A. 95-542, eff. 8-28-07; revised 12-10-07.)

3 (625 ILCS 5/3-678)

4 Sec. 3-678 ~~3-664~~. Ovarian Cancer Awareness license plates.

5 (a) The Secretary, upon receipt of an application made in
6 the form prescribed by the Secretary, may issue special
7 registration plates designated as Ovarian Cancer Awareness
8 license plates. The special plates issued under this Section
9 shall be affixed only to passenger vehicles of the first
10 division and motor vehicles of the second division weighing not
11 more than 8,000 pounds. Plates issued under this Section shall
12 expire according to the multi-year procedure established by
13 Section 3-414.1 of this Code.

14 (b) The design and color of the plates is wholly within the
15 discretion of the Secretary. The Secretary may allow the plates
16 to be issued as vanity or personalized plates under Section
17 3-405.1 of this Code. The Secretary shall prescribe stickers or
18 decals as provided under Section 3-412 of this Code.

19 (c) An applicant for the special plate shall be charged a
20 \$25 fee for original issuance in addition to the appropriate
21 registration fee. Of this fee, \$10 shall be deposited into the
22 Ovarian Cancer Awareness Fund and \$15 shall be deposited into
23 the Secretary of State Special License Plate Fund, to be used
24 by the Secretary to help defray the administrative processing
25 costs.

1 For each registration renewal period, a \$25 fee, in
2 addition to the appropriate registration fee, shall be charged.
3 Of this fee, \$23 shall be deposited into the Ovarian Cancer
4 Awareness Fund and \$2 shall be deposited into the Secretary of
5 State Special License Plate Fund.

6 (d) The Ovarian Cancer Awareness Fund is created as a
7 special fund in the State treasury. All moneys in the Ovarian
8 Cancer Awareness Fund shall be paid, subject to appropriation
9 by the General Assembly and approval by the Secretary, as
10 grants to the National Ovarian Cancer Coalition, Inc. for
11 ovarian cancer research, education, screening, and treatment.
12 (Source: P.A. 95-552, eff. 8-30-07; revised 12-10-07.)

13 (625 ILCS 5/3-679)

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

16 Sec. 3-679 ~~3-665~~. Law Enforcement Torch Run For Special
17 Olympics license plates.

18 (a) The Secretary, upon receipt of an application made in
19 the form prescribed by the Secretary of State, may issue
20 special registration plates designated to be Law Enforcement
21 Torch Run For Special Olympics license plates. The special
22 plates issued under this Section shall be affixed only to
23 passenger vehicles of the first division, motor vehicles of the
24 second division weighing not more than 8,000 pounds, and
25 recreational vehicles as defined by Section 1-169 of this Code.

1 Plates issued under this Section shall expire according to the
2 multi-year procedure established by Section 3-414.1 of this
3 Code.

4 (b) The design and color of the plates shall be wholly
5 within the discretion of the Secretary of State. Appropriate
6 documentation, as determined by the Secretary, shall accompany
7 the application. The Secretary may, in his or her discretion,
8 allow the plates to be issued as vanity or personalized plates
9 in accordance with Section 3-405.1 of this Code.

10 (c) An applicant shall be charged a \$45 fee for original
11 issuance in addition to the appropriate registration fee, if
12 applicable. Of this fee, \$30 shall be deposited into the
13 Special Olympics Illinois Fund and \$15 shall be deposited into
14 the Secretary of State Special License Plate Fund. For each
15 registration renewal period, a \$27 fee, in addition to the
16 appropriate registration fee, shall be charged. Of this fee,
17 \$25 shall be deposited into the Special Olympics Illinois Fund
18 and \$2 shall be deposited into the Secretary of State Special
19 License Plate Fund.

20 (Source: P.A. 95-523, eff. 6-1-08; revised 12-10-07.)

21 (625 ILCS 5/3-707) (from Ch. 95 1/2, par. 3-707)

22 (Text of Section before amendment by P.A. 95-686)

23 Sec. 3-707. Operation of uninsured motor vehicle - penalty.

24 (a) No person shall operate a motor vehicle unless the
25 motor vehicle is covered by a liability insurance policy in

1 accordance with Section 7-601 of this Code.

2 (b) Any person who fails to comply with a request by a law
3 enforcement officer for display of evidence of insurance, as
4 required under Section 7-602 of this Code, shall be deemed to
5 be operating an uninsured motor vehicle.

6 (c) Any operator of a motor vehicle subject to registration
7 under this Code who is convicted of violating this Section is
8 guilty of a business offense and shall be required to pay a
9 fine in excess of \$500, but not more than \$1,000. However, no
10 person charged with violating this Section shall be convicted
11 if such person produces in court satisfactory evidence that at
12 the time of the arrest the motor vehicle was covered by a
13 liability insurance policy in accordance with Section 7-601 of
14 this Code. The chief judge of each circuit may designate an
15 officer of the court to review the documentation demonstrating
16 that at the time of arrest the motor vehicle was covered by a
17 liability insurance policy in accordance with Section 7-601 of
18 this Code.

19 (c-1) A person convicted of violating this Section shall
20 also have his or her driver's license, permit, or privileges
21 suspended for 3 months. After the expiration of the 3 months,
22 the person's driver's license, permit, or privileges shall not
23 be reinstated until he or she has paid a reinstatement fee of
24 \$100. If a person violates this Section while his or her
25 driver's license, permit, or privileges are suspended under
26 this subsection (c-1), his or her driver's license, permit, or

1 privileges shall be suspended for an additional 6 months and
2 until he or she pays the reinstatement fee.

3 (d) A person convicted a third or subsequent time of
4 violating this Section or a similar provision of a local
5 ordinance must give proof to the Secretary of State of the
6 person's financial responsibility as defined in Section 7-315.
7 The person must maintain the proof in a manner satisfactory to
8 the Secretary for a minimum period of 3 years after the date
9 the proof is first filed. The Secretary must suspend the
10 driver's license of any person determined by the Secretary not
11 to have provided adequate proof of financial responsibility as
12 required by this subsection.

13 (Source: P.A. 94-1035, eff. 7-1-07; 95-211, eff. 1-1-08.)

14 (Text of Section after amendment by P.A. 95-686)

15 Sec. 3-707. Operation of uninsured motor vehicle - penalty.

16 (a) No person shall operate a motor vehicle unless the
17 motor vehicle is covered by a liability insurance policy in
18 accordance with Section 7-601 of this Code.

19 (b) Any person who fails to comply with a request by a law
20 enforcement officer for display of evidence of insurance, as
21 required under Section 7-602 of this Code, shall be deemed to
22 be operating an uninsured motor vehicle.

23 (c) Except as provided in subsection (c-5), any operator of
24 a motor vehicle subject to registration under this Code who is
25 convicted of violating this Section is guilty of a business

1 offense and shall be required to pay a fine in excess of \$500,
2 but not more than \$1,000. However, no person charged with
3 violating this Section shall be convicted if such person
4 produces in court satisfactory evidence that at the time of the
5 arrest the motor vehicle was covered by a liability insurance
6 policy in accordance with Section 7-601 of this Code. The chief
7 judge of each circuit may designate an officer of the court to
8 review the documentation demonstrating that at the time of
9 arrest the motor vehicle was covered by a liability insurance
10 policy in accordance with Section 7-601 of this Code.

11 (c-1) A person convicted of violating this Section shall
12 also have his or her driver's license, permit, or privileges
13 suspended for 3 months. After the expiration of the 3 months,
14 the person's driver's license, permit, or privileges shall not
15 be reinstated until he or she has paid a reinstatement fee of
16 \$100. If a person violates this Section while his or her
17 driver's license, permit, or privileges are suspended under
18 this subsection (c-1), his or her driver's license, permit, or
19 privileges shall be suspended for an additional 6 months and
20 until he or she pays the reinstatement fee.

21 (c-5) A person who (i) has not previously been convicted of
22 or received a disposition of court supervision for violating
23 this Section and (ii) produces at his or her court appearance
24 satisfactory evidence that the motor vehicle is covered, as of
25 the date of the court appearance, by a liability insurance
26 policy in accordance with Section 7-601 of this Code shall, for

1 a violation of this Section, pay a fine of \$100 and receive a
2 disposition of court supervision. The person must, on the date
3 that the period of court supervision is scheduled to terminate,
4 produce satisfactory evidence that the vehicle was covered by
5 the required liability insurance policy during the entire
6 period of court supervision.

7 An officer of the court designated under subsection (c) may
8 also review liability insurance documentation under this
9 subsection (c-5) to determine if the motor vehicle is, as of
10 the date of the court appearance, covered by a liability
11 insurance policy in accordance with Section 7-601 of this Code.
12 The officer of the court shall also determine, on the date the
13 period of court supervision is scheduled to terminate, whether
14 the vehicle was covered by the required policy during the
15 entire period of court supervision.

16 (d) A person convicted a third or subsequent time of
17 violating this Section or a similar provision of a local
18 ordinance must give proof to the Secretary of State of the
19 person's financial responsibility as defined in Section 7-315.
20 The person must maintain the proof in a manner satisfactory to
21 the Secretary for a minimum period of 3 years after the date
22 the proof is first filed. The Secretary must suspend the
23 driver's license of any person determined by the Secretary not
24 to have provided adequate proof of financial responsibility as
25 required by this subsection.

26 (Source: P.A. 94-1035, eff. 7-1-07; 95-211, eff. 1-1-08;

1 95-686, eff. 6-1-08; revised 11-16-07.)

2 (625 ILCS 5/3-806.1) (from Ch. 95 1/2, par. 3-806.1)

3 Sec. 3-806.1. Additional fees for vanity license plates. In
4 addition to the regular registration fee, an applicant for a
5 vanity license plate, other than a vanity plate in any military
6 series or a vanity plate issued under Section 3-664 ~~3-806.4~~,
7 shall be charged \$94 for each set of vanity license plates
8 issued to a vehicle of the first division or a vehicle of the
9 second division registered at not more than 8,000 pounds or to
10 a recreational vehicle and \$50 for each set of vanity plates
11 issued to a motorcycle. In addition to the regular renewal fee,
12 an applicant for a vanity plate, other than a vanity plate in
13 any military series or a vanity plate issued under Section
14 3-664 ~~3-806.4~~, shall be charged \$13 for the renewal of each set
15 of vanity license plates. There shall be no additional fees for
16 a vanity license plate in any military series of plates or a
17 vanity plate issued under Section 3-664 ~~3-806.4~~.

18 (Source: P.A. 95-287, eff. 1-1-08; 95-353, eff. 1-1-08; revised
19 11-16-07.)

20 (625 ILCS 5/3-806.3) (from Ch. 95 1/2, par. 3-806.3)

21 Sec. 3-806.3. Senior Citizens. Commencing with the 2006
22 registration year and through the 2008 registration year, the
23 registration fee paid by any vehicle owner who has been
24 approved for benefits under the Senior Citizens and Disabled

1 Persons Property Tax Relief and Pharmaceutical Assistance Act
2 or who is the spouse of such a person shall be \$24 instead of
3 the fee otherwise provided in this Code for passenger cars
4 displaying standard multi-year registration plates issued
5 under Section 3-414.1, motor vehicles displaying special
6 registration plates issued under Section 3-616, 3-621, 3-622,
7 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647,
8 3-650, or 3-651, motor vehicles registered at 8,000 pounds or
9 less under Section 3-815(a), and recreational vehicles
10 registered at 8,000 pounds or less under Section 3-815(b).
11 Widows and widowers of claimants shall also be entitled to this
12 reduced registration fee for the registration year in which the
13 claimant was eligible.

14 Commencing with the 2006 registration year and through the
15 2008 registration year, the registration fee paid by any
16 vehicle owner who has claimed and received a grant under the
17 Senior Citizens and Disabled Persons Property Tax Relief and
18 Pharmaceutical Assistance Act or who is the spouse of such a
19 person shall be \$24 instead of the fee otherwise provided in
20 this Code for passenger cars displaying standard multi-year
21 registration plates issued under Section 3-414.1, motor
22 vehicles displaying special registration plates issued under
23 Section 3-607, 3-616, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626,
24 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, 3-651, or 3-664
25 ~~3-806.4~~, motor vehicles registered at 8,000 pounds or less
26 under Section 3-815(a), and recreational vehicles registered

1 at 8,000 pounds or less under Section 3-815(b). Widows and
2 widowers of claimants shall also be entitled to this reduced
3 registration fee for the registration year in which the
4 claimant was eligible.

5 Commencing with the 2009 registration year, the
6 registration fee paid by any vehicle owner who has been
7 approved for benefits under the Senior Citizens and Disabled
8 Persons Property Tax Relief and Pharmaceutical Assistance Act
9 or who is the spouse of such a person shall be \$24 instead of
10 the fee otherwise provided in this Code for passenger cars
11 displaying standard multi-year registration plates issued
12 under Section 3-414.1, motor vehicles displaying special
13 registration plates issued under Section 3-609, 3-616, 3-621,
14 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645,
15 3-647, 3-650, or 3-651, motor vehicles registered at 8,000
16 pounds or less under Section 3-815(a), and recreational
17 vehicles registered at 8,000 pounds or less under Section
18 3-815(b). Widows and widowers of claimants shall also be
19 entitled to this reduced registration fee for the registration
20 year in which the claimant was eligible.

21 Commencing with the 2009 registration year, the
22 registration fee paid by any vehicle owner who has claimed and
23 received a grant under the Senior Citizens and Disabled Persons
24 Property Tax Relief and Pharmaceutical Assistance Act or who is
25 the spouse of such a person shall be \$24 instead of the fee
26 otherwise provided in this Code for passenger cars displaying

1 standard multi-year registration plates issued under Section
2 3-414.1, motor vehicles displaying special registration plates
3 issued under Section 3-607, 3-609, 3-616, 3-621, 3-622, 3-623,
4 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650,
5 ~~or~~ 3-651, or 3-664 ~~3-806.4~~, motor vehicles registered at 8,000
6 pounds or less under Section 3-815(a), and recreational
7 vehicles registered at 8,000 pounds or less under Section
8 3-815(b). Widows and widowers of claimants shall also be
9 entitled to this reduced registration fee for the registration
10 year in which the claimant was eligible.

11 No more than one reduced registration fee under this
12 Section shall be allowed during any 12 month period based on
13 the primary eligibility of any individual, whether such reduced
14 registration fee is allowed to the individual or to the spouse,
15 widow or widower of such individual. This Section does not
16 apply to the fee paid in addition to the registration fee for
17 motor vehicles displaying vanity or special license plates.

18 (Source: P.A. 95-157, eff. 1-1-08; 95-331, eff. 8-21-07;
19 revised 12-10-07.)

20 (625 ILCS 5/3-806.5)

21 Sec. 3-806.5. Additional fees for personalized license
22 plates. For registration periods commencing after December 31,
23 2003, in addition to the regular registration fee, an applicant
24 for a personalized license plate, other than a personalized
25 plate in any military series or a personalized plate issued

1 under Section 3-664 ~~3-806.4~~, shall be charged \$47 for each set
2 of personalized license plates issued to a vehicle of the first
3 division or a vehicle of the second division registered at not
4 more than 8,000 pounds or to a recreational vehicle and \$25 for
5 each set of personalized plates issued to a motorcycle. In
6 addition to the regular renewal fee, an applicant for a
7 personalized plate other than a personalized plate in any
8 military series or a personalized plate issued under Section
9 3-664 ~~3-806.4~~, shall be charged \$7 for the renewal of each set
10 of personalized license plates. There shall be no additional
11 fees charged for a personalized plate in any military series of
12 plates or a personalized plate issued under Section 3-664
13 ~~3-806.4~~. Of the money received by the Secretary of State as
14 additional fees for personalized license plates, 50% shall be
15 deposited into the Secretary of State Special License Plate
16 Fund and 50% shall be deposited into the General Revenue Fund.
17 (Source: P.A. 95-287, eff. 1-1-08; 95-353, eff. 1-1-08; revised
18 11-16-07.)

19 (625 ILCS 5/3-806.6)

20 Sec. 3-806.6. Victims of domestic violence.

21 (a) The Secretary shall issue new and different license
22 plates immediately upon request to the registered owner of a
23 vehicle who appears in person and submits a completed
24 application, if all of the following are provided:

25 (1) proof of ownership of the vehicle that is

1 acceptable to the Secretary;

2 (2) a driver's license or identification card
3 containing a picture of the licensee or cardholder issued
4 to the registered owner by the Secretary under Section
5 6-110 or 6-107 of this Code or Section 4 of the Illinois
6 Identification Card Act. The Office of the Secretary shall
7 conduct a search of its records to verify the authenticity
8 of any document submitted under this paragraph (2);

9 (3) the previously issued license plates from the
10 vehicle;

11 (4) payment of the required fee for the issuance of
12 duplicate license plates under Section 3-417; and

13 (5) one of the following:

14 (A) a copy of a police report, court documentation,
15 or other law enforcement documentation identifying the
16 registered owner of the vehicle as the victim of an
17 incident of abuse, as defined in Section 103 of the
18 Illinois Domestic Violence Act of 1986, or the subject
19 of stalking, as defined in Section 12-7.3 of the
20 Criminal Code of 1961;

21 (B) a written acknowledgment, dated within 30 days
22 of submission, on the letterhead of a domestic violence
23 agency, that the registered owner is actively seeking
24 assistance or has sought assistance from that agency
25 within the past year; or

26 (C) an order of protection issued under Section 214

1 of the Illinois Domestic Violence Act of 1986 that
2 names the registered owner as a protected party.

3 (b) This Section does not apply to license plates issued
4 under Section 3-664 ~~3-806.4~~ or to special license plates issued
5 under Article VI of this Chapter.

6 (Source: P.A. 94-503, eff. 1-1-06; revised 12-10-07.)

7 (625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

8 (Text of Section before amendment by P.A. 95-562 and
9 95-621)

10 Sec. 4-203. Removal of motor vehicles or other vehicles;
11 Towing or hauling away.

12 (a) When a vehicle is abandoned, or left unattended, on a
13 toll highway, interstate highway, or expressway for 2 hours or
14 more, its removal by a towing service may be authorized by a
15 law enforcement agency having jurisdiction.

16 (b) When a vehicle is abandoned on a highway in an urban
17 district 10 hours or more, its removal by a towing service may
18 be authorized by a law enforcement agency having jurisdiction.

19 (c) When a vehicle is abandoned or left unattended on a
20 highway other than a toll highway, interstate highway, or
21 expressway, outside of an urban district for 24 hours or more,
22 its removal by a towing service may be authorized by a law
23 enforcement agency having jurisdiction.

24 (d) When an abandoned, unattended, wrecked, burned or
25 partially dismantled vehicle is creating a traffic hazard

1 because of its position in relation to the highway or its
2 physical appearance is causing the impeding of traffic, its
3 immediate removal from the highway or private property adjacent
4 to the highway by a towing service may be authorized by a law
5 enforcement agency having jurisdiction.

6 (e) Whenever a peace officer reasonably believes that a
7 person under arrest for a violation of Section 11-501 of this
8 Code or a similar provision of a local ordinance is likely,
9 upon release, to commit a subsequent violation of Section
10 11-501, or a similar provision of a local ordinance, the
11 arresting officer shall have the vehicle which the person was
12 operating at the time of the arrest impounded for a period of
13 not more than 12 hours after the time of arrest. However, such
14 vehicle may be released by the arresting law enforcement agency
15 prior to the end of the impoundment period if:

16 (1) the vehicle was not owned by the person under
17 arrest, and the lawful owner requesting such release
18 possesses a valid operator's license, proof of ownership,
19 and would not, as determined by the arresting law
20 enforcement agency, indicate a lack of ability to operate a
21 motor vehicle in a safe manner, or who would otherwise, by
22 operating such motor vehicle, be in violation of this Code;
23 or

24 (2) the vehicle is owned by the person under arrest,
25 and the person under arrest gives permission to another
26 person to operate such vehicle, provided however, that the

1 other person possesses a valid operator's license and would
2 not, as determined by the arresting law enforcement agency,
3 indicate a lack of ability to operate a motor vehicle in a
4 safe manner or who would otherwise, by operating such motor
5 vehicle, be in violation of this Code.

6 (e-5) Whenever a registered owner of a vehicle is taken
7 into custody for operating the vehicle in violation of Section
8 11-501 of this Code or a similar provision of a local ordinance
9 or Section 6-303 of this Code, a law enforcement officer may
10 have the vehicle immediately impounded for a period not less
11 than:

12 (1) 24 hours for a second violation of Section 11-501
13 of this Code or a similar provision of a local ordinance or
14 Section 6-303 of this Code or a combination of these
15 offenses; or

16 (2) 48 hours for a third violation of Section 11-501 of
17 this Code or a similar provision of a local ordinance or
18 Section 6-303 of this Code or a combination of these
19 offenses.

20 The vehicle may be released sooner if the vehicle is owned
21 by the person under arrest and the person under arrest gives
22 permission to another person to operate the vehicle and that
23 other person possesses a valid operator's license and would
24 not, as determined by the arresting law enforcement agency,
25 indicate a lack of ability to operate a motor vehicle in a safe
26 manner or would otherwise, by operating the motor vehicle, be

1 in violation of this Code.

2 (f) Except as provided in Chapter 18a of this Code, the
3 owner or lessor of privately owned real property within this
4 State, or any person authorized by such owner or lessor, or any
5 law enforcement agency in the case of publicly owned real
6 property may cause any motor vehicle abandoned or left
7 unattended upon such property without permission to be removed
8 by a towing service without liability for the costs of removal,
9 transportation or storage or damage caused by such removal,
10 transportation or storage. The towing or removal of any vehicle
11 from private property without the consent of the registered
12 owner or other legally authorized person in control of the
13 vehicle is subject to compliance with the following conditions
14 and restrictions:

15 1. Any towed or removed vehicle must be stored at the
16 site of the towing service's place of business. The site
17 must be open during business hours, and for the purpose of
18 redemption of vehicles, during the time that the person or
19 firm towing such vehicle is open for towing purposes.

20 2. The towing service shall within 30 minutes of
21 completion of such towing or removal, notify the law
22 enforcement agency having jurisdiction of such towing or
23 removal, and the make, model, color and license plate
24 number of the vehicle, and shall obtain and record the name
25 of the person at the law enforcement agency to whom such
26 information was reported.

1 3. If the registered owner or legally authorized person
2 entitled to possession of the vehicle shall arrive at the
3 scene prior to actual removal or towing of the vehicle, the
4 vehicle shall be disconnected from the tow truck and that
5 person shall be allowed to remove the vehicle without
6 interference, upon the payment of a reasonable service fee
7 of not more than one half the posted rate of the towing
8 service as provided in paragraph 6 of this subsection, for
9 which a receipt shall be given.

10 4. The rebate or payment of money or any other valuable
11 consideration from the towing service or its owners,
12 managers or employees to the owners or operators of the
13 premises from which the vehicles are towed or removed, for
14 the privilege of removing or towing those vehicles, is
15 prohibited. Any individual who violates this paragraph
16 shall be guilty of a Class A misdemeanor.

17 5. Except for property appurtenant to and obviously a
18 part of a single family residence, and except for instances
19 where notice is personally given to the owner or other
20 legally authorized person in control of the vehicle that
21 the area in which that vehicle is parked is reserved or
22 otherwise unavailable to unauthorized vehicles and they
23 are subject to being removed at the owner or operator's
24 expense, any property owner or lessor, prior to towing or
25 removing any vehicle from private property without the
26 consent of the owner or other legally authorized person in

1 control of that vehicle, must post a notice meeting the
2 following requirements:

3 a. Except as otherwise provided in subparagraph
4 a.1 of this subdivision (f)5, the notice must be
5 prominently placed at each driveway access or curb cut
6 allowing vehicular access to the property within 5 feet
7 from the public right-of-way line. If there are no
8 curbs or access barriers, the sign must be posted not
9 less than one sign each 100 feet of lot frontage.

10 a.1. In a municipality with a population of less
11 than 250,000, as an alternative to the requirement of
12 subparagraph a of this subdivision (f)5, the notice for
13 a parking lot contained within property used solely for
14 a 2-family, 3-family, or 4-family residence may be
15 prominently placed at the perimeter of the parking lot,
16 in a position where the notice is visible to the
17 occupants of vehicles entering the lot.

18 b. The notice must indicate clearly, in not less
19 than 2 inch high light-reflective letters on a
20 contrasting background, that unauthorized vehicles
21 will be towed away at the owner's expense.

22 c. The notice must also provide the name and
23 current telephone number of the towing service towing
24 or removing the vehicle.

25 d. The sign structure containing the required
26 notices must be permanently installed with the bottom

1 of the sign not less than 4 feet above ground level,
2 and must be continuously maintained on the property for
3 not less than 24 hours prior to the towing or removing
4 of any vehicle.

5 6. Any towing service that tows or removes vehicles and
6 proposes to require the owner, operator, or person in
7 control of the vehicle to pay the costs of towing and
8 storage prior to redemption of the vehicle must file and
9 keep on record with the local law enforcement agency a
10 complete copy of the current rates to be charged for such
11 services, and post at the storage site an identical rate
12 schedule and any written contracts with property owners,
13 lessors, or persons in control of property which authorize
14 them to remove vehicles as provided in this Section.

15 7. No person shall engage in the removal of vehicles
16 from private property as described in this Section without
17 filing a notice of intent in each community where he
18 intends to do such removal, and such notice shall be filed
19 at least 7 days before commencing such towing.

20 8. No removal of a vehicle from private property shall
21 be done except upon express written instructions of the
22 owners or persons in charge of the private property upon
23 which the vehicle is said to be trespassing.

24 9. Vehicle entry for the purpose of removal shall be
25 allowed with reasonable care on the part of the person or
26 firm towing the vehicle. Such person or firm shall be

1 liable for any damages occasioned to the vehicle if such
2 entry is not in accordance with the standards of reasonable
3 care.

4 10. When a vehicle has been towed or removed pursuant
5 to this Section, it must be released to its owner or
6 custodian within one half hour after requested, if such
7 request is made during business hours. Any vehicle owner or
8 custodian or agent shall have the right to inspect the
9 vehicle before accepting its return, and no release or
10 waiver of any kind which would release the towing service
11 from liability for damages incurred during the towing and
12 storage may be required from any vehicle owner or other
13 legally authorized person as a condition of release of the
14 vehicle. A detailed, signed receipt showing the legal name
15 of the towing service must be given to the person paying
16 towing or storage charges at the time of payment, whether
17 requested or not.

18 This Section shall not apply to law enforcement,
19 firefighting, rescue, ambulance, or other emergency vehicles
20 which are marked as such or to property owned by any
21 governmental entity.

22 When an authorized person improperly causes a motor vehicle
23 to be removed, such person shall be liable to the owner or
24 lessee of the vehicle for the cost or removal, transportation
25 and storage, any damages resulting from the removal,
26 transportation and storage, attorney's fee and court costs.

1 Any towing or storage charges accrued shall be payable by
2 the use of any major credit card, in addition to being payable
3 in cash.

4 11. Towing companies shall also provide insurance
5 coverage for areas where vehicles towed under the
6 provisions of this Chapter will be impounded or otherwise
7 stored, and shall adequately cover loss by fire, theft or
8 other risks.

9 Any person who fails to comply with the conditions and
10 restrictions of this subsection shall be guilty of a Class C
11 misdemeanor and shall be fined not less than \$100 nor more than
12 \$500.

13 (g) When a vehicle is determined to be a hazardous
14 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the
15 Illinois Municipal Code, its removal and impoundment by a
16 towing service may be authorized by a law enforcement agency
17 with appropriate jurisdiction.

18 When a vehicle removal from either public or private
19 property is authorized by a law enforcement agency, the owner
20 of the vehicle shall be responsible for all towing and storage
21 charges.

22 Vehicles removed from public or private property and stored
23 by a commercial vehicle relocater or any other towing service
24 in compliance with this Section and Sections 4-201 and 4-202 of
25 this Code, or at the request of the vehicle owner or operator,
26 shall be subject to a possessor lien for services pursuant to

1 the Labor and Storage Lien (Small Amount) Act. The provisions
2 of Section 1 of that Act relating to notice and implied consent
3 shall be deemed satisfied by compliance with Section 18a-302
4 and subsection (6) of Section 18a-300. In no event shall such
5 lien be greater than the rate or rates established in
6 accordance with subsection (6) of Section 18a-200 of this Code.
7 In no event shall such lien be increased or altered to reflect
8 any charge for services or materials rendered in addition to
9 those authorized by this Act. Every such lien shall be payable
10 by use of any major credit card, in addition to being payable
11 in cash.

12 Any personal property belonging to the vehicle owner in a
13 vehicle subject to a lien under this subsection (g) shall
14 likewise be subject to that lien, excepting only: food;
15 medicine; perishable property; any operator's licenses; any
16 cash, credit cards, or checks or checkbooks; and any wallet,
17 purse, or other property containing any operator's license or
18 other identifying documents or materials, cash, credit cards,
19 checks, or checkbooks.

20 No lien under this subsection (g) shall: exceed \$2,000 in
21 its total amount; or be increased or altered to reflect any
22 charge for services or materials rendered in addition to those
23 authorized by this Act.

24 (h) Whenever a peace officer issues a citation to a driver
25 for a violation of subsection (a) of Section 11-506 of this
26 Code, the arresting officer may have the vehicle which the

1 person was operating at the time of the arrest impounded for a
2 period of 5 days after the time of arrest. An impounding agency
3 shall release a motor vehicle impounded under this subsection
4 (h) to the registered owner of the vehicle under any of the
5 following circumstances:

6 (1) If the vehicle is a stolen vehicle; or

7 (2) If the person ticketed for a violation of
8 subsection (a) of Section 11-506 of this Code was not
9 authorized by the registered owner of the vehicle to
10 operate the vehicle at the time of the violation; or

11 (3) If the registered owner of the vehicle was neither
12 the driver nor a passenger in the vehicle at the time of
13 the violation or was unaware that the driver was using the
14 vehicle to engage in street racing; or

15 (4) If the legal owner or registered owner of the
16 vehicle is a rental car agency; or

17 (5) If, prior to the expiration of the impoundment
18 period specified above, the citation is dismissed or the
19 defendant is found not guilty of the offense.

20 (Source: P.A. 94-522, eff. 8-10-05; 94-784, eff. 1-1-07;
21 95-310, eff. 1-1-08.)

22 (Text of Section after amendment by P.A. 95-621)

23 Sec. 4-203. Removal of motor vehicles or other vehicles;
24 Towing or hauling away.

25 (a) When a vehicle is abandoned, or left unattended, on a

1 toll highway, interstate highway, or expressway for 2 hours or
2 more, its removal by a towing service may be authorized by a
3 law enforcement agency having jurisdiction.

4 (b) When a vehicle is abandoned on a highway in an urban
5 district 10 hours or more, its removal by a towing service may
6 be authorized by a law enforcement agency having jurisdiction.

7 (c) When a vehicle is abandoned or left unattended on a
8 highway other than a toll highway, interstate highway, or
9 expressway, outside of an urban district for 24 hours or more,
10 its removal by a towing service may be authorized by a law
11 enforcement agency having jurisdiction.

12 (d) When an abandoned, unattended, wrecked, burned or
13 partially dismantled vehicle is creating a traffic hazard
14 because of its position in relation to the highway or its
15 physical appearance is causing the impeding of traffic, its
16 immediate removal from the highway or private property adjacent
17 to the highway by a towing service may be authorized by a law
18 enforcement agency having jurisdiction.

19 (e) Whenever a peace officer reasonably believes that a
20 person under arrest for a violation of Section 11-501 of this
21 Code or a similar provision of a local ordinance is likely,
22 upon release, to commit a subsequent violation of Section
23 11-501, or a similar provision of a local ordinance, the
24 arresting officer shall have the vehicle which the person was
25 operating at the time of the arrest impounded for a period of
26 not more than 12 hours after the time of arrest. However, such

1 vehicle may be released by the arresting law enforcement agency
2 prior to the end of the impoundment period if:

3 (1) the vehicle was not owned by the person under
4 arrest, and the lawful owner requesting such release
5 possesses a valid operator's license, proof of ownership,
6 and would not, as determined by the arresting law
7 enforcement agency, indicate a lack of ability to operate a
8 motor vehicle in a safe manner, or who would otherwise, by
9 operating such motor vehicle, be in violation of this Code;
10 or

11 (2) the vehicle is owned by the person under arrest,
12 and the person under arrest gives permission to another
13 person to operate such vehicle, provided however, that the
14 other person possesses a valid operator's license and would
15 not, as determined by the arresting law enforcement agency,
16 indicate a lack of ability to operate a motor vehicle in a
17 safe manner or who would otherwise, by operating such motor
18 vehicle, be in violation of this Code.

19 (e-5) Whenever a registered owner of a vehicle is taken
20 into custody for operating the vehicle in violation of Section
21 11-501 of this Code or a similar provision of a local ordinance
22 or Section 6-303 of this Code, a law enforcement officer may
23 have the vehicle immediately impounded for a period not less
24 than:

25 (1) 24 hours for a second violation of Section 11-501
26 of this Code or a similar provision of a local ordinance or

1 Section 6-303 of this Code or a combination of these
2 offenses; or

3 (2) 48 hours for a third violation of Section 11-501 of
4 this Code or a similar provision of a local ordinance or
5 Section 6-303 of this Code or a combination of these
6 offenses.

7 The vehicle may be released sooner if the vehicle is owned
8 by the person under arrest and the person under arrest gives
9 permission to another person to operate the vehicle and that
10 other person possesses a valid operator's license and would
11 not, as determined by the arresting law enforcement agency,
12 indicate a lack of ability to operate a motor vehicle in a safe
13 manner or would otherwise, by operating the motor vehicle, be
14 in violation of this Code.

15 (f) Except as provided in Chapter 18a of this Code, the
16 owner or lessor of privately owned real property within this
17 State, or any person authorized by such owner or lessor, or any
18 law enforcement agency in the case of publicly owned real
19 property may cause any motor vehicle abandoned or left
20 unattended upon such property without permission to be removed
21 by a towing service without liability for the costs of removal,
22 transportation or storage or damage caused by such removal,
23 transportation or storage. The towing or removal of any vehicle
24 from private property without the consent of the registered
25 owner or other legally authorized person in control of the
26 vehicle is subject to compliance with the following conditions

1 and restrictions:

2 1. Any towed or removed vehicle must be stored at the
3 site of the towing service's place of business. The site
4 must be open during business hours, and for the purpose of
5 redemption of vehicles, during the time that the person or
6 firm towing such vehicle is open for towing purposes.

7 2. The towing service shall within 30 minutes of
8 completion of such towing or removal, notify the law
9 enforcement agency having jurisdiction of such towing or
10 removal, and the make, model, color and license plate
11 number of the vehicle, and shall obtain and record the name
12 of the person at the law enforcement agency to whom such
13 information was reported.

14 3. If the registered owner or legally authorized person
15 entitled to possession of the vehicle shall arrive at the
16 scene prior to actual removal or towing of the vehicle, the
17 vehicle shall be disconnected from the tow truck and that
18 person shall be allowed to remove the vehicle without
19 interference, upon the payment of a reasonable service fee
20 of not more than one half the posted rate of the towing
21 service as provided in paragraph 6 of this subsection, for
22 which a receipt shall be given.

23 4. The rebate or payment of money or any other valuable
24 consideration from the towing service or its owners,
25 managers or employees to the owners or operators of the
26 premises from which the vehicles are towed or removed, for

1 the privilege of removing or towing those vehicles, is
2 prohibited. Any individual who violates this paragraph
3 shall be guilty of a Class A misdemeanor.

4 5. Except for property appurtenant to and obviously a
5 part of a single family residence, and except for instances
6 where notice is personally given to the owner or other
7 legally authorized person in control of the vehicle that
8 the area in which that vehicle is parked is reserved or
9 otherwise unavailable to unauthorized vehicles and they
10 are subject to being removed at the owner or operator's
11 expense, any property owner or lessor, prior to towing or
12 removing any vehicle from private property without the
13 consent of the owner or other legally authorized person in
14 control of that vehicle, must post a notice meeting the
15 following requirements:

16 a. Except as otherwise provided in subparagraph
17 a.1 of this subdivision (f)5, the notice must be
18 prominently placed at each driveway access or curb cut
19 allowing vehicular access to the property within 5 feet
20 from the public right-of-way line. If there are no
21 curbs or access barriers, the sign must be posted not
22 less than one sign each 100 feet of lot frontage.

23 a.1. In a municipality with a population of less
24 than 250,000, as an alternative to the requirement of
25 subparagraph a of this subdivision (f)5, the notice for
26 a parking lot contained within property used solely for

1 a 2-family, 3-family, or 4-family residence may be
2 prominently placed at the perimeter of the parking lot,
3 in a position where the notice is visible to the
4 occupants of vehicles entering the lot.

5 b. The notice must indicate clearly, in not less
6 than 2 inch high light-reflective letters on a
7 contrasting background, that unauthorized vehicles
8 will be towed away at the owner's expense.

9 c. The notice must also provide the name and
10 current telephone number of the towing service towing
11 or removing the vehicle.

12 d. The sign structure containing the required
13 notices must be permanently installed with the bottom
14 of the sign not less than 4 feet above ground level,
15 and must be continuously maintained on the property for
16 not less than 24 hours prior to the towing or removing
17 of any vehicle.

18 6. Any towing service that tows or removes vehicles and
19 proposes to require the owner, operator, or person in
20 control of the vehicle to pay the costs of towing and
21 storage prior to redemption of the vehicle must file and
22 keep on record with the local law enforcement agency a
23 complete copy of the current rates to be charged for such
24 services, and post at the storage site an identical rate
25 schedule and any written contracts with property owners,
26 lessors, or persons in control of property which authorize

1 them to remove vehicles as provided in this Section.

2 7. No person shall engage in the removal of vehicles
3 from private property as described in this Section without
4 filing a notice of intent in each community where he
5 intends to do such removal, and such notice shall be filed
6 at least 7 days before commencing such towing.

7 8. No removal of a vehicle from private property shall
8 be done except upon express written instructions of the
9 owners or persons in charge of the private property upon
10 which the vehicle is said to be trespassing.

11 9. Vehicle entry for the purpose of removal shall be
12 allowed with reasonable care on the part of the person or
13 firm towing the vehicle. Such person or firm shall be
14 liable for any damages occasioned to the vehicle if such
15 entry is not in accordance with the standards of reasonable
16 care.

17 10. When a vehicle has been towed or removed pursuant
18 to this Section, it must be released to its owner or
19 custodian within one half hour after requested, if such
20 request is made during business hours. Any vehicle owner or
21 custodian or agent shall have the right to inspect the
22 vehicle before accepting its return, and no release or
23 waiver of any kind which would release the towing service
24 from liability for damages incurred during the towing and
25 storage may be required from any vehicle owner or other
26 legally authorized person as a condition of release of the

1 vehicle. A detailed, signed receipt showing the legal name
2 of the towing service must be given to the person paying
3 towing or storage charges at the time of payment, whether
4 requested or not.

5 This Section shall not apply to law enforcement,
6 firefighting, rescue, ambulance, or other emergency vehicles
7 which are marked as such or to property owned by any
8 governmental entity.

9 When an authorized person improperly causes a motor vehicle
10 to be removed, such person shall be liable to the owner or
11 lessee of the vehicle for the cost or removal, transportation
12 and storage, any damages resulting from the removal,
13 transportation and storage, attorney's fee and court costs.

14 Any towing or storage charges accrued shall be payable by
15 the use of any major credit card, in addition to being payable
16 in cash.

17 11. Towing companies shall also provide insurance
18 coverage for areas where vehicles towed under the
19 provisions of this Chapter will be impounded or otherwise
20 stored, and shall adequately cover loss by fire, theft or
21 other risks.

22 Any person who fails to comply with the conditions and
23 restrictions of this subsection shall be guilty of a Class C
24 misdemeanor and shall be fined not less than \$100 nor more than
25 \$500.

26 (g) When a vehicle is determined to be a hazardous

1 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the
2 Illinois Municipal Code, its removal and impoundment by a
3 towing service may be authorized by a law enforcement agency
4 with appropriate jurisdiction.

5 When a vehicle removal from either public or private
6 property is authorized by a law enforcement agency, the owner
7 of the vehicle shall be responsible for all towing and storage
8 charges.

9 Vehicles removed from public or private property and stored
10 by a commercial vehicle relocator or any other towing service
11 authorized by a law enforcement agency in compliance with this
12 Section and Sections 4-201 and 4-202 of this Code, or at the
13 request of the vehicle owner or operator, shall be subject to a
14 possessor lien for services pursuant to the Labor and Storage
15 Lien (Small Amount) Act. The provisions of Section 1 of that
16 Act relating to notice and implied consent shall be deemed
17 satisfied by compliance with Section 18a-302 and subsection (6)
18 of Section 18a-300. In no event shall such lien be greater than
19 the rate or rates established in accordance with subsection (6)
20 of Section 18a-200 of this Code. In no event shall such lien be
21 increased or altered to reflect any charge for services or
22 materials rendered in addition to those authorized by this Act.
23 Every such lien shall be payable by use of any major credit
24 card, in addition to being payable in cash.

25 Any personal property belonging to the vehicle owner in a
26 vehicle subject to a lien under this subsection (g) shall

1 likewise be subject to that lien, excepting only: food;
2 medicine; perishable property; any operator's licenses; any
3 cash, credit cards, or checks or checkbooks; and any wallet,
4 purse, or other property containing any operator's license or
5 other identifying documents or materials, cash, credit cards,
6 checks, or checkbooks.

7 No lien under this subsection (g) shall: exceed \$2,000 in
8 its total amount; or be increased or altered to reflect any
9 charge for services or materials rendered in addition to those
10 authorized by this Act.

11 (h) Whenever a peace officer issues a citation to a driver
12 for a violation of subsection (a) of Section 11-506 of this
13 Code, the arresting officer may have the vehicle which the
14 person was operating at the time of the arrest impounded for a
15 period of 5 days after the time of arrest. An impounding agency
16 shall release a motor vehicle impounded under this subsection
17 (h) to the registered owner of the vehicle under any of the
18 following circumstances:

19 (1) If the vehicle is a stolen vehicle; or

20 (2) If the person ticketed for a violation of
21 subsection (a) of Section 11-506 of this Code was not
22 authorized by the registered owner of the vehicle to
23 operate the vehicle at the time of the violation; or

24 (3) If the registered owner of the vehicle was neither
25 the driver nor a passenger in the vehicle at the time of
26 the violation or was unaware that the driver was using the

1 vehicle to engage in street racing; or

2 (4) If the legal owner or registered owner of the
3 vehicle is a rental car agency; or

4 (5) If, prior to the expiration of the impoundment
5 period specified above, the citation is dismissed or the
6 defendant is found not guilty of the offense.

7 (Source: P.A. 94-522, eff. 8-10-05; 94-784, eff. 1-1-07;
8 95-310, eff. 1-1-08; 95-621, eff. 6-1-08; revised 11-16-07.)

9 (Text of Section after amendment by P.A. 95-562)

10 Sec. 4-203. Removal of motor vehicles or other vehicles;
11 Towing or hauling away.

12 (a) When a vehicle is abandoned, or left unattended, on a
13 toll highway, interstate highway, or expressway for 2 hours or
14 more, its removal by a towing service may be authorized by a
15 law enforcement agency having jurisdiction.

16 (b) When a vehicle is abandoned on a highway in an urban
17 district 10 hours or more, its removal by a towing service may
18 be authorized by a law enforcement agency having jurisdiction.

19 (c) When a vehicle is abandoned or left unattended on a
20 highway other than a toll highway, interstate highway, or
21 expressway, outside of an urban district for 24 hours or more,
22 its removal by a towing service may be authorized by a law
23 enforcement agency having jurisdiction.

24 (d) When an abandoned, unattended, wrecked, burned or
25 partially dismantled vehicle is creating a traffic hazard

1 because of its position in relation to the highway or its
2 physical appearance is causing the impeding of traffic, its
3 immediate removal from the highway or private property adjacent
4 to the highway by a towing service may be authorized by a law
5 enforcement agency having jurisdiction.

6 (e) Whenever a peace officer reasonably believes that a
7 person under arrest for a violation of Section 11-501 of this
8 Code or a similar provision of a local ordinance is likely,
9 upon release, to commit a subsequent violation of Section
10 11-501, or a similar provision of a local ordinance, the
11 arresting officer shall have the vehicle which the person was
12 operating at the time of the arrest impounded for a period of
13 not more than 12 hours after the time of arrest. However, such
14 vehicle may be released by the arresting law enforcement agency
15 prior to the end of the impoundment period if:

16 (1) the vehicle was not owned by the person under
17 arrest, and the lawful owner requesting such release
18 possesses a valid operator's license, proof of ownership,
19 and would not, as determined by the arresting law
20 enforcement agency, indicate a lack of ability to operate a
21 motor vehicle in a safe manner, or who would otherwise, by
22 operating such motor vehicle, be in violation of this Code;
23 or

24 (2) the vehicle is owned by the person under arrest,
25 and the person under arrest gives permission to another
26 person to operate such vehicle, provided however, that the

1 other person possesses a valid operator's license and would
2 not, as determined by the arresting law enforcement agency,
3 indicate a lack of ability to operate a motor vehicle in a
4 safe manner or who would otherwise, by operating such motor
5 vehicle, be in violation of this Code.

6 (e-5) Whenever a registered owner of a vehicle is taken
7 into custody for operating the vehicle in violation of Section
8 11-501 of this Code or a similar provision of a local ordinance
9 or Section 6-303 of this Code, a law enforcement officer may
10 have the vehicle immediately impounded for a period not less
11 than:

12 (1) 24 hours for a second violation of Section 11-501
13 of this Code or a similar provision of a local ordinance or
14 Section 6-303 of this Code or a combination of these
15 offenses; or

16 (2) 48 hours for a third violation of Section 11-501 of
17 this Code or a similar provision of a local ordinance or
18 Section 6-303 of this Code or a combination of these
19 offenses.

20 The vehicle may be released sooner if the vehicle is owned
21 by the person under arrest and the person under arrest gives
22 permission to another person to operate the vehicle and that
23 other person possesses a valid operator's license and would
24 not, as determined by the arresting law enforcement agency,
25 indicate a lack of ability to operate a motor vehicle in a safe
26 manner or would otherwise, by operating the motor vehicle, be

1 in violation of this Code.

2 (f) Except as provided in Chapter 18a of this Code, the
3 owner or lessor of privately owned real property within this
4 State, or any person authorized by such owner or lessor, or any
5 law enforcement agency in the case of publicly owned real
6 property may cause any motor vehicle abandoned or left
7 unattended upon such property without permission to be removed
8 by a towing service without liability for the costs of removal,
9 transportation or storage or damage caused by such removal,
10 transportation or storage. The towing or removal of any vehicle
11 from private property without the consent of the registered
12 owner or other legally authorized person in control of the
13 vehicle is subject to compliance with the following conditions
14 and restrictions:

15 1. Any towed or removed vehicle must be stored at the
16 site of the towing service's place of business. The site
17 must be open during business hours, and for the purpose of
18 redemption of vehicles, during the time that the person or
19 firm towing such vehicle is open for towing purposes.

20 2. The towing service shall within 30 minutes of
21 completion of such towing or removal, notify the law
22 enforcement agency having jurisdiction of such towing or
23 removal, and the make, model, color and license plate
24 number of the vehicle, and shall obtain and record the name
25 of the person at the law enforcement agency to whom such
26 information was reported.

1 3. If the registered owner or legally authorized person
2 entitled to possession of the vehicle shall arrive at the
3 scene prior to actual removal or towing of the vehicle, the
4 vehicle shall be disconnected from the tow truck and that
5 person shall be allowed to remove the vehicle without
6 interference, upon the payment of a reasonable service fee
7 of not more than one half the posted rate of the towing
8 service as provided in paragraph 6 of this subsection, for
9 which a receipt shall be given.

10 4. The rebate or payment of money or any other valuable
11 consideration from the towing service or its owners,
12 managers or employees to the owners or operators of the
13 premises from which the vehicles are towed or removed, for
14 the privilege of removing or towing those vehicles, is
15 prohibited. Any individual who violates this paragraph
16 shall be guilty of a Class A misdemeanor.

17 5. Except for property appurtenant to and obviously a
18 part of a single family residence, and except for instances
19 where notice is personally given to the owner or other
20 legally authorized person in control of the vehicle that
21 the area in which that vehicle is parked is reserved or
22 otherwise unavailable to unauthorized vehicles and they
23 are subject to being removed at the owner or operator's
24 expense, any property owner or lessor, prior to towing or
25 removing any vehicle from private property without the
26 consent of the owner or other legally authorized person in

1 control of that vehicle, must post a notice meeting the
2 following requirements:

3 a. Except as otherwise provided in subparagraph
4 a.1 of this subdivision (f)5, the notice must be
5 prominently placed at each driveway access or curb cut
6 allowing vehicular access to the property within 5 feet
7 from the public right-of-way line. If there are no
8 curbs or access barriers, the sign must be posted not
9 less than one sign each 100 feet of lot frontage.

10 a.1. In a municipality with a population of less
11 than 250,000, as an alternative to the requirement of
12 subparagraph a of this subdivision (f)5, the notice for
13 a parking lot contained within property used solely for
14 a 2-family, 3-family, or 4-family residence may be
15 prominently placed at the perimeter of the parking lot,
16 in a position where the notice is visible to the
17 occupants of vehicles entering the lot.

18 b. The notice must indicate clearly, in not less
19 than 2 inch high light-reflective letters on a
20 contrasting background, that unauthorized vehicles
21 will be towed away at the owner's expense.

22 c. The notice must also provide the name and
23 current telephone number of the towing service towing
24 or removing the vehicle.

25 d. The sign structure containing the required
26 notices must be permanently installed with the bottom

1 of the sign not less than 4 feet above ground level,
2 and must be continuously maintained on the property for
3 not less than 24 hours prior to the towing or removing
4 of any vehicle.

5 6. Any towing service that tows or removes vehicles and
6 proposes to require the owner, operator, or person in
7 control of the vehicle to pay the costs of towing and
8 storage prior to redemption of the vehicle must file and
9 keep on record with the local law enforcement agency a
10 complete copy of the current rates to be charged for such
11 services, and post at the storage site an identical rate
12 schedule and any written contracts with property owners,
13 lessors, or persons in control of property which authorize
14 them to remove vehicles as provided in this Section. The
15 towing and storage charges, however, shall not exceed the
16 maximum allowed by the Illinois Commerce Commission under
17 Section 18a-200.

18 7. No person shall engage in the removal of vehicles
19 from private property as described in this Section without
20 filing a notice of intent in each community where he
21 intends to do such removal, and such notice shall be filed
22 at least 7 days before commencing such towing.

23 8. No removal of a vehicle from private property shall
24 be done except upon express written instructions of the
25 owners or persons in charge of the private property upon
26 which the vehicle is said to be trespassing.

1 9. Vehicle entry for the purpose of removal shall be
2 allowed with reasonable care on the part of the person or
3 firm towing the vehicle. Such person or firm shall be
4 liable for any damages occasioned to the vehicle if such
5 entry is not in accordance with the standards of reasonable
6 care.

7 10. When a vehicle has been towed or removed pursuant
8 to this Section, it must be released to its owner or
9 custodian within one half hour after requested, if such
10 request is made during business hours. Any vehicle owner or
11 custodian or agent shall have the right to inspect the
12 vehicle before accepting its return, and no release or
13 waiver of any kind which would release the towing service
14 from liability for damages incurred during the towing and
15 storage may be required from any vehicle owner or other
16 legally authorized person as a condition of release of the
17 vehicle. A detailed, signed receipt showing the legal name
18 of the towing service must be given to the person paying
19 towing or storage charges at the time of payment, whether
20 requested or not.

21 This Section shall not apply to law enforcement,
22 firefighting, rescue, ambulance, or other emergency vehicles
23 which are marked as such or to property owned by any
24 governmental entity.

25 When an authorized person improperly causes a motor vehicle
26 to be removed, such person shall be liable to the owner or

1 lessee of the vehicle for the cost or removal, transportation
2 and storage, any damages resulting from the removal,
3 transportation and storage, attorney's fee and court costs.

4 Any towing or storage charges accrued shall be payable by
5 the use of any major credit card, in addition to being payable
6 in cash.

7 11. Towing companies shall also provide insurance
8 coverage for areas where vehicles towed under the
9 provisions of this Chapter will be impounded or otherwise
10 stored, and shall adequately cover loss by fire, theft or
11 other risks.

12 Any person who fails to comply with the conditions and
13 restrictions of this subsection shall be guilty of a Class C
14 misdemeanor and shall be fined not less than \$100 nor more than
15 \$500.

16 (g) When a vehicle is determined to be a hazardous
17 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the
18 Illinois Municipal Code, its removal and impoundment by a
19 towing service may be authorized by a law enforcement agency
20 with appropriate jurisdiction.

21 When a vehicle removal from either public or private
22 property is authorized by a law enforcement agency, the owner
23 of the vehicle shall be responsible for all towing and storage
24 charges.

25 Vehicles removed from public or private property and stored
26 by a commercial vehicle relocater or any other towing service

1 authorized by a law enforcement agency in compliance with this
2 Section and Sections 4-201 and 4-202 of this Code, or at the
3 request of the vehicle owner or operator, shall be subject to a
4 possessor lien for services pursuant to the Labor and Storage
5 Lien (Small Amount) Act. The provisions of Section 1 of that
6 Act relating to notice and implied consent shall be deemed
7 satisfied by compliance with Section 18a-302 and subsection (6)
8 of Section 18a-300. In no event shall such lien be greater than
9 the rate or rates established in accordance with subsection (6)
10 of Section 18a-200 of this Code. In no event shall such lien be
11 increased or altered to reflect any charge for services or
12 materials rendered in addition to those authorized by this Act.
13 Every such lien shall be payable by use of any major credit
14 card, in addition to being payable in cash.

15 Any personal property belonging to the vehicle owner in a
16 vehicle subject to a lien under this subsection (g) shall
17 likewise be subject to that lien, excepting only: food;
18 medicine; perishable property; any operator's licenses; any
19 cash, credit cards, or checks or checkbooks; and any wallet,
20 purse, or other property containing any operator's license or
21 other identifying documents or materials, cash, credit cards,
22 checks, or checkbooks.

23 No lien under this subsection (g) shall: exceed \$2,000 in
24 its total amount; or be increased or altered to reflect any
25 charge for services or materials rendered in addition to those
26 authorized by this Act.

1 (h) Whenever a peace officer issues a citation to a driver
2 for a violation of subsection (a) of Section 11-506 of this
3 Code, the arresting officer may have the vehicle which the
4 person was operating at the time of the arrest impounded for a
5 period of 5 days after the time of arrest. An impounding agency
6 shall release a motor vehicle impounded under this subsection
7 (h) to the registered owner of the vehicle under any of the
8 following circumstances:

9 (1) If the vehicle is a stolen vehicle; or

10 (2) If the person ticketed for a violation of
11 subsection (a) of Section 11-506 of this Code was not
12 authorized by the registered owner of the vehicle to
13 operate the vehicle at the time of the violation; or

14 (3) If the registered owner of the vehicle was neither
15 the driver nor a passenger in the vehicle at the time of
16 the violation or was unaware that the driver was using the
17 vehicle to engage in street racing; or

18 (4) If the legal owner or registered owner of the
19 vehicle is a rental car agency; or

20 (5) If, prior to the expiration of the impoundment
21 period specified above, the citation is dismissed or the
22 defendant is found not guilty of the offense.

23 (Source: P.A. 94-522, eff. 8-10-05; 94-784, eff. 1-1-07;
24 95-310, eff. 1-1-08; 95-562, eff. 7-1-08; 95-621, eff. 6-1-08;
25 revised 11-16-07.)

1 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

2 (Text of Section before amendment by P.A. 95-337)

3 Sec. 6-103. What persons shall not be licensed as drivers
4 or granted permits. The Secretary of State shall not issue,
5 renew, or allow the retention of any driver's license nor issue
6 any permit under this Code:

7 1. To any person, as a driver, who is under the age of
8 18 years except as provided in Section 6-107, and except
9 that an instruction permit may be issued under Section
10 6-107.1 to a child who is not less than 15 years of age if
11 the child is enrolled in an approved driver education
12 course as defined in Section 1-103 of this Code and
13 requires an instruction permit to participate therein,
14 except that an instruction permit may be issued under the
15 provisions of Section 6-107.1 to a child who is 17 years
16 and 3 months of age without the child having enrolled in an
17 approved driver education course and except that an
18 instruction permit may be issued to a child who is at least
19 15 years and 6 months of age, is enrolled in school, meets
20 the educational requirements of the Driver Education Act,
21 and has passed examinations the Secretary of State in his
22 or her discretion may prescribe;

23 2. To any person who is under the age of 18 as an
24 operator of a motorcycle other than a motor driven cycle
25 unless the person has, in addition to meeting the
26 provisions of Section 6-107 of this Code, successfully

1 completed a motorcycle training course approved by the
2 Illinois Department of Transportation and successfully
3 completes the required Secretary of State's motorcycle
4 driver's examination;

5 3. To any person, as a driver, whose driver's license
6 or permit has been suspended, during the suspension, nor to
7 any person whose driver's license or permit has been
8 revoked, except as provided in Sections 6-205, 6-206, and
9 6-208;

10 4. To any person, as a driver, who is a user of alcohol
11 or any other drug to a degree that renders the person
12 incapable of safely driving a motor vehicle;

13 5. To any person, as a driver, who has previously been
14 adjudged to be afflicted with or suffering from any mental
15 or physical disability or disease and who has not at the
16 time of application been restored to competency by the
17 methods provided by law;

18 6. To any person, as a driver, who is required by the
19 Secretary of State to submit an alcohol and drug evaluation
20 or take an examination provided for in this Code unless the
21 person has successfully passed the examination and
22 submitted any required evaluation;

23 7. To any person who is required under the provisions
24 of the laws of this State to deposit security or proof of
25 financial responsibility and who has not deposited the
26 security or proof;

1 8. To any person when the Secretary of State has good
2 cause to believe that the person by reason of physical or
3 mental disability would not be able to safely operate a
4 motor vehicle upon the highways, unless the person shall
5 furnish to the Secretary of State a verified written
6 statement, acceptable to the Secretary of State, from a
7 competent medical specialist to the effect that the
8 operation of a motor vehicle by the person would not be
9 inimical to the public safety;

10 9. To any person, as a driver, who is 69 years of age
11 or older, unless the person has successfully complied with
12 the provisions of Section 6-109;

13 10. To any person convicted, within 12 months of
14 application for a license, of any of the sexual offenses
15 enumerated in paragraph 2 of subsection (b) of Section
16 6-205;

17 11. To any person who is under the age of 21 years with
18 a classification prohibited in paragraph (b) of Section
19 6-104 and to any person who is under the age of 18 years
20 with a classification prohibited in paragraph (c) of
21 Section 6-104;

22 12. To any person who has been either convicted of or
23 adjudicated under the Juvenile Court Act of 1987 based upon
24 a violation of the Cannabis Control Act, the Illinois
25 Controlled Substances Act, or the Methamphetamine Control
26 and Community Protection Act while that person was in

1 actual physical control of a motor vehicle. For purposes of
2 this Section, any person placed on probation under Section
3 10 of the Cannabis Control Act, Section 410 of the Illinois
4 Controlled Substances Act, or Section 70 of the
5 Methamphetamine Control and Community Protection Act shall
6 not be considered convicted. Any person found guilty of
7 this offense, while in actual physical control of a motor
8 vehicle, shall have an entry made in the court record by
9 the judge that this offense did occur while the person was
10 in actual physical control of a motor vehicle and order the
11 clerk of the court to report the violation to the Secretary
12 of State as such. The Secretary of State shall not issue a
13 new license or permit for a period of one year;

14 13. To any person who is under the age of 18 years and
15 who has committed the offense of operating a motor vehicle
16 without a valid license or permit in violation of Section
17 6-101;

18 14. To any person who is 90 days or more delinquent in
19 court ordered child support payments or has been
20 adjudicated in arrears in an amount equal to 90 days'
21 obligation or more and who has been found in contempt of
22 court for failure to pay the support, subject to the
23 requirements and procedures of Article VII of Chapter 7 of
24 the Illinois Vehicle Code;

25 14.5. To any person certified by the Illinois
26 Department of Healthcare and Family Services as being 90

1 days or more delinquent in payment of support under an
2 order of support entered by a court or administrative body
3 of this or any other State, subject to the requirements and
4 procedures of Article VII of Chapter 7 of this Code
5 regarding those certifications;

6 15. To any person released from a term of imprisonment
7 for violating Section 9-3 of the Criminal Code of 1961 or a
8 similar provision of a law of another state relating to
9 reckless homicide or for violating subparagraph (F) of
10 paragraph (1) of subsection (d) of Section 11-501 of this
11 Code relating to aggravated driving under the influence of
12 alcohol, other drug or drugs, intoxicating compound or
13 compounds, or any combination thereof, if the violation was
14 the proximate cause of a death, within 24 months of release
15 from a term of imprisonment;

16 16. To any person who, with intent to influence any act
17 related to the issuance of any driver's license or permit,
18 by an employee of the Secretary of State's Office, or the
19 owner or employee of any commercial driver training school
20 licensed by the Secretary of State, or any other individual
21 authorized by the laws of this State to give driving
22 instructions or administer all or part of a driver's
23 license examination, promises or tenders to that person any
24 property or personal advantage which that person is not
25 authorized by law to accept. Any persons promising or
26 tendering such property or personal advantage shall be

1 disqualified from holding any class of driver's license or
2 permit for 120 consecutive days. The Secretary of State
3 shall establish by rule the procedures for implementing
4 this period of disqualification and the procedures by which
5 persons so disqualified may obtain administrative review
6 of the decision to disqualify; or

7 17. To any person for whom the Secretary of State
8 cannot verify the accuracy of any information or
9 documentation submitted in application for a driver's
10 license.

11 The Secretary of State shall retain all conviction
12 information, if the information is required to be held
13 confidential under the Juvenile Court Act of 1987.

14 (Source: P.A. 94-556, eff. 9-11-05; 95-310, eff. 1-1-08;
15 95-685, eff. 6-23-07; revised 11-16-07.)

16 (Text of Section after amendment by P.A. 95-337)

17 Sec. 6-103. What persons shall not be licensed as drivers
18 or granted permits. The Secretary of State shall not issue,
19 renew, or allow the retention of any driver's license nor issue
20 any permit under this Code:

21 1. To any person, as a driver, who is under the age of
22 18 years except as provided in Section 6-107, and except
23 that an instruction permit may be issued under Section
24 6-107.1 to a child who is not less than 15 years of age if
25 the child is enrolled in an approved driver education

1 course as defined in Section 1-103 of this Code and
2 requires an instruction permit to participate therein,
3 except that an instruction permit may be issued under the
4 provisions of Section 6-107.1 to a child who is 17 years
5 and 3 months of age without the child having enrolled in an
6 approved driver education course and except that an
7 instruction permit may be issued to a child who is at least
8 15 years and 6 months of age, is enrolled in school, meets
9 the educational requirements of the Driver Education Act,
10 and has passed examinations the Secretary of State in his
11 or her discretion may prescribe;

12 2. To any person who is under the age of 18 as an
13 operator of a motorcycle other than a motor driven cycle
14 unless the person has, in addition to meeting the
15 provisions of Section 6-107 of this Code, successfully
16 completed a motorcycle training course approved by the
17 Illinois Department of Transportation and successfully
18 completes the required Secretary of State's motorcycle
19 driver's examination;

20 3. To any person, as a driver, whose driver's license
21 or permit has been suspended, during the suspension, nor to
22 any person whose driver's license or permit has been
23 revoked, except as provided in Sections 6-205, 6-206, and
24 6-208;

25 4. To any person, as a driver, who is a user of alcohol
26 or any other drug to a degree that renders the person

1 incapable of safely driving a motor vehicle;

2 5. To any person, as a driver, who has previously been
3 adjudged to be afflicted with or suffering from any mental
4 or physical disability or disease and who has not at the
5 time of application been restored to competency by the
6 methods provided by law;

7 6. To any person, as a driver, who is required by the
8 Secretary of State to submit an alcohol and drug evaluation
9 or take an examination provided for in this Code unless the
10 person has successfully passed the examination and
11 submitted any required evaluation;

12 7. To any person who is required under the provisions
13 of the laws of this State to deposit security or proof of
14 financial responsibility and who has not deposited the
15 security or proof;

16 8. To any person when the Secretary of State has good
17 cause to believe that the person by reason of physical or
18 mental disability would not be able to safely operate a
19 motor vehicle upon the highways, unless the person shall
20 furnish to the Secretary of State a verified written
21 statement, acceptable to the Secretary of State, from a
22 competent medical specialist to the effect that the
23 operation of a motor vehicle by the person would not be
24 inimical to the public safety;

25 9. To any person, as a driver, who is 69 years of age
26 or older, unless the person has successfully complied with

1 the provisions of Section 6-109;

2 10. To any person convicted, within 12 months of
3 application for a license, of any of the sexual offenses
4 enumerated in paragraph 2 of subsection (b) of Section
5 6-205;

6 11. To any person who is under the age of 21 years with
7 a classification prohibited in paragraph (b) of Section
8 6-104 and to any person who is under the age of 18 years
9 with a classification prohibited in paragraph (c) of
10 Section 6-104;

11 12. To any person who has been either convicted of or
12 adjudicated under the Juvenile Court Act of 1987 based upon
13 a violation of the Cannabis Control Act, the Illinois
14 Controlled Substances Act, or the Methamphetamine Control
15 and Community Protection Act while that person was in
16 actual physical control of a motor vehicle. For purposes of
17 this Section, any person placed on probation under Section
18 10 of the Cannabis Control Act, Section 410 of the Illinois
19 Controlled Substances Act, or Section 70 of the
20 Methamphetamine Control and Community Protection Act shall
21 not be considered convicted. Any person found guilty of
22 this offense, while in actual physical control of a motor
23 vehicle, shall have an entry made in the court record by
24 the judge that this offense did occur while the person was
25 in actual physical control of a motor vehicle and order the
26 clerk of the court to report the violation to the Secretary

1 of State as such. The Secretary of State shall not issue a
2 new license or permit for a period of one year;

3 13. To any person who is under the age of 18 years and
4 who has committed the offense of operating a motor vehicle
5 without a valid license or permit in violation of Section
6 6-101;

7 14. To any person who is 90 days or more delinquent in
8 court ordered child support payments or has been
9 adjudicated in arrears in an amount equal to 90 days'
10 obligation or more and who has been found in contempt of
11 court for failure to pay the support, subject to the
12 requirements and procedures of Article VII of Chapter 7 of
13 the Illinois Vehicle Code;

14 14.5. To any person certified by the Illinois
15 Department of Healthcare and Family Services as being 90
16 days or more delinquent in payment of support under an
17 order of support entered by a court or administrative body
18 of this or any other State, subject to the requirements and
19 procedures of Article VII of Chapter 7 of this Code
20 regarding those certifications;

21 15. To any person released from a term of imprisonment
22 for violating Section 9-3 of the Criminal Code of 1961 or a
23 similar provision of a law of another state relating to
24 reckless homicide or for violating subparagraph (F) of
25 paragraph (1) of subsection (d) of Section 11-501 of this
26 Code relating to aggravated driving under the influence of

1 alcohol, other drug or drugs, intoxicating compound or
2 compounds, or any combination thereof, if the violation was
3 the proximate cause of a death, within 24 months of release
4 from a term of imprisonment;

5 16. To any person who, with intent to influence any act
6 related to the issuance of any driver's license or permit,
7 by an employee of the Secretary of State's Office, or the
8 owner or employee of any commercial driver training school
9 licensed by the Secretary of State, or any other individual
10 authorized by the laws of this State to give driving
11 instructions or administer all or part of a driver's
12 license examination, promises or tenders to that person any
13 property or personal advantage which that person is not
14 authorized by law to accept. Any persons promising or
15 tendering such property or personal advantage shall be
16 disqualified from holding any class of driver's license or
17 permit for 120 consecutive days. The Secretary of State
18 shall establish by rule the procedures for implementing
19 this period of disqualification and the procedures by which
20 persons so disqualified may obtain administrative review
21 of the decision to disqualify;

22 17. To any person for whom the Secretary of State
23 cannot verify the accuracy of any information or
24 documentation submitted in application for a driver's
25 license; or

26 18. To any person who has been adjudicated under the

1 Juvenile Court Act of 1987 based upon an offense that is
2 determined by the court to have been committed in
3 furtherance of the criminal activities of an organized
4 gang, as provided in Section 5-710 of that Act, and that
5 involved the operation or use of a motor vehicle or the use
6 of a driver's license or permit. The person shall be denied
7 a license or permit for the period determined by the court.

8 The Secretary of State shall retain all conviction
9 information, if the information is required to be held
10 confidential under the Juvenile Court Act of 1987.

11 (Source: P.A. 94-556, eff. 9-11-05; 95-310, eff. 1-1-08;
12 95-337, eff. 6-1-08; 95-685, eff. 6-23-07; revised 11-16-07.)

13 (625 ILCS 5/6-113) (from Ch. 95 1/2, par. 6-113)

14 Sec. 6-113. Restricted licenses and permits.

15 (a) The Secretary of State upon issuing a drivers license
16 or permit shall have the authority whenever good cause appears
17 to impose restrictions suitable to the licensee's driving
18 ability with respect to the type of, or special mechanical
19 control devices required on, a motor vehicle which the licensee
20 may operate or such other restrictions applicable to the
21 licensee as the Secretary of State may determine to be
22 appropriate to assure the safe operation of a motor vehicle by
23 the licensee.

24 (b) The Secretary of State may either issue a special
25 restricted license or permit or may set forth such restrictions

1 upon the usual license or permit form.

2 (c) The Secretary of State may issue a probationary license
3 to a person whose driving privileges have been suspended
4 pursuant to subsection (d) of this Section or subsections
5 (a) (2), (a) (19) and (a) (20) of Section 6-206 of this Code. This
6 subsection (c) does not apply to any driver required to possess
7 a CDL for the purpose of operating a commercial motor vehicle.
8 The Secretary of State shall promulgate rules pursuant to the
9 Illinois Administrative Procedure Act, setting forth the
10 conditions and criteria for the issuance and cancellation of
11 probationary licenses.

12 (d) The Secretary of State may upon receiving satisfactory
13 evidence of any violation of the restrictions of such license
14 or permit suspend, revoke or cancel the same without
15 preliminary hearing, but the licensee or permittee shall be
16 entitled to a hearing as in the case of a suspension or
17 revocation.

18 (e) It is unlawful for any person to operate a motor
19 vehicle in any manner in violation of the restrictions imposed
20 on a restricted license or permit issued to him.

21 (f) Whenever the holder of a restricted driving permit is
22 issued a citation for any of the following offenses including
23 similar local ordinances, the restricted driving permit is
24 immediately invalidated:

25 1. Reckless homicide resulting from the operation of a
26 motor vehicle;

1 2. Violation of Section 11-501 of this Act relating to
2 the operation of a motor vehicle while under the influence
3 of intoxicating liquor or narcotic drugs;

4 3. Violation of Section 11-401 of this Act relating to
5 the offense of leaving the scene of a traffic accident
6 involving death or injury;

7 4. Violation of Section 11-504 of this Act relating to
8 the offense of drag racing; or

9 5. Violation of Section 11-506 of this Act relating to
10 the offense of street racing.

11 The police officer issuing the citation shall confiscate
12 the restricted driving permit and forward it, along with the
13 citation, to the Clerk of the Circuit Court of the county in
14 which the citation was issued.

15 (g) The Secretary of State may issue a special restricted
16 license for a period of 12 months to individuals using vision
17 aid arrangements other than standard eyeglasses or contact
18 lenses, allowing the operation of a motor vehicle during
19 nighttime hours. The Secretary of State shall adopt rules
20 defining the terms and conditions by which the individual may
21 obtain and renew this special restricted license. At a minimum,
22 all drivers must meet the following requirements:

23 1. Possess a valid driver's license and have operated a
24 motor vehicle during daylight hours for a period of 12
25 months using vision aid arrangements other than standard
26 eyeglasses or contact lenses.

1 2. Have a driving record that does not include any
2 traffic accidents that occurred during nighttime hours,
3 for which the driver has been found to be at fault, during
4 the 12 months before he or she applied for the special
5 restricted license.

6 3. Successfully complete a road test administered
7 during nighttime hours.

8 At a minimum, all drivers renewing this license must meet
9 the following requirements:

10 1. Successfully complete a road test administered
11 during nighttime hours.

12 2. Have a driving record that does not include any
13 traffic accidents that occurred during nighttime hours,
14 for which the driver has been found to be at fault, during
15 the 12 months before he or she applied for the special
16 restricted license.

17 (h) Any driver issued a special restricted license as
18 defined in subsection (g) whose privilege to drive during
19 nighttime hours has been suspended due to an accident occurring
20 during nighttime hours may request a hearing as provided in
21 Section 2-118 of this Code to contest that suspension. If it is
22 determined that the accident for which the driver was at fault
23 was not influenced by the driver's use of vision aid
24 arrangements other than standard eyeglasses or contact lenses,
25 the Secretary may reinstate that driver's privilege to drive
26 during nighttime hours.

1 (Source: P.A. 95-310, eff. 1-1-08; 95-382, eff. 8-23-07;
2 revised 11-16-07.)

3 (625 ILCS 5/6-201)

4 (Text of Section before amendment by P.A. 95-627)

5 Sec. 6-201. Authority to cancel licenses and permits.

6 (a) The Secretary of State is authorized to cancel any
7 license or permit upon determining that the holder thereof:

8 1. was not entitled to the issuance thereof hereunder;

9 or

10 2. failed to give the required or correct information
11 in his application; or

12 3. failed to pay any fees, civil penalties owed to the
13 Illinois Commerce Commission, or taxes due under this Act
14 and upon reasonable notice and demand; or

15 4. committed any fraud in the making of such
16 application; or

17 5. is ineligible therefor under the provisions of
18 Section 6-103 of this Act, as amended; or

19 6. has refused or neglected to submit an alcohol, drug,
20 and intoxicating compound evaluation or to submit to
21 examination or re-examination as required under this Act;
22 or

23 7. has been convicted of violating the Cannabis Control
24 Act, the Illinois Controlled Substances Act, the
25 Methamphetamine Control and Community Protection Act, or

1 the Use of Intoxicating Compounds Act while that individual
2 was in actual physical control of a motor vehicle. For
3 purposes of this Section, any person placed on probation
4 under Section 10 of the Cannabis Control Act, Section 410
5 of the Illinois Controlled Substances Act, or Section 70 of
6 the Methamphetamine Control and Community Protection Act
7 shall not be considered convicted. Any person found guilty
8 of this offense, while in actual physical control of a
9 motor vehicle, shall have an entry made in the court record
10 by the judge that this offense did occur while the person
11 was in actual physical control of a motor vehicle and order
12 the clerk of the court to report the violation to the
13 Secretary of State as such. After the cancellation, the
14 Secretary of State shall not issue a new license or permit
15 for a period of one year after the date of cancellation.
16 However, upon application, the Secretary of State may, if
17 satisfied that the person applying will not endanger the
18 public safety, or welfare, issue a restricted driving
19 permit granting the privilege of driving a motor vehicle
20 between the person's residence and person's place of
21 employment or within the scope of the person's employment
22 related duties, or to allow transportation for the person
23 or a household member of the person's family for the
24 receipt of necessary medical care or, if the professional
25 evaluation indicates, provide transportation for the
26 petitioner for alcohol remedial or rehabilitative

1 activity, or for the person to attend classes, as a
2 student, in an accredited educational institution; if the
3 person is able to demonstrate that no alternative means of
4 transportation is reasonably available; provided that the
5 Secretary's discretion shall be limited to cases where
6 undue hardship would result from a failure to issue such
7 restricted driving permit. In each case the Secretary of
8 State may issue such restricted driving permit for such
9 period as he deems appropriate, except that such permit
10 shall expire within one year from the date of issuance. A
11 restricted driving permit issued hereunder shall be
12 subject to cancellation, revocation and suspension by the
13 Secretary of State in like manner and for like cause as a
14 driver's license issued hereunder may be cancelled,
15 revoked or suspended; except that a conviction upon one or
16 more offenses against laws or ordinances regulating the
17 movement of traffic shall be deemed sufficient cause for
18 the revocation, suspension or cancellation of a restricted
19 driving permit. The Secretary of State may, as a condition
20 to the issuance of a restricted driving permit, require the
21 applicant to participate in a driver remedial or
22 rehabilitative program. In accordance with 49 C.F.R. 384,
23 the Secretary of State may not issue a restricted driving
24 permit for the operation of a commercial motor vehicle to a
25 person holding a CDL whose driving privileges have been
26 revoked, suspended, cancelled, or disqualified under this

1 Code; or

2 8. failed to submit a report as required by Section
3 6-116.5 of this Code; or

4 9. has been convicted of a sex offense as defined in
5 the Sex Offender Registration Act. The driver's license
6 shall remain cancelled until the driver registers as a sex
7 offender as required by the Sex Offender Registration Act,
8 proof of the registration is furnished to the Secretary of
9 State and the sex offender provides proof of current
10 address to the Secretary; or

11 10. is ineligible for a license or permit under Section
12 6-107, 6-107.1, or 6-108 of this Code; or

13 11. refused or neglected to appear at a Driver Services
14 facility to have the license or permit corrected and a new
15 license or permit issued.

16 (b) Upon such cancellation the licensee or permittee must
17 surrender the license or permit so cancelled to the Secretary
18 of State.

19 (c) Except as provided in Sections 6-206.1 and 7-702.1, the
20 Secretary of State shall have exclusive authority to grant,
21 issue, deny, cancel, suspend and revoke driving privileges,
22 drivers' licenses and restricted driving permits.

23 (d) The Secretary of State may adopt rules to implement
24 this Section.

25 (Source: P.A. 94-556, eff. 9-11-05; 94-916, eff. 7-1-07;
26 94-993, eff. 1-1-07; 95-331, eff. 8-21-07; 95-382, eff.

1 8-23-07.)

2 (Text of Section after amendment by P.A. 95-627)

3 Sec. 6-201. Authority to cancel licenses and permits.

4 (a) The Secretary of State is authorized to cancel any
5 license or permit upon determining that the holder thereof:

6 1. was not entitled to the issuance thereof hereunder;

7 or

8 2. failed to give the required or correct information
9 in his application; or

10 3. failed to pay any fees, civil penalties owed to the
11 Illinois Commerce Commission, or taxes due under this Act
12 and upon reasonable notice and demand; or

13 4. committed any fraud in the making of such
14 application; or

15 5. is ineligible therefor under the provisions of
16 Section 6-103 of this Act, as amended; or

17 6. has refused or neglected to submit an alcohol, drug,
18 and intoxicating compound evaluation or to submit to
19 examination or re-examination as required under this Act;
20 or

21 7. has been convicted of violating the Cannabis Control
22 Act, the Illinois Controlled Substances Act, the
23 Methamphetamine Control and Community Protection Act, or
24 the Use of Intoxicating Compounds Act while that individual
25 was in actual physical control of a motor vehicle. For

1 purposes of this Section, any person placed on probation
2 under Section 10 of the Cannabis Control Act, Section 410
3 of the Illinois Controlled Substances Act, or Section 70 of
4 the Methamphetamine Control and Community Protection Act
5 shall not be considered convicted. Any person found guilty
6 of this offense, while in actual physical control of a
7 motor vehicle, shall have an entry made in the court record
8 by the judge that this offense did occur while the person
9 was in actual physical control of a motor vehicle and order
10 the clerk of the court to report the violation to the
11 Secretary of State as such. After the cancellation, the
12 Secretary of State shall not issue a new license or permit
13 for a period of one year after the date of cancellation.
14 However, upon application, the Secretary of State may, if
15 satisfied that the person applying will not endanger the
16 public safety, or welfare, issue a restricted driving
17 permit granting the privilege of driving a motor vehicle
18 between the petitioner's residence and petitioner's place
19 of employment or within the scope of the petitioner's
20 employment related duties, or to allow transportation for
21 the petitioner or a household member of the petitioner's
22 family for the receipt of necessary medical care, or
23 provide transportation for the petitioner to and from
24 alcohol or drug remedial or rehabilitative activity
25 recommended by a licensed service provider, or for the
26 petitioner to attend classes, as a student, in an

1 accredited educational institution. The petitioner must
2 demonstrate that no alternative means of transportation is
3 reasonably available; provided that the Secretary's
4 discretion shall be limited to cases where undue hardship,
5 as defined by the rules of the Secretary of State, would
6 result from a failure to issue such restricted driving
7 permit. In each case the Secretary of State may issue such
8 restricted driving permit for such period as he deems
9 appropriate, except that such permit shall expire within
10 one year from the date of issuance. A restricted driving
11 permit issued hereunder shall be subject to cancellation,
12 revocation and suspension by the Secretary of State in like
13 manner and for like cause as a driver's license issued
14 hereunder may be cancelled, revoked or suspended; except
15 that a conviction upon one or more offenses against laws or
16 ordinances regulating the movement of traffic shall be
17 deemed sufficient cause for the revocation, suspension or
18 cancellation of a restricted driving permit. The Secretary
19 of State may, as a condition to the issuance of a
20 restricted driving permit, require the applicant to
21 participate in a driver remedial or rehabilitative
22 program. In accordance with 49 C.F.R. 384, the Secretary of
23 State may not issue a restricted driving permit for the
24 operation of a commercial motor vehicle to a person holding
25 a CDL whose driving privileges have been revoked,
26 suspended, cancelled, or disqualified under this Code; or

1 8. failed to submit a report as required by Section
2 6-116.5 of this Code; or

3 9. has been convicted of a sex offense as defined in
4 the Sex Offender Registration Act. The driver's license
5 shall remain cancelled until the driver registers as a sex
6 offender as required by the Sex Offender Registration Act,
7 proof of the registration is furnished to the Secretary of
8 State and the sex offender provides proof of current
9 address to the Secretary; or

10 10. is ineligible for a license or permit under Section
11 6-107, 6-107.1, or 6-108 of this Code; or

12 11. refused or neglected to appear at a Driver Services
13 facility to have the license or permit corrected and a new
14 license or permit issued.

15 (b) Upon such cancellation the licensee or permittee must
16 surrender the license or permit so cancelled to the Secretary
17 of State.

18 (c) Except as provided in Sections 6-206.1 and 7-702.1, the
19 Secretary of State shall have exclusive authority to grant,
20 issue, deny, cancel, suspend and revoke driving privileges,
21 drivers' licenses and restricted driving permits.

22 (d) The Secretary of State may adopt rules to implement
23 this Section.

24 (Source: P.A. 94-556, eff. 9-11-05; 94-916, eff. 7-1-07;
25 94-993, eff. 1-1-07; 95-331, eff. 8-21-07; 95-382, eff.
26 8-23-07; 95-627, eff. 6-1-08; revised 11-16-07.)

1 (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

2 (Text of Section before amendment by P.A. 95-337)

3 Sec. 6-204. When Court to forward License and Reports.

4 (a) For the purpose of providing to the Secretary of State
5 the records essential to the performance of the Secretary's
6 duties under this Code to cancel, revoke or suspend the
7 driver's license and privilege to drive motor vehicles of
8 certain minors adjudicated truant minors in need of
9 supervision, addicted, or delinquent and of persons found
10 guilty of the criminal offenses or traffic violations which
11 this Code recognizes as evidence relating to unfitness to
12 safely operate motor vehicles, the following duties are imposed
13 upon public officials:

14 (1) Whenever any person is convicted of any offense for
15 which this Code makes mandatory the cancellation or
16 revocation of the driver's license or permit of such person
17 by the Secretary of State, the judge of the court in which
18 such conviction is had shall require the surrender to the
19 clerk of the court of all driver's licenses or permits then
20 held by the person so convicted, and the clerk of the court
21 shall, within 5 days thereafter, forward the same, together
22 with a report of such conviction, to the Secretary.

23 (2) Whenever any person is convicted of any offense
24 under this Code or similar offenses under a municipal
25 ordinance, other than regulations governing standing,

1 parking or weights of vehicles, and excepting the following
2 enumerated Sections of this Code: Sections 11-1406
3 (obstruction to driver's view or control), 11-1407
4 (improper opening of door into traffic), 11-1410 (coasting
5 on downgrade), 11-1411 (following fire apparatus),
6 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving
7 vehicle which is in unsafe condition or improperly
8 equipped), 12-201(a) (daytime lights on motorcycles),
9 12-202 (clearance, identification and side marker lamps),
10 12-204 (lamp or flag on projecting load), 12-205 (failure
11 to display the safety lights required), 12-401
12 (restrictions as to tire equipment), 12-502 (mirrors),
13 12-503 (windshields must be unobstructed and equipped with
14 wipers), 12-601 (horns and warning devices), 12-602
15 (mufflers, prevention of noise or smoke), 12-603 (seat
16 safety belts), 12-702 (certain vehicles to carry flares or
17 other warning devices), 12-703 (vehicles for oiling roads
18 operated on highways), 12-710 (splash guards and
19 replacements), 13-101 (safety tests), 15-101 (size, weight
20 and load), 15-102 (width), 15-103 (height), 15-104 (name
21 and address on second division vehicles), 15-107 (length of
22 vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights),
23 15-112 (weights), 15-301 (weights), 15-316 (weights),
24 15-318 (weights), and also excepting the following
25 enumerated Sections of the Chicago Municipal Code:
26 Sections 27-245 (following fire apparatus), 27-254

1 (obstruction of traffic), 27-258 (driving vehicle which is
2 in unsafe condition), 27-259 (coasting on downgrade),
3 27-264 (use of horns and signal devices), 27-265
4 (obstruction to driver's view or driver mechanism), 27-267
5 (dimming of headlights), 27-268 (unattended motor
6 vehicle), 27-272 (illegal funeral procession), 27-273
7 (funeral procession on boulevard), 27-275 (driving freight
8 hauling vehicles on boulevard), 27-276 (stopping and
9 standing of buses or taxicabs), 27-277 (cruising of public
10 passenger vehicles), 27-305 (parallel parking), 27-306
11 (diagonal parking), 27-307 (parking not to obstruct
12 traffic), 27-308 (stopping, standing or parking
13 regulated), 27-311 (parking regulations), 27-312 (parking
14 regulations), 27-313 (parking regulations), 27-314
15 (parking regulations), 27-315 (parking regulations),
16 27-316 (parking regulations), 27-317 (parking
17 regulations), 27-318 (parking regulations), 27-319
18 (parking regulations), 27-320 (parking regulations),
19 27-321 (parking regulations), 27-322 (parking
20 regulations), 27-324 (loading and unloading at an angle),
21 27-333 (wheel and axle loads), 27-334 (load restrictions in
22 the downtown district), 27-335 (load restrictions in
23 residential areas), 27-338 (width of vehicles), 27-339
24 (height of vehicles), 27-340 (length of vehicles), 27-352
25 (reflectors on trailers), 27-353 (mufflers), 27-354
26 (display of plates), 27-355 (display of city vehicle tax

1 sticker), 27-357 (identification of vehicles), 27-358
2 (projecting of loads), and also excepting the following
3 enumerated paragraphs of Section 2-201 of the Rules and
4 Regulations of the Illinois State Toll Highway Authority:
5 (l) (driving unsafe vehicle on tollway), (m) (vehicles
6 transporting dangerous cargo not properly indicated), it
7 shall be the duty of the clerk of the court in which such
8 conviction is had within 5 days thereafter to forward to
9 the Secretary of State a report of the conviction and the
10 court may recommend the suspension of the driver's license
11 or permit of the person so convicted.

12 The reporting requirements of this subsection shall apply
13 to all violations stated in paragraphs (1) and (2) of this
14 subsection when the individual has been adjudicated under the
15 Juvenile Court Act or the Juvenile Court Act of 1987. Such
16 reporting requirements shall also apply to individuals
17 adjudicated under the Juvenile Court Act or the Juvenile Court
18 Act of 1987 who have committed a violation of Section 11-501 of
19 this Code, or similar provision of a local ordinance, or
20 Section 9-3 of the Criminal Code of 1961, as amended, relating
21 to the offense of reckless homicide. The reporting requirements
22 of this subsection shall also apply to a truant minor in need
23 of supervision, an addicted minor, or a delinquent minor and
24 whose driver's license and privilege to drive a motor vehicle
25 has been ordered suspended for such times as determined by the
26 Court, but only until he or she attains 18 years of age. It

1 shall be the duty of the clerk of the court in which
2 adjudication is had within 5 days thereafter to forward to the
3 Secretary of State a report of the adjudication and the court
4 order requiring the Secretary of State to suspend the minor's
5 driver's license and driving privilege for such time as
6 determined by the Court, but only until he or she attains the
7 age of 18 years. All juvenile court dispositions reported to
8 the Secretary of State under this provision shall be processed
9 by the Secretary of State as if the cases had been adjudicated
10 in traffic or criminal court. However, information reported
11 relative to the offense of reckless homicide, or Section 11-501
12 of this Code, or a similar provision of a local ordinance,
13 shall be privileged and available only to the Secretary of
14 State, courts, and police officers.

15 The reporting requirements of this subsection (a)
16 apply to all violations listed in paragraphs (1) and (2) of
17 this subsection (a), excluding parking violations, when
18 the driver holds a CDL, regardless of the type of vehicle
19 in which the violation occurred, or when any driver
20 committed the violation in a commercial motor vehicle as
21 defined in Section 6-500 of this Code.

22 (3) Whenever an order is entered vacating the
23 forfeiture of any bail, security or bond given to secure
24 appearance for any offense under this Code or similar
25 offenses under municipal ordinance, it shall be the duty of
26 the clerk of the court in which such vacation was had or

1 the judge of such court if such court has no clerk, within
2 5 days thereafter to forward to the Secretary of State a
3 report of the vacation.

4 (4) A report of any disposition of court supervision
5 for a violation of Sections 6-303, 11-401, 11-501 or a
6 similar provision of a local ordinance, 11-503, 11-504, and
7 11-506 shall be forwarded to the Secretary of State. A
8 report of any disposition of court supervision for a
9 violation of an offense defined as a serious traffic
10 violation in this Code or a similar provision of a local
11 ordinance committed by a person under the age of 21 years
12 shall be forwarded to the Secretary of State.

13 (5) Reports of conviction under this Code and
14 sentencing hearings under the Juvenile Court Act of 1987 in
15 an electronic format or a computer processible medium shall
16 be forwarded to the Secretary of State via the Supreme
17 Court in the form and format required by the Illinois
18 Supreme Court and established by a written agreement
19 between the Supreme Court and the Secretary of State. In
20 counties with a population over 300,000, instead of
21 forwarding reports to the Supreme Court, reports of
22 conviction under this Code and sentencing hearings under
23 the Juvenile Court Act of 1987 in an electronic format or a
24 computer processible medium may be forwarded to the
25 Secretary of State by the Circuit Court Clerk in a form and
26 format required by the Secretary of State and established

1 by written agreement between the Circuit Court Clerk and
2 the Secretary of State. Failure to forward the reports of
3 conviction or sentencing hearing under the Juvenile Court
4 Act of 1987 as required by this Section shall be deemed an
5 omission of duty and it shall be the duty of the several
6 State's Attorneys to enforce the requirements of this
7 Section.

8 (b) Whenever a restricted driving permit is forwarded to a
9 court, as a result of confiscation by a police officer pursuant
10 to the authority in Section 6-113(f), it shall be the duty of
11 the clerk, or judge, if the court has no clerk, to forward such
12 restricted driving permit and a facsimile of the officer's
13 citation to the Secretary of State as expeditiously as
14 practicable.

15 (c) For the purposes of this Code, a forfeiture of bail or
16 collateral deposited to secure a defendant's appearance in
17 court when forfeiture has not been vacated, or the failure of a
18 defendant to appear for trial after depositing his driver's
19 license in lieu of other bail, shall be equivalent to a
20 conviction.

21 (d) For the purpose of providing the Secretary of State
22 with records necessary to properly monitor and assess driver
23 performance and assist the courts in the proper disposition of
24 repeat traffic law offenders, the clerk of the court shall
25 forward to the Secretary of State, on a form prescribed by the
26 Secretary, records of a driver's participation in a driver

1 remedial or rehabilitative program which was required, through
2 a court order or court supervision, in relation to the driver's
3 arrest for a violation of Section 11-501 of this Code or a
4 similar provision of a local ordinance. The clerk of the court
5 shall also forward to the Secretary, either on paper or in an
6 electronic format or a computer processible medium as required
7 under paragraph (5) of subsection (a) of this Section, any
8 disposition of court supervision for any traffic violation,
9 excluding those offenses listed in paragraph (2) of subsection
10 (a) of this Section. These reports shall be sent within 5 days
11 after disposition, or, if the driver is referred to a driver
12 remedial or rehabilitative program, within 5 days of the
13 driver's referral to that program. These reports received by
14 the Secretary of State, including those required to be
15 forwarded under paragraph (a)(4), shall be privileged
16 information, available only (i) to the affected driver, (ii) to
17 the parent or guardian of a person under the age of 18 years
18 holding an instruction permit or a graduated driver's license,
19 and (iii) for use by the courts, police officers, prosecuting
20 authorities, the Secretary of State, and the driver licensing
21 administrator of any other state. In accordance with 49 C.F.R.
22 Part 384, all reports of court supervision, except violations
23 related to parking, shall be forwarded to the Secretary of
24 State for all holders of a CDL or any driver who commits an
25 offense while driving a commercial motor vehicle. These reports
26 shall be recorded to the driver's record as a conviction for

1 use in the disqualification of the driver's commercial motor
2 vehicle privileges and shall not be privileged information.

3 (Source: P.A. 94-307, eff. 9-30-05; 94-930, eff. 6-26-06;
4 95-201, eff. 1-1-08; 95-310, eff. 1-1-08; 95-382, eff. 8-23-07;
5 revised 11-16-07.)

6 (Text of Section after amendment by P.A. 95-337)

7 Sec. 6-204. When Court to forward License and Reports.

8 (a) For the purpose of providing to the Secretary of State
9 the records essential to the performance of the Secretary's
10 duties under this Code to cancel, revoke or suspend the
11 driver's license and privilege to drive motor vehicles of
12 certain minors adjudicated truant minors in need of
13 supervision, addicted, or delinquent and of persons found
14 guilty of the criminal offenses or traffic violations which
15 this Code recognizes as evidence relating to unfitness to
16 safely operate motor vehicles, the following duties are imposed
17 upon public officials:

18 (1) Whenever any person is convicted of any offense for
19 which this Code makes mandatory the cancellation or
20 revocation of the driver's license or permit of such person
21 by the Secretary of State, the judge of the court in which
22 such conviction is had shall require the surrender to the
23 clerk of the court of all driver's licenses or permits then
24 held by the person so convicted, and the clerk of the court
25 shall, within 5 days thereafter, forward the same, together

1 with a report of such conviction, to the Secretary.

2 (2) Whenever any person is convicted of any offense
3 under this Code or similar offenses under a municipal
4 ordinance, other than regulations governing standing,
5 parking or weights of vehicles, and excepting the following
6 enumerated Sections of this Code: Sections 11-1406
7 (obstruction to driver's view or control), 11-1407
8 (improper opening of door into traffic), 11-1410 (coasting
9 on downgrade), 11-1411 (following fire apparatus),
10 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving
11 vehicle which is in unsafe condition or improperly
12 equipped), 12-201(a) (daytime lights on motorcycles),
13 12-202 (clearance, identification and side marker lamps),
14 12-204 (lamp or flag on projecting load), 12-205 (failure
15 to display the safety lights required), 12-401
16 (restrictions as to tire equipment), 12-502 (mirrors),
17 12-503 (windshields must be unobstructed and equipped with
18 wipers), 12-601 (horns and warning devices), 12-602
19 (mufflers, prevention of noise or smoke), 12-603 (seat
20 safety belts), 12-702 (certain vehicles to carry flares or
21 other warning devices), 12-703 (vehicles for oiling roads
22 operated on highways), 12-710 (splash guards and
23 replacements), 13-101 (safety tests), 15-101 (size, weight
24 and load), 15-102 (width), 15-103 (height), 15-104 (name
25 and address on second division vehicles), 15-107 (length of
26 vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights),

1 15-112 (weights), 15-301 (weights), 15-316 (weights),
2 15-318 (weights), and also excepting the following
3 enumerated Sections of the Chicago Municipal Code:
4 Sections 27-245 (following fire apparatus), 27-254
5 (obstruction of traffic), 27-258 (driving vehicle which is
6 in unsafe condition), 27-259 (coasting on downgrade),
7 27-264 (use of horns and signal devices), 27-265
8 (obstruction to driver's view or driver mechanism), 27-267
9 (dimming of headlights), 27-268 (unattended motor
10 vehicle), 27-272 (illegal funeral procession), 27-273
11 (funeral procession on boulevard), 27-275 (driving freight
12 hauling vehicles on boulevard), 27-276 (stopping and
13 standing of buses or taxicabs), 27-277 (cruising of public
14 passenger vehicles), 27-305 (parallel parking), 27-306
15 (diagonal parking), 27-307 (parking not to obstruct
16 traffic), 27-308 (stopping, standing or parking
17 regulated), 27-311 (parking regulations), 27-312 (parking
18 regulations), 27-313 (parking regulations), 27-314
19 (parking regulations), 27-315 (parking regulations),
20 27-316 (parking regulations), 27-317 (parking
21 regulations), 27-318 (parking regulations), 27-319
22 (parking regulations), 27-320 (parking regulations),
23 27-321 (parking regulations), 27-322 (parking
24 regulations), 27-324 (loading and unloading at an angle),
25 27-333 (wheel and axle loads), 27-334 (load restrictions in
26 the downtown district), 27-335 (load restrictions in

1 residential areas), 27-338 (width of vehicles), 27-339
2 (height of vehicles), 27-340 (length of vehicles), 27-352
3 (reflectors on trailers), 27-353 (mufflers), 27-354
4 (display of plates), 27-355 (display of city vehicle tax
5 sticker), 27-357 (identification of vehicles), 27-358
6 (projecting of loads), and also excepting the following
7 enumerated paragraphs of Section 2-201 of the Rules and
8 Regulations of the Illinois State Toll Highway Authority:
9 (l) (driving unsafe vehicle on tollway), (m) (vehicles
10 transporting dangerous cargo not properly indicated), it
11 shall be the duty of the clerk of the court in which such
12 conviction is had within 5 days thereafter to forward to
13 the Secretary of State a report of the conviction and the
14 court may recommend the suspension of the driver's license
15 or permit of the person so convicted.

16 The reporting requirements of this subsection shall apply
17 to all violations stated in paragraphs (1) and (2) of this
18 subsection when the individual has been adjudicated under the
19 Juvenile Court Act or the Juvenile Court Act of 1987. Such
20 reporting requirements shall also apply to individuals
21 adjudicated under the Juvenile Court Act or the Juvenile Court
22 Act of 1987 who have committed a violation of Section 11-501 of
23 this Code, or similar provision of a local ordinance, or
24 Section 9-3 of the Criminal Code of 1961, as amended, relating
25 to the offense of reckless homicide. These reporting
26 requirements also apply to individuals adjudicated under the

1 Juvenile Court Act of 1987 based on any offense determined to
2 have been committed in furtherance of the criminal activities
3 of an organized gang, as provided in Section 5-710 of that Act,
4 and that involved the operation or use of a motor vehicle or
5 the use of a driver's license or permit. The reporting
6 requirements of this subsection shall also apply to a truant
7 minor in need of supervision, an addicted minor, or a
8 delinquent minor and whose driver's license and privilege to
9 drive a motor vehicle has been ordered suspended for such times
10 as determined by the Court, but only until he or she attains 18
11 years of age. It shall be the duty of the clerk of the court in
12 which adjudication is had within 5 days thereafter to forward
13 to the Secretary of State a report of the adjudication and the
14 court order requiring the Secretary of State to suspend the
15 minor's driver's license and driving privilege for such time as
16 determined by the Court, but only until he or she attains the
17 age of 18 years. All juvenile court dispositions reported to
18 the Secretary of State under this provision shall be processed
19 by the Secretary of State as if the cases had been adjudicated
20 in traffic or criminal court. However, information reported
21 relative to the offense of reckless homicide, or Section 11-501
22 of this Code, or a similar provision of a local ordinance,
23 shall be privileged and available only to the Secretary of
24 State, courts, and police officers.

25 The reporting requirements of this subsection (a)
26 apply to all violations listed in paragraphs (1) and (2) of

1 this subsection (a), excluding parking violations, when
2 the driver holds a CDL, regardless of the type of vehicle
3 in which the violation occurred, or when any driver
4 committed the violation in a commercial motor vehicle as
5 defined in Section 6-500 of this Code.

6 (3) Whenever an order is entered vacating the
7 forfeiture of any bail, security or bond given to secure
8 appearance for any offense under this Code or similar
9 offenses under municipal ordinance, it shall be the duty of
10 the clerk of the court in which such vacation was had or
11 the judge of such court if such court has no clerk, within
12 5 days thereafter to forward to the Secretary of State a
13 report of the vacation.

14 (4) A report of any disposition of court supervision
15 for a violation of Sections 6-303, 11-401, 11-501 or a
16 similar provision of a local ordinance, 11-503, 11-504, and
17 11-506 shall be forwarded to the Secretary of State. A
18 report of any disposition of court supervision for a
19 violation of an offense defined as a serious traffic
20 violation in this Code or a similar provision of a local
21 ordinance committed by a person under the age of 21 years
22 shall be forwarded to the Secretary of State.

23 (5) Reports of conviction under this Code and
24 sentencing hearings under the Juvenile Court Act of 1987 in
25 an electronic format or a computer processible medium shall
26 be forwarded to the Secretary of State via the Supreme

1 Court in the form and format required by the Illinois
2 Supreme Court and established by a written agreement
3 between the Supreme Court and the Secretary of State. In
4 counties with a population over 300,000, instead of
5 forwarding reports to the Supreme Court, reports of
6 conviction under this Code and sentencing hearings under
7 the Juvenile Court Act of 1987 in an electronic format or a
8 computer processible medium may be forwarded to the
9 Secretary of State by the Circuit Court Clerk in a form and
10 format required by the Secretary of State and established
11 by written agreement between the Circuit Court Clerk and
12 the Secretary of State. Failure to forward the reports of
13 conviction or sentencing hearing under the Juvenile Court
14 Act of 1987 as required by this Section shall be deemed an
15 omission of duty and it shall be the duty of the several
16 State's Attorneys to enforce the requirements of this
17 Section.

18 (b) Whenever a restricted driving permit is forwarded to a
19 court, as a result of confiscation by a police officer pursuant
20 to the authority in Section 6-113(f), it shall be the duty of
21 the clerk, or judge, if the court has no clerk, to forward such
22 restricted driving permit and a facsimile of the officer's
23 citation to the Secretary of State as expeditiously as
24 practicable.

25 (c) For the purposes of this Code, a forfeiture of bail or
26 collateral deposited to secure a defendant's appearance in

1 court when forfeiture has not been vacated, or the failure of a
2 defendant to appear for trial after depositing his driver's
3 license in lieu of other bail, shall be equivalent to a
4 conviction.

5 (d) For the purpose of providing the Secretary of State
6 with records necessary to properly monitor and assess driver
7 performance and assist the courts in the proper disposition of
8 repeat traffic law offenders, the clerk of the court shall
9 forward to the Secretary of State, on a form prescribed by the
10 Secretary, records of a driver's participation in a driver
11 remedial or rehabilitative program which was required, through
12 a court order or court supervision, in relation to the driver's
13 arrest for a violation of Section 11-501 of this Code or a
14 similar provision of a local ordinance. The clerk of the court
15 shall also forward to the Secretary, either on paper or in an
16 electronic format or a computer processible medium as required
17 under paragraph (5) of subsection (a) of this Section, any
18 disposition of court supervision for any traffic violation,
19 excluding those offenses listed in paragraph (2) of subsection
20 (a) of this Section. These reports shall be sent within 5 days
21 after disposition, or, if the driver is referred to a driver
22 remedial or rehabilitative program, within 5 days of the
23 driver's referral to that program. These reports received by
24 the Secretary of State, including those required to be
25 forwarded under paragraph (a)(4), shall be privileged
26 information, available only (i) to the affected driver, (ii) to

1 the parent or guardian of a person under the age of 18 years
2 holding an instruction permit or a graduated driver's license,
3 and (iii) for use by the courts, police officers, prosecuting
4 authorities, the Secretary of State, and the driver licensing
5 administrator of any other state. In accordance with 49 C.F.R.
6 Part 384, all reports of court supervision, except violations
7 related to parking, shall be forwarded to the Secretary of
8 State for all holders of a CDL or any driver who commits an
9 offense while driving a commercial motor vehicle. These reports
10 shall be recorded to the driver's record as a conviction for
11 use in the disqualification of the driver's commercial motor
12 vehicle privileges and shall not be privileged information.

13 (Source: P.A. 94-307, eff. 9-30-05; 94-930, eff. 6-26-06;
14 95-201, eff. 1-1-08; 95-310, eff. 1-1-08; 95-337, eff. 6-1-08;
15 95-382, eff. 8-23-07; revised 11-16-07.)

16 (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

17 (Text of Section before amendment by P.A. 95-337 and
18 95-627)

19 Sec. 6-205. Mandatory revocation of license or permit;
20 Hardship cases.

21 (a) Except as provided in this Section, the Secretary of
22 State shall immediately revoke the license, permit, or driving
23 privileges of any driver upon receiving a report of the
24 driver's conviction of any of the following offenses:

25 1. Reckless homicide resulting from the operation of a

1 motor vehicle;

2 2. Violation of Section 11-501 of this Code or a
3 similar provision of a local ordinance relating to the
4 offense of operating or being in physical control of a
5 vehicle while under the influence of alcohol, other drug or
6 drugs, intoxicating compound or compounds, or any
7 combination thereof;

8 3. Any felony under the laws of any State or the
9 federal government in the commission of which a motor
10 vehicle was used;

11 4. Violation of Section 11-401 of this Code relating to
12 the offense of leaving the scene of a traffic accident
13 involving death or personal injury;

14 5. Perjury or the making of a false affidavit or
15 statement under oath to the Secretary of State under this
16 Code or under any other law relating to the ownership or
17 operation of motor vehicles;

18 6. Conviction upon 3 charges of violation of Section
19 11-503 of this Code relating to the offense of reckless
20 driving committed within a period of 12 months;

21 7. Conviction of any offense defined in Section 4-102
22 of this Code;

23 8. Violation of Section 11-504 of this Code relating to
24 the offense of drag racing;

25 9. Violation of Chapters 8 and 9 of this Code;

26 10. Violation of Section 12-5 of the Criminal Code of

1 1961 arising from the use of a motor vehicle;

2 11. Violation of Section 11-204.1 of this Code relating
3 to aggravated fleeing or attempting to elude a peace
4 officer;

5 12. Violation of paragraph (1) of subsection (b) of
6 Section 6-507, or a similar law of any other state,
7 relating to the unlawful operation of a commercial motor
8 vehicle;

9 13. Violation of paragraph (a) of Section 11-502 of
10 this Code or a similar provision of a local ordinance if
11 the driver has been previously convicted of a violation of
12 that Section or a similar provision of a local ordinance
13 and the driver was less than 21 years of age at the time of
14 the offense;

15 14. Violation of Section 11-506 of this Code or a
16 similar provision of a local ordinance relating to the
17 offense of street racing.

18 (b) The Secretary of State shall also immediately revoke
19 the license or permit of any driver in the following
20 situations:

21 1. Of any minor upon receiving the notice provided for
22 in Section 5-901 of the Juvenile Court Act of 1987 that the
23 minor has been adjudicated under that Act as having
24 committed an offense relating to motor vehicles prescribed
25 in Section 4-103 of this Code;

26 2. Of any person when any other law of this State

1 requires either the revocation or suspension of a license
2 or permit.

3 (c) Except as provided in subsection (c-5), whenever a
4 person is convicted of any of the offenses enumerated in this
5 Section, the court may recommend and the Secretary of State in
6 his discretion, without regard to whether the recommendation is
7 made by the court may, upon application, issue to the person a
8 restricted driving permit granting the privilege of driving a
9 motor vehicle between the petitioner's residence and
10 petitioner's place of employment or within the scope of the
11 petitioner's employment related duties, or to allow
12 transportation for the petitioner or a household member of the
13 petitioner's family for the receipt of necessary medical care
14 or, if the professional evaluation indicates, provide
15 transportation for the petitioner for alcohol remedial or
16 rehabilitative activity, or for the petitioner to attend
17 classes, as a student, in an accredited educational
18 institution; if the petitioner is able to demonstrate that no
19 alternative means of transportation is reasonably available
20 and the petitioner will not endanger the public safety or
21 welfare; provided that the Secretary's discretion shall be
22 limited to cases where undue hardship would result from a
23 failure to issue the restricted driving permit.

24 If a person's license or permit has been revoked or
25 suspended due to 2 or more convictions of violating Section
26 11-501 of this Code or a similar provision of a local ordinance

1 or a similar out-of-state offense, arising out of separate
2 occurrences, that person, if issued a restricted driving
3 permit, may not operate a vehicle unless it has been equipped
4 with an ignition interlock device as defined in Section
5 1-129.1.

6 If a person's license or permit has been revoked or
7 suspended 2 or more times within a 10 year period due to a
8 single conviction of violating Section 11-501 of this Code or a
9 similar provision of a local ordinance or a similar
10 out-of-state offense, and a statutory summary suspension under
11 Section 11-501.1, or 2 or more statutory summary suspensions,
12 or combination of 2 offenses, or of an offense and a statutory
13 summary suspension, arising out of separate occurrences, or if
14 a person has been convicted of one violation of Section 6-303
15 of this Code committed while his or her driver's license,
16 permit, or privilege was revoked because of a violation of
17 Section 9-3 of the Criminal Code of 1961, relating to the
18 offense of reckless homicide, or a similar provision of a law
19 of another state, that person, if issued a restricted driving
20 permit, may not operate a vehicle unless it has been equipped
21 with an ignition interlock device as defined in Section
22 1-129.1. The person must pay to the Secretary of State DUI
23 Administration Fund an amount not to exceed \$20 per month. The
24 Secretary shall establish by rule the amount and the
25 procedures, terms, and conditions relating to these fees. If
26 the restricted driving permit was issued for employment

1 purposes, then this provision does not apply to the operation
2 of an occupational vehicle owned or leased by that person's
3 employer. In each case the Secretary of State may issue a
4 restricted driving permit for a period he deems appropriate,
5 except that the permit shall expire within one year from the
6 date of issuance. The Secretary may not, however, issue a
7 restricted driving permit to any person whose current
8 revocation is the result of a second or subsequent conviction
9 for a violation of Section 11-501 of this Code or a similar
10 provision of a local ordinance relating to the offense of
11 operating or being in physical control of a motor vehicle while
12 under the influence of alcohol, other drug or drugs,
13 intoxicating compound or compounds, or any similar
14 out-of-state offense, or any combination thereof, until the
15 expiration of at least one year from the date of the
16 revocation. A restricted driving permit issued under this
17 Section shall be subject to cancellation, revocation, and
18 suspension by the Secretary of State in like manner and for
19 like cause as a driver's license issued under this Code may be
20 cancelled, revoked, or suspended; except that a conviction upon
21 one or more offenses against laws or ordinances regulating the
22 movement of traffic shall be deemed sufficient cause for the
23 revocation, suspension, or cancellation of a restricted
24 driving permit. The Secretary of State may, as a condition to
25 the issuance of a restricted driving permit, require the
26 applicant to participate in a designated driver remedial or

1 rehabilitative program. The Secretary of State is authorized to
2 cancel a restricted driving permit if the permit holder does
3 not successfully complete the program. However, if an
4 individual's driving privileges have been revoked in
5 accordance with paragraph 13 of subsection (a) of this Section,
6 no restricted driving permit shall be issued until the
7 individual has served 6 months of the revocation period.

8 (c-5) The Secretary may not issue a restricted driving
9 permit to any person who has been convicted of a second or
10 subsequent violation of Section 6-303 of this Code committed
11 while his or her driver's license, permit, or privilege was
12 revoked because of a violation of Section 9-3 of the Criminal
13 Code of 1961, relating to the offense of reckless homicide, or
14 a similar provision of a law of another state.

15 (d) Whenever a person under the age of 21 is convicted
16 under Section 11-501 of this Code or a similar provision of a
17 local ordinance or a similar out-of-state offense, the
18 Secretary of State shall revoke the driving privileges of that
19 person. One year after the date of revocation, and upon
20 application, the Secretary of State may, if satisfied that the
21 person applying will not endanger the public safety or welfare,
22 issue a restricted driving permit granting the privilege of
23 driving a motor vehicle only between the hours of 5 a.m. and 9
24 p.m. or as otherwise provided by this Section for a period of
25 one year. After this one year period, and upon reapplication
26 for a license as provided in Section 6-106, upon payment of the

1 appropriate reinstatement fee provided under paragraph (b) of
2 Section 6-118, the Secretary of State, in his discretion, may
3 issue the applicant a license, or extend the restricted driving
4 permit as many times as the Secretary of State deems
5 appropriate, by additional periods of not more than 12 months
6 each, until the applicant attains 21 years of age.

7 If a person's license or permit has been revoked or
8 suspended due to 2 or more convictions of violating Section
9 11-501 of this Code or a similar provision of a local ordinance
10 or a similar out-of-state offense, arising out of separate
11 occurrences, that person, if issued a restricted driving
12 permit, may not operate a vehicle unless it has been equipped
13 with an ignition interlock device as defined in Section
14 1-129.1.

15 If a person's license or permit has been revoked or
16 suspended 2 or more times within a 10 year period due to a
17 single conviction of violating Section 11-501 of this Code or a
18 similar provision of a local ordinance or a similar
19 out-of-state offense, and a statutory summary suspension under
20 Section 11-501.1, or 2 or more statutory summary suspensions,
21 or combination of 2 offenses, or of an offense and a statutory
22 summary suspension, arising out of separate occurrences, that
23 person, if issued a restricted driving permit, may not operate
24 a vehicle unless it has been equipped with an ignition
25 interlock device as defined in Section 1-129.1. The person must
26 pay to the Secretary of State DUI Administration Fund an amount

1 not to exceed \$20 per month. The Secretary shall establish by
2 rule the amount and the procedures, terms, and conditions
3 relating to these fees. If the restricted driving permit was
4 issued for employment purposes, then this provision does not
5 apply to the operation of an occupational vehicle owned or
6 leased by that person's employer. A restricted driving permit
7 issued under this Section shall be subject to cancellation,
8 revocation, and suspension by the Secretary of State in like
9 manner and for like cause as a driver's license issued under
10 this Code may be cancelled, revoked, or suspended; except that
11 a conviction upon one or more offenses against laws or
12 ordinances regulating the movement of traffic shall be deemed
13 sufficient cause for the revocation, suspension, or
14 cancellation of a restricted driving permit.

15 (d-5) The revocation of the license, permit, or driving
16 privileges of a person convicted of a third or subsequent
17 violation of Section 6-303 of this Code committed while his or
18 her driver's license, permit, or privilege was revoked because
19 of a violation of Section 9-3 of the Criminal Code of 1961,
20 relating to the offense of reckless homicide, or a similar
21 provision of a law of another state, is permanent. The
22 Secretary may not, at any time, issue a license or permit to
23 that person.

24 (e) This Section is subject to the provisions of the Driver
25 License Compact.

26 (f) Any revocation imposed upon any person under

1 subsections 2 and 3 of paragraph (b) that is in effect on
2 December 31, 1988 shall be converted to a suspension for a like
3 period of time.

4 (g) The Secretary of State shall not issue a restricted
5 driving permit to a person under the age of 16 years whose
6 driving privileges have been revoked under any provisions of
7 this Code.

8 (h) The Secretary of State shall require the use of
9 ignition interlock devices on all vehicles owned by an
10 individual who has been convicted of a second or subsequent
11 offense under Section 11-501 of this Code or a similar
12 provision of a local ordinance. The Secretary shall establish
13 by rule and regulation the procedures for certification and use
14 of the interlock system.

15 (i) (Blank).

16 (j) In accordance with 49 C.F.R. 384, the Secretary of
17 State may not issue a restricted driving permit for the
18 operation of a commercial motor vehicle to a person holding a
19 CDL whose driving privileges have been revoked, suspended,
20 cancelled, or disqualified under any provisions of this Code.

21 (Source: P.A. 94-307, eff. 9-30-05; 95-310, eff. 1-1-08;
22 95-377, eff. 1-1-08; 95-382, eff. 8-23-07; revised 11-16-07.)

23 (Text of Section after amendment by P.A. 95-337 and 95-627)
24 Sec. 6-205. Mandatory revocation of license or permit;
25 Hardship cases.

1 (a) Except as provided in this Section, the Secretary of
2 State shall immediately revoke the license, permit, or driving
3 privileges of any driver upon receiving a report of the
4 driver's conviction of any of the following offenses:

5 1. Reckless homicide resulting from the operation of a
6 motor vehicle;

7 2. Violation of Section 11-501 of this Code or a
8 similar provision of a local ordinance relating to the
9 offense of operating or being in physical control of a
10 vehicle while under the influence of alcohol, other drug or
11 drugs, intoxicating compound or compounds, or any
12 combination thereof;

13 3. Any felony under the laws of any State or the
14 federal government in the commission of which a motor
15 vehicle was used;

16 4. Violation of Section 11-401 of this Code relating to
17 the offense of leaving the scene of a traffic accident
18 involving death or personal injury;

19 5. Perjury or the making of a false affidavit or
20 statement under oath to the Secretary of State under this
21 Code or under any other law relating to the ownership or
22 operation of motor vehicles;

23 6. Conviction upon 3 charges of violation of Section
24 11-503 of this Code relating to the offense of reckless
25 driving committed within a period of 12 months;

26 7. Conviction of any offense defined in Section 4-102

1 of this Code;

2 8. Violation of Section 11-504 of this Code relating to
3 the offense of drag racing;

4 9. Violation of Chapters 8 and 9 of this Code;

5 10. Violation of Section 12-5 of the Criminal Code of
6 1961 arising from the use of a motor vehicle;

7 11. Violation of Section 11-204.1 of this Code relating
8 to aggravated fleeing or attempting to elude a peace
9 officer;

10 12. Violation of paragraph (1) of subsection (b) of
11 Section 6-507, or a similar law of any other state,
12 relating to the unlawful operation of a commercial motor
13 vehicle;

14 13. Violation of paragraph (a) of Section 11-502 of
15 this Code or a similar provision of a local ordinance if
16 the driver has been previously convicted of a violation of
17 that Section or a similar provision of a local ordinance
18 and the driver was less than 21 years of age at the time of
19 the offense;

20 14. Violation of Section 11-506 of this Code or a
21 similar provision of a local ordinance relating to the
22 offense of street racing.

23 (b) The Secretary of State shall also immediately revoke
24 the license or permit of any driver in the following
25 situations:

26 1. Of any minor upon receiving the notice provided for

1 in Section 5-901 of the Juvenile Court Act of 1987 that the
2 minor has been adjudicated under that Act as having
3 committed an offense relating to motor vehicles prescribed
4 in Section 4-103 of this Code;

5 2. Of any person when any other law of this State
6 requires either the revocation or suspension of a license
7 or permit;

8 3. Of any person adjudicated under the Juvenile Court
9 Act of 1987 based on an offense determined to have been
10 committed in furtherance of the criminal activities of an
11 organized gang as provided in Section 5-710 of that Act,
12 and that involved the operation or use of a motor vehicle
13 or the use of a driver's license or permit. The revocation
14 shall remain in effect for the period determined by the
15 court. Upon the direction of the court, the Secretary shall
16 issue the person a judicial driving permit, also known as a
17 JDP. The JDP shall be subject to the same terms as a JDP
18 issued under Section 6-206.1, except that the court may
19 direct that a JDP issued under this subdivision (b)(3) be
20 effective immediately.

21 (c) (1) Except as provided in subsection (c-5),
22 whenever a person is convicted of any of the offenses
23 enumerated in this Section, the court may recommend and the
24 Secretary of State in his discretion, without regard to
25 whether the recommendation is made by the court may, upon
26 application, issue to the person a restricted driving

1 permit granting the privilege of driving a motor vehicle
2 between the petitioner's residence and petitioner's place
3 of employment or within the scope of the petitioner's
4 employment related duties, or to allow transportation for
5 the petitioner or a household member of the petitioner's
6 family for the receipt of necessary medical care or
7 provide transportation for the petitioner to and from
8 alcohol or drug remedial or rehabilitative activity
9 recommended by a licensed service provider, or for the
10 petitioner to attend classes, as a student, in an
11 accredited educational institution; if the petitioner is
12 able to demonstrate that no alternative means of
13 transportation is reasonably available and that the
14 petitioner will not endanger the public safety or welfare;
15 provided that the Secretary's discretion shall be limited
16 to cases where undue hardship, as defined by the rules of
17 the Secretary of State, would result from a failure to
18 issue the restricted driving permit. Those multiple
19 offenders identified in subdivision (b)4 of Section 6-208
20 of this Code, however, shall not be eligible for the
21 issuance of a restricted driving permit.

22 (2) If a person's license or permit is revoked or
23 suspended due to 2 or more convictions of violating Section
24 11-501 of this Code or a similar provision of a local
25 ordinance or a similar out-of-state offense, or Section 9-3
26 of the Criminal Code of 1961, where the use of alcohol or

1 other drugs is recited as an element of the offense, or a
2 similar out-of-state offense, or a combination of these
3 offenses, arising out of separate occurrences, that
4 person, if issued a restricted driving permit, may not
5 operate a vehicle unless it has been equipped with an
6 ignition interlock device as defined in Section 1-129.1.

7 (3) If:

8 (A) a person's license or permit is revoked or
9 suspended 2 or more times within a 10 year period due
10 to any combination of:

11 (i) ~~(A)~~ a single conviction of violating
12 Section 11-501 of this Code or a similar provision
13 of a local ordinance or a similar out-of-state
14 offense, or Section 9-3 of the Criminal Code of
15 1961, where the use of alcohol or other drugs is
16 recited as an element of the offense, or a similar
17 out-of-state offense; or

18 (ii) ~~(B)~~ a statutory summary suspension under
19 Section 11-501.1; or

20 (iii) ~~(C)~~ a suspension pursuant to Section
21 6-203.1~~;~~

22 arising out of separate occurrences~~;~~ or

23 (B) ~~if~~ a person has been convicted of one violation
24 of Section 6-303 of this Code committed while his or
25 her driver's license, permit, or privilege was revoked
26 because of a violation of Section 9-3 of the Criminal

1 Code of 1961, relating to the offense of reckless
2 homicide, or a similar provision of a law of another
3 state,

4 that person, if issued a restricted driving permit, may not
5 operate a vehicle unless it has been equipped with an
6 ignition interlock device as defined in Section 1-129.1.

7 ~~(4)~~ The person must pay to the Secretary of State DUI
8 Administration Fund an amount not to exceed \$20 per month.
9 The Secretary shall establish by rule the amount and the
10 procedures, terms, and conditions relating to these fees.

11 ~~(5)~~ If the restricted driving permit is issued for
12 employment purposes, then the prohibition against
13 operating a motor vehicle that is not equipped with an
14 ignition interlock device does not apply to the operation
15 of an occupational vehicle owned or leased by that person's
16 employer when used solely for employment purposes. ~~(6)~~ In
17 each case the Secretary of State may issue a restricted
18 driving permit for a period he deems appropriate, except
19 that the permit shall expire within one year from the date
20 of issuance. The Secretary may not, however, issue a
21 restricted driving permit to any person whose current
22 revocation is the result of a second or subsequent
23 conviction for a violation of Section 11-501 of this Code
24 or a similar provision of a local ordinance or any similar
25 out-of-state offense, or Section 9-3 of the Criminal Code
26 of 1961, where the use of alcohol or other drugs is recited

1 as an element of the offense, or any similar out-of-state
2 offense, or any combination of these offenses, until the
3 expiration of at least one year from the date of the
4 revocation. A restricted driving permit issued under this
5 Section shall be subject to cancellation, revocation, and
6 suspension by the Secretary of State in like manner and for
7 like cause as a driver's license issued under this Code may
8 be cancelled, revoked, or suspended; except that a
9 conviction upon one or more offenses against laws or
10 ordinances regulating the movement of traffic shall be
11 deemed sufficient cause for the revocation, suspension, or
12 cancellation of a restricted driving permit. The Secretary
13 of State may, as a condition to the issuance of a
14 restricted driving permit, require the petitioner to
15 participate in a designated driver remedial or
16 rehabilitative program. The Secretary of State is
17 authorized to cancel a restricted driving permit if the
18 permit holder does not successfully complete the program.
19 However, if an individual's driving privileges have been
20 revoked in accordance with paragraph 13 of subsection (a)
21 of this Section, no restricted driving permit shall be
22 issued until the individual has served 6 months of the
23 revocation period.

24 (c-5) The Secretary may not issue a restricted driving
25 permit to any person who has been convicted of a second or
26 subsequent violation of Section 6-303 of this Code committed

1 while his or her driver's license, permit, or privilege was
2 revoked because of a violation of Section 9-3 of the Criminal
3 Code of 1961, relating to the offense of reckless homicide, or
4 a similar provision of a law of another state.

5 (d) (1) Whenever a person under the age of 21 is convicted
6 under Section 11-501 of this Code or a similar provision of a
7 local ordinance⁷ or a similar out-of-state offense, the
8 Secretary of State shall revoke the driving privileges of that
9 person. One year after the date of revocation, and upon
10 application, the Secretary of State may, if satisfied that the
11 person applying will not endanger the public safety or welfare,
12 issue a restricted driving permit granting the privilege of
13 driving a motor vehicle only between the hours of 5 a.m. and 9
14 p.m. or as otherwise provided by this Section for a period of
15 one year. After this one year period, and upon reapplication
16 for a license as provided in Section 6-106, upon payment of the
17 appropriate reinstatement fee provided under paragraph (b) of
18 Section 6-118, the Secretary of State, in his discretion, may
19 reinstate the petitioner's driver's license and driving
20 privileges, or extend the restricted driving permit as many
21 times as the Secretary of State deems appropriate, by
22 additional periods of not more than 12 months each.

23 (2) If a person's license or permit is revoked or
24 suspended due to 2 or more convictions of violating Section
25 11-501 of this Code or a similar provision of a local
26 ordinance or a similar out-of-state offense, or Section 9-3

1 of the Criminal Code of 1961, where the use of alcohol or
2 other drugs is recited as an element of the offense, or a
3 similar out-of-state offense, or a combination of these
4 offenses, arising out of separate occurrences, that
5 person, if issued a restricted driving permit, may not
6 operate a vehicle unless it has been equipped with an
7 ignition interlock device as defined in Section 1-129.1.

8 (3) If a person's license or permit is revoked or
9 suspended 2 or more times within a 10 year period due to
10 any combination of:

11 (A) a single conviction of violating Section
12 11-501 of this Code or a similar provision of a local
13 ordinance or a similar out-of-state offense, or
14 Section 9-3 of the Criminal Code of 1961, where the use
15 of alcohol or other drugs is recited as an element of
16 the offense, or a similar out-of-state offense; or

17 (B) a statutory summary suspension under Section
18 11-501.1; or

19 (C) a suspension pursuant to Section 6-203.1,
20 arising out of separate occurrences, that person, if
21 issued a restricted driving permit, may not operate a
22 vehicle unless it has been equipped with an ignition
23 interlock device as defined in Section 1-129.1.

24 (4) The person must pay to the Secretary of State DUI
25 Administration Fund an amount not to exceed \$20 per month.
26 The Secretary shall establish by rule the amount and the

1 procedures, terms, and conditions relating to these fees.

2 (5) If the restricted driving permit is issued for
3 employment purposes, then the prohibition against driving
4 a vehicle that is not equipped with an ignition interlock
5 device does not apply to the operation of an occupational
6 vehicle owned or leased by that person's employer when used
7 solely for employment purposes.

8 (6) A restricted driving permit issued under this
9 Section shall be subject to cancellation, revocation, and
10 suspension by the Secretary of State in like manner and for
11 like cause as a driver's license issued under this Code may
12 be cancelled, revoked, or suspended; except that a
13 conviction upon one or more offenses against laws or
14 ordinances regulating the movement of traffic shall be
15 deemed sufficient cause for the revocation, suspension, or
16 cancellation of a restricted driving permit.

17 (d-5) The revocation of the license, permit, or driving
18 privileges of a person convicted of a third or subsequent
19 violation of Section 6-303 of this Code committed while his or
20 her driver's license, permit, or privilege was revoked because
21 of a violation of Section 9-3 of the Criminal Code of 1961,
22 relating to the offense of reckless homicide, or a similar
23 provision of a law of another state, is permanent. The
24 Secretary may not, at any time, issue a license or permit to
25 that person.

26 (e) This Section is subject to the provisions of the Driver

1 License Compact.

2 (f) Any revocation imposed upon any person under
3 subsections 2 and 3 of paragraph (b) that is in effect on
4 December 31, 1988 shall be converted to a suspension for a like
5 period of time.

6 (g) The Secretary of State shall not issue a restricted
7 driving permit to a person under the age of 16 years whose
8 driving privileges have been revoked under any provisions of
9 this Code.

10 (h) The Secretary of State shall require the use of
11 ignition interlock devices on all vehicles owned by an
12 individual who has been convicted of a second or subsequent
13 offense under Section 11-501 of this Code or a similar
14 provision of a local ordinance. The Secretary shall establish
15 by rule and regulation the procedures for certification and use
16 of the interlock system.

17 (i) (Blank).

18 (j) In accordance with 49 C.F.R. 384, the Secretary of
19 State may not issue a restricted driving permit for the
20 operation of a commercial motor vehicle to a person holding a
21 CDL whose driving privileges have been revoked, suspended,
22 cancelled, or disqualified under any provisions of this Code.

23 (Source: P.A. 94-307, eff. 9-30-05; 95-310, eff. 1-1-08;
24 95-337, eff. 6-1-08; 95-377, eff. 1-1-08; 95-382, eff. 8-23-07;
25 95-627, eff. 6-1-08; revised 11-16-07.)

1 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

2 (Text of Section before amendment by P.A. 95-400 and
3 95-627)

4 Sec. 6-206. Discretionary authority to suspend or revoke
5 license or permit; Right to a hearing.

6 (a) The Secretary of State is authorized to suspend or
7 revoke the driving privileges of any person without preliminary
8 hearing upon a showing of the person's records or other
9 sufficient evidence that the person:

10 1. Has committed an offense for which mandatory
11 revocation of a driver's license or permit is required upon
12 conviction;

13 2. Has been convicted of not less than 3 offenses
14 against traffic regulations governing the movement of
15 vehicles committed within any 12 month period. No
16 revocation or suspension shall be entered more than 6
17 months after the date of last conviction;

18 3. Has been repeatedly involved as a driver in motor
19 vehicle collisions or has been repeatedly convicted of
20 offenses against laws and ordinances regulating the
21 movement of traffic, to a degree that indicates lack of
22 ability to exercise ordinary and reasonable care in the
23 safe operation of a motor vehicle or disrespect for the
24 traffic laws and the safety of other persons upon the
25 highway;

26 4. Has by the unlawful operation of a motor vehicle

1 caused or contributed to an accident resulting in death or
2 injury requiring immediate professional treatment in a
3 medical facility or doctor's office to any person, except
4 that any suspension or revocation imposed by the Secretary
5 of State under the provisions of this subsection shall
6 start no later than 6 months after being convicted of
7 violating a law or ordinance regulating the movement of
8 traffic, which violation is related to the accident, or
9 shall start not more than one year after the date of the
10 accident, whichever date occurs later;

11 5. Has permitted an unlawful or fraudulent use of a
12 driver's license, identification card, or permit;

13 6. Has been lawfully convicted of an offense or
14 offenses in another state, including the authorization
15 contained in Section 6-203.1, which if committed within
16 this State would be grounds for suspension or revocation;

17 7. Has refused or failed to submit to an examination
18 provided for by Section 6-207 or has failed to pass the
19 examination;

20 8. Is ineligible for a driver's license or permit under
21 the provisions of Section 6-103;

22 9. Has made a false statement or knowingly concealed a
23 material fact or has used false information or
24 identification in any application for a license,
25 identification card, or permit;

26 10. Has possessed, displayed, or attempted to

1 fraudulently use any license, identification card, or
2 permit not issued to the person;

3 11. Has operated a motor vehicle upon a highway of this
4 State when the person's driving privilege or privilege to
5 obtain a driver's license or permit was revoked or
6 suspended unless the operation was authorized by a judicial
7 driving permit, probationary license to drive, or a
8 restricted driving permit issued under this Code;

9 12. Has submitted to any portion of the application
10 process for another person or has obtained the services of
11 another person to submit to any portion of the application
12 process for the purpose of obtaining a license,
13 identification card, or permit for some other person;

14 13. Has operated a motor vehicle upon a highway of this
15 State when the person's driver's license or permit was
16 invalid under the provisions of Sections 6-107.1 and 6-110;

17 14. Has committed a violation of Section 6-301,
18 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
19 of the Illinois Identification Card Act;

20 15. Has been convicted of violating Section 21-2 of the
21 Criminal Code of 1961 relating to criminal trespass to
22 vehicles in which case, the suspension shall be for one
23 year;

24 16. Has been convicted of violating Section 11-204 of
25 this Code relating to fleeing from a peace officer;

26 17. Has refused to submit to a test, or tests, as

1 required under Section 11-501.1 of this Code and the person
2 has not sought a hearing as provided for in Section
3 11-501.1;

4 18. Has, since issuance of a driver's license or
5 permit, been adjudged to be afflicted with or suffering
6 from any mental disability or disease;

7 19. Has committed a violation of paragraph (a) or (b)
8 of Section 6-101 relating to driving without a driver's
9 license;

10 20. Has been convicted of violating Section 6-104
11 relating to classification of driver's license;

12 21. Has been convicted of violating Section 11-402 of
13 this Code relating to leaving the scene of an accident
14 resulting in damage to a vehicle in excess of \$1,000, in
15 which case the suspension shall be for one year;

16 22. Has used a motor vehicle in violating paragraph
17 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
18 the Criminal Code of 1961 relating to unlawful use of
19 weapons, in which case the suspension shall be for one
20 year;

21 23. Has, as a driver, been convicted of committing a
22 violation of paragraph (a) of Section 11-502 of this Code
23 for a second or subsequent time within one year of a
24 similar violation;

25 24. Has been convicted by a court-martial or punished
26 by non-judicial punishment by military authorities of the

1 United States at a military installation in Illinois of or
2 for a traffic related offense that is the same as or
3 similar to an offense specified under Section 6-205 or
4 6-206 of this Code;

5 25. Has permitted any form of identification to be used
6 by another in the application process in order to obtain or
7 attempt to obtain a license, identification card, or
8 permit;

9 26. Has altered or attempted to alter a license or has
10 possessed an altered license, identification card, or
11 permit;

12 27. Has violated Section 6-16 of the Liquor Control Act
13 of 1934;

14 28. Has been convicted of the illegal possession, while
15 operating or in actual physical control, as a driver, of a
16 motor vehicle, of any controlled substance prohibited
17 under the Illinois Controlled Substances Act, any cannabis
18 prohibited under the Cannabis Control Act, or any
19 methamphetamine prohibited under the Methamphetamine
20 Control and Community Protection Act, in which case the
21 person's driving privileges shall be suspended for one
22 year, and any driver who is convicted of a second or
23 subsequent offense, within 5 years of a previous
24 conviction, for the illegal possession, while operating or
25 in actual physical control, as a driver, of a motor
26 vehicle, of any controlled substance prohibited under the

1 Illinois Controlled Substances Act, any cannabis
2 prohibited under the Cannabis Control Act, or any
3 methamphetamine prohibited under the Methamphetamine
4 Control and Community Protection Act shall be suspended for
5 5 years. Any defendant found guilty of this offense while
6 operating a motor vehicle, shall have an entry made in the
7 court record by the presiding judge that this offense did
8 occur while the defendant was operating a motor vehicle and
9 order the clerk of the court to report the violation to the
10 Secretary of State;

11 29. Has been convicted of the following offenses that
12 were committed while the person was operating or in actual
13 physical control, as a driver, of a motor vehicle: criminal
14 sexual assault, predatory criminal sexual assault of a
15 child, aggravated criminal sexual assault, criminal sexual
16 abuse, aggravated criminal sexual abuse, juvenile pimping,
17 soliciting for a juvenile prostitute and the manufacture,
18 sale or delivery of controlled substances or instruments
19 used for illegal drug use or abuse in which case the
20 driver's driving privileges shall be suspended for one
21 year;

22 30. Has been convicted a second or subsequent time for
23 any combination of the offenses named in paragraph 29 of
24 this subsection, in which case the person's driving
25 privileges shall be suspended for 5 years;

26 31. Has refused to submit to a test as required by

1 Section 11-501.6 or has submitted to a test resulting in an
2 alcohol concentration of 0.08 or more or any amount of a
3 drug, substance, or compound resulting from the unlawful
4 use or consumption of cannabis as listed in the Cannabis
5 Control Act, a controlled substance as listed in the
6 Illinois Controlled Substances Act, an intoxicating
7 compound as listed in the Use of Intoxicating Compounds
8 Act, or methamphetamine as listed in the Methamphetamine
9 Control and Community Protection Act, in which case the
10 penalty shall be as prescribed in Section 6-208.1;

11 32. Has been convicted of Section 24-1.2 of the
12 Criminal Code of 1961 relating to the aggravated discharge
13 of a firearm if the offender was located in a motor vehicle
14 at the time the firearm was discharged, in which case the
15 suspension shall be for 3 years;

16 33. Has as a driver, who was less than 21 years of age
17 on the date of the offense, been convicted a first time of
18 a violation of paragraph (a) of Section 11-502 of this Code
19 or a similar provision of a local ordinance;

20 34. Has committed a violation of Section 11-1301.5 of
21 this Code;

22 35. Has committed a violation of Section 11-1301.6 of
23 this Code;

24 36. Is under the age of 21 years at the time of arrest
25 and has been convicted of not less than 2 offenses against
26 traffic regulations governing the movement of vehicles

1 committed within any 24 month period. No revocation or
2 suspension shall be entered more than 6 months after the
3 date of last conviction;

4 37. Has committed a violation of subsection (c) of
5 Section 11-907 of this Code;

6 38. Has been convicted of a violation of Section 6-20
7 of the Liquor Control Act of 1934 or a similar provision of
8 a local ordinance;

9 39. Has committed a second or subsequent violation of
10 Section 11-1201 of this Code;

11 40. Has committed a violation of subsection (a-1) of
12 Section 11-908 of this Code;

13 41. Has committed a second or subsequent violation of
14 Section 11-605.1 of this Code within 2 years of the date of
15 the previous violation, in which case the suspension shall
16 be for 90 days;

17 42. Has committed a violation of subsection (a-1) of
18 Section 11-1301.3 of this Code; ~~or~~

19 43. Has received a disposition of court supervision for
20 a violation of subsection (a), (d), or (e) of Section 6-20
21 of the Liquor Control Act of 1934 or a similar provision of
22 a local ordinance, in which case the suspension shall be
23 for a period of 3 months; or ~~or~~

24 44. ~~43.~~ Is under the age of 21 years at the time of
25 arrest and has been convicted of an offense against traffic
26 regulations governing the movement of vehicles after

1 having previously had his or her driving privileges ~~been~~
2 suspended or revoked pursuant to subparagraph 36 of this
3 Section.

4 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
5 and 27 of this subsection, license means any driver's license,
6 any traffic ticket issued when the person's driver's license is
7 deposited in lieu of bail, a suspension notice issued by the
8 Secretary of State, a duplicate or corrected driver's license,
9 a probationary driver's license or a temporary driver's
10 license.

11 (b) If any conviction forming the basis of a suspension or
12 revocation authorized under this Section is appealed, the
13 Secretary of State may rescind or withhold the entry of the
14 order of suspension or revocation, as the case may be, provided
15 that a certified copy of a stay order of a court is filed with
16 the Secretary of State. If the conviction is affirmed on
17 appeal, the date of the conviction shall relate back to the
18 time the original judgment of conviction was entered and the 6
19 month limitation prescribed shall not apply.

20 (c) 1. Upon suspending or revoking the driver's license or
21 permit of any person as authorized in this Section, the
22 Secretary of State shall immediately notify the person in
23 writing of the revocation or suspension. The notice to be
24 deposited in the United States mail, postage prepaid, to
25 the last known address of the person.

26 2. If the Secretary of State suspends the driver's

1 license of a person under subsection 2 of paragraph (a) of
2 this Section, a person's privilege to operate a vehicle as
3 an occupation shall not be suspended, provided an affidavit
4 is properly completed, the appropriate fee received, and a
5 permit issued prior to the effective date of the
6 suspension, unless 5 offenses were committed, at least 2 of
7 which occurred while operating a commercial vehicle in
8 connection with the driver's regular occupation. All other
9 driving privileges shall be suspended by the Secretary of
10 State. Any driver prior to operating a vehicle for
11 occupational purposes only must submit the affidavit on
12 forms to be provided by the Secretary of State setting
13 forth the facts of the person's occupation. The affidavit
14 shall also state the number of offenses committed while
15 operating a vehicle in connection with the driver's regular
16 occupation. The affidavit shall be accompanied by the
17 driver's license. Upon receipt of a properly completed
18 affidavit, the Secretary of State shall issue the driver a
19 permit to operate a vehicle in connection with the driver's
20 regular occupation only. Unless the permit is issued by the
21 Secretary of State prior to the date of suspension, the
22 privilege to drive any motor vehicle shall be suspended as
23 set forth in the notice that was mailed under this Section.
24 If an affidavit is received subsequent to the effective
25 date of this suspension, a permit may be issued for the
26 remainder of the suspension period.

1 The provisions of this subparagraph shall not apply to
2 any driver required to possess a CDL for the purpose of
3 operating a commercial motor vehicle.

4 Any person who falsely states any fact in the affidavit
5 required herein shall be guilty of perjury under Section
6 6-302 and upon conviction thereof shall have all driving
7 privileges revoked without further rights.

8 3. At the conclusion of a hearing under Section 2-118
9 of this Code, the Secretary of State shall either rescind
10 or continue an order of revocation or shall substitute an
11 order of suspension; or, good cause appearing therefor,
12 rescind, continue, change, or extend the order of
13 suspension. If the Secretary of State does not rescind the
14 order, the Secretary may upon application, to relieve undue
15 hardship, issue a restricted driving permit granting the
16 privilege of driving a motor vehicle between the
17 petitioner's residence and petitioner's place of
18 employment or within the scope of his employment related
19 duties, or to allow transportation for the petitioner, or a
20 household member of the petitioner's family, to receive
21 necessary medical care and if the professional evaluation
22 indicates, provide transportation for alcohol remedial or
23 rehabilitative activity, or for the petitioner to attend
24 classes, as a student, in an accredited educational
25 institution; if the petitioner is able to demonstrate that
26 no alternative means of transportation is reasonably

1 available and the petitioner will not endanger the public
2 safety or welfare.

3 If a person's license or permit has been revoked or
4 suspended due to 2 or more convictions of violating Section
5 11-501 of this Code or a similar provision of a local
6 ordinance or a similar out-of-state offense, arising out of
7 separate occurrences, that person, if issued a restricted
8 driving permit, may not operate a vehicle unless it has
9 been equipped with an ignition interlock device as defined
10 in Section 1-129.1.

11 If a person's license or permit has been revoked or
12 suspended 2 or more times within a 10 year period due to a
13 single conviction of violating Section 11-501 of this Code
14 or a similar provision of a local ordinance or a similar
15 out-of-state offense, and a statutory summary suspension
16 under Section 11-501.1, or 2 or more statutory summary
17 suspensions, or combination of 2 offenses, or of an offense
18 and a statutory summary suspension, arising out of separate
19 occurrences, that person, if issued a restricted driving
20 permit, may not operate a vehicle unless it has been
21 equipped with an ignition interlock device as defined in
22 Section 1-129.1. The person must pay to the Secretary of
23 State DUI Administration Fund an amount not to exceed \$20
24 per month. The Secretary shall establish by rule the amount
25 and the procedures, terms, and conditions relating to these
26 fees. If the restricted driving permit was issued for

1 employment purposes, then this provision does not apply to
2 the operation of an occupational vehicle owned or leased by
3 that person's employer. In each case the Secretary may
4 issue a restricted driving permit for a period deemed
5 appropriate, except that all permits shall expire within
6 one year from the date of issuance. The Secretary may not,
7 however, issue a restricted driving permit to any person
8 whose current revocation is the result of a second or
9 subsequent conviction for a violation of Section 11-501 of
10 this Code or a similar provision of a local ordinance
11 relating to the offense of operating or being in physical
12 control of a motor vehicle while under the influence of
13 alcohol, other drug or drugs, intoxicating compound or
14 compounds, or any similar out-of-state offense, or any
15 combination of those offenses, until the expiration of at
16 least one year from the date of the revocation. A
17 restricted driving permit issued under this Section shall
18 be subject to cancellation, revocation, and suspension by
19 the Secretary of State in like manner and for like cause as
20 a driver's license issued under this Code may be cancelled,
21 revoked, or suspended; except that a conviction upon one or
22 more offenses against laws or ordinances regulating the
23 movement of traffic shall be deemed sufficient cause for
24 the revocation, suspension, or cancellation of a
25 restricted driving permit. The Secretary of State may, as a
26 condition to the issuance of a restricted driving permit,

1 require the applicant to participate in a designated driver
2 remedial or rehabilitative program. The Secretary of State
3 is authorized to cancel a restricted driving permit if the
4 permit holder does not successfully complete the program.

5 (c-3) In the case of a suspension under paragraph 43 of
6 subsection (a), reports received by the Secretary of State
7 under this Section shall, except during the actual time the
8 suspension is in effect, be privileged information and for use
9 only by the courts, police officers, prosecuting authorities,
10 the driver licensing administrator of any other state, or the
11 Secretary of State. However, beginning January 1, 2008, if the
12 person is a CDL holder, the suspension shall also be made
13 available to the driver licensing administrator of any other
14 state, the U.S. Department of Transportation, and the affected
15 driver or motor carrier or prospective motor carrier upon
16 request.

17 (c-4) In the case of a suspension under paragraph 43 of
18 subsection (a), the Secretary of State shall notify the person
19 by mail that his or her driving privileges and driver's license
20 will be suspended one month after the date of the mailing of
21 the notice.

22 (c-5) The Secretary of State may, as a condition of the
23 reissuance of a driver's license or permit to an applicant
24 whose driver's license or permit has been suspended before he
25 or she reached the age of 18 years pursuant to any of the
26 provisions of this Section, require the applicant to

1 participate in a driver remedial education course and be
2 retested under Section 6-109 of this Code.

3 (d) This Section is subject to the provisions of the
4 Drivers License Compact.

5 (e) The Secretary of State shall not issue a restricted
6 driving permit to a person under the age of 16 years whose
7 driving privileges have been suspended or revoked under any
8 provisions of this Code.

9 (f) In accordance with 49 C.F.R. 384, the Secretary of
10 State may not issue a restricted driving permit for the
11 operation of a commercial motor vehicle to a person holding a
12 CDL whose driving privileges have been suspended, revoked,
13 cancelled, or disqualified under any provisions of this Code.

14 (Source: P.A. 94-307, eff. 9-30-05; 94-556, eff. 9-11-05;
15 94-930, eff. 6-26-06; 95-166, eff. 1-1-08; 95-310, eff. 1-1-08;
16 95-382, eff. 8-23-07; revised 11-16-07.)

17 (Text of Section after amendment by P.A. 95-627)

18 Sec. 6-206. Discretionary authority to suspend or revoke
19 license or permit; Right to a hearing.

20 (a) The Secretary of State is authorized to suspend or
21 revoke the driving privileges of any person without preliminary
22 hearing upon a showing of the person's records or other
23 sufficient evidence that the person:

24 1. Has committed an offense for which mandatory
25 revocation of a driver's license or permit is required upon

1 conviction;

2 2. Has been convicted of not less than 3 offenses
3 against traffic regulations governing the movement of
4 vehicles committed within any 12 month period. No
5 revocation or suspension shall be entered more than 6
6 months after the date of last conviction;

7 3. Has been repeatedly involved as a driver in motor
8 vehicle collisions or has been repeatedly convicted of
9 offenses against laws and ordinances regulating the
10 movement of traffic, to a degree that indicates lack of
11 ability to exercise ordinary and reasonable care in the
12 safe operation of a motor vehicle or disrespect for the
13 traffic laws and the safety of other persons upon the
14 highway;

15 4. Has by the unlawful operation of a motor vehicle
16 caused or contributed to an accident resulting in death or
17 injury requiring immediate professional treatment in a
18 medical facility or doctor's office to any person, except
19 that any suspension or revocation imposed by the Secretary
20 of State under the provisions of this subsection shall
21 start no later than 6 months after being convicted of
22 violating a law or ordinance regulating the movement of
23 traffic, which violation is related to the accident, or
24 shall start not more than one year after the date of the
25 accident, whichever date occurs later;

26 5. Has permitted an unlawful or fraudulent use of a

1 driver's license, identification card, or permit;

2 6. Has been lawfully convicted of an offense or
3 offenses in another state, including the authorization
4 contained in Section 6-203.1, which if committed within
5 this State would be grounds for suspension or revocation;

6 7. Has refused or failed to submit to an examination
7 provided for by Section 6-207 or has failed to pass the
8 examination;

9 8. Is ineligible for a driver's license or permit under
10 the provisions of Section 6-103;

11 9. Has made a false statement or knowingly concealed a
12 material fact or has used false information or
13 identification in any application for a license,
14 identification card, or permit;

15 10. Has possessed, displayed, or attempted to
16 fraudulently use any license, identification card, or
17 permit not issued to the person;

18 11. Has operated a motor vehicle upon a highway of this
19 State when the person's driving privilege or privilege to
20 obtain a driver's license or permit was revoked or
21 suspended unless the operation was authorized by a judicial
22 driving permit, probationary license to drive, or a
23 restricted driving permit issued under this Code;

24 12. Has submitted to any portion of the application
25 process for another person or has obtained the services of
26 another person to submit to any portion of the application

1 process for the purpose of obtaining a license,
2 identification card, or permit for some other person;

3 13. Has operated a motor vehicle upon a highway of this
4 State when the person's driver's license or permit was
5 invalid under the provisions of Sections 6-107.1 and 6-110;

6 14. Has committed a violation of Section 6-301,
7 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
8 of the Illinois Identification Card Act;

9 15. Has been convicted of violating Section 21-2 of the
10 Criminal Code of 1961 relating to criminal trespass to
11 vehicles in which case, the suspension shall be for one
12 year;

13 16. Has been convicted of violating Section 11-204 of
14 this Code relating to fleeing from a peace officer;

15 17. Has refused to submit to a test, or tests, as
16 required under Section 11-501.1 of this Code and the person
17 has not sought a hearing as provided for in Section
18 11-501.1;

19 18. Has, since issuance of a driver's license or
20 permit, been adjudged to be afflicted with or suffering
21 from any mental disability or disease;

22 19. Has committed a violation of paragraph (a) or (b)
23 of Section 6-101 relating to driving without a driver's
24 license;

25 20. Has been convicted of violating Section 6-104
26 relating to classification of driver's license;

1 21. Has been convicted of violating Section 11-402 of
2 this Code relating to leaving the scene of an accident
3 resulting in damage to a vehicle in excess of \$1,000, in
4 which case the suspension shall be for one year;

5 22. Has used a motor vehicle in violating paragraph
6 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
7 the Criminal Code of 1961 relating to unlawful use of
8 weapons, in which case the suspension shall be for one
9 year;

10 23. Has, as a driver, been convicted of committing a
11 violation of paragraph (a) of Section 11-502 of this Code
12 for a second or subsequent time within one year of a
13 similar violation;

14 24. Has been convicted by a court-martial or punished
15 by non-judicial punishment by military authorities of the
16 United States at a military installation in Illinois of or
17 for a traffic related offense that is the same as or
18 similar to an offense specified under Section 6-205 or
19 6-206 of this Code;

20 25. Has permitted any form of identification to be used
21 by another in the application process in order to obtain or
22 attempt to obtain a license, identification card, or
23 permit;

24 26. Has altered or attempted to alter a license or has
25 possessed an altered license, identification card, or
26 permit;

1 27. Has violated Section 6-16 of the Liquor Control Act
2 of 1934;

3 28. Has been convicted of the illegal possession, while
4 operating or in actual physical control, as a driver, of a
5 motor vehicle, of any controlled substance prohibited
6 under the Illinois Controlled Substances Act, any cannabis
7 prohibited under the Cannabis Control Act, or any
8 methamphetamine prohibited under the Methamphetamine
9 Control and Community Protection Act, in which case the
10 person's driving privileges shall be suspended for one
11 year, and any driver who is convicted of a second or
12 subsequent offense, within 5 years of a previous
13 conviction, for the illegal possession, while operating or
14 in actual physical control, as a driver, of a motor
15 vehicle, of any controlled substance prohibited under the
16 Illinois Controlled Substances Act, any cannabis
17 prohibited under the Cannabis Control Act, or any
18 methamphetamine prohibited under the Methamphetamine
19 Control and Community Protection Act shall be suspended for
20 5 years. Any defendant found guilty of this offense while
21 operating a motor vehicle, shall have an entry made in the
22 court record by the presiding judge that this offense did
23 occur while the defendant was operating a motor vehicle and
24 order the clerk of the court to report the violation to the
25 Secretary of State;

26 29. Has been convicted of the following offenses that

1 were committed while the person was operating or in actual
2 physical control, as a driver, of a motor vehicle: criminal
3 sexual assault, predatory criminal sexual assault of a
4 child, aggravated criminal sexual assault, criminal sexual
5 abuse, aggravated criminal sexual abuse, juvenile pimping,
6 soliciting for a juvenile prostitute and the manufacture,
7 sale or delivery of controlled substances or instruments
8 used for illegal drug use or abuse in which case the
9 driver's driving privileges shall be suspended for one
10 year;

11 30. Has been convicted a second or subsequent time for
12 any combination of the offenses named in paragraph 29 of
13 this subsection, in which case the person's driving
14 privileges shall be suspended for 5 years;

15 31. Has refused to submit to a test as required by
16 Section 11-501.6 or has submitted to a test resulting in an
17 alcohol concentration of 0.08 or more or any amount of a
18 drug, substance, or compound resulting from the unlawful
19 use or consumption of cannabis as listed in the Cannabis
20 Control Act, a controlled substance as listed in the
21 Illinois Controlled Substances Act, an intoxicating
22 compound as listed in the Use of Intoxicating Compounds
23 Act, or methamphetamine as listed in the Methamphetamine
24 Control and Community Protection Act, in which case the
25 penalty shall be as prescribed in Section 6-208.1;

26 32. Has been convicted of Section 24-1.2 of the

1 Criminal Code of 1961 relating to the aggravated discharge
2 of a firearm if the offender was located in a motor vehicle
3 at the time the firearm was discharged, in which case the
4 suspension shall be for 3 years;

5 33. Has as a driver, who was less than 21 years of age
6 on the date of the offense, been convicted a first time of
7 a violation of paragraph (a) of Section 11-502 of this Code
8 or a similar provision of a local ordinance;

9 34. Has committed a violation of Section 11-1301.5 of
10 this Code;

11 35. Has committed a violation of Section 11-1301.6 of
12 this Code;

13 36. Is under the age of 21 years at the time of arrest
14 and has been convicted of not less than 2 offenses against
15 traffic regulations governing the movement of vehicles
16 committed within any 24 month period. No revocation or
17 suspension shall be entered more than 6 months after the
18 date of last conviction;

19 37. Has committed a violation of subsection (c) of
20 Section 11-907 of this Code;

21 38. Has been convicted of a violation of Section 6-20
22 of the Liquor Control Act of 1934 or a similar provision of
23 a local ordinance;

24 39. Has committed a second or subsequent violation of
25 Section 11-1201 of this Code;

26 40. Has committed a violation of subsection (a-1) of

1 Section 11-908 of this Code;

2 41. Has committed a second or subsequent violation of
3 Section 11-605.1 of this Code within 2 years of the date of
4 the previous violation, in which case the suspension shall
5 be for 90 days;

6 42. Has committed a violation of subsection (a-1) of
7 Section 11-1301.3 of this Code; ~~or~~

8 43. Has received a disposition of court supervision for
9 a violation of subsection (a), (d), or (e) of Section 6-20
10 of the Liquor Control Act of 1934 or a similar provision of
11 a local ordinance, in which case the suspension shall be
12 for a period of 3 months; ~~or~~

13 44. ~~43.~~ Is under the age of 21 years at the time of
14 arrest and has been convicted of an offense against traffic
15 regulations governing the movement of vehicles after
16 having previously had his or her driving privileges ~~been~~
17 suspended or revoked pursuant to subparagraph 36 of this
18 Section; ~~or~~

19 45. ~~43.~~ Has, in connection with or during the course of
20 a formal hearing conducted under Section 2-118 of this
21 Code: (i) committed perjury; (ii) submitted fraudulent or
22 falsified documents; (iii) submitted documents that have
23 been materially altered; or (iv) ~~or~~ submitted as his or her
24 own, documents that were in fact prepared or composed for
25 another person.

26 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,

1 and 27 of this subsection, license means any driver's license,
2 any traffic ticket issued when the person's driver's license is
3 deposited in lieu of bail, a suspension notice issued by the
4 Secretary of State, a duplicate or corrected driver's license,
5 a probationary driver's license or a temporary driver's
6 license.

7 (b) If any conviction forming the basis of a suspension or
8 revocation authorized under this Section is appealed, the
9 Secretary of State may rescind or withhold the entry of the
10 order of suspension or revocation, as the case may be, provided
11 that a certified copy of a stay order of a court is filed with
12 the Secretary of State. If the conviction is affirmed on
13 appeal, the date of the conviction shall relate back to the
14 time the original judgment of conviction was entered and the 6
15 month limitation prescribed shall not apply.

16 (c) 1. Upon suspending or revoking the driver's license or
17 permit of any person as authorized in this Section, the
18 Secretary of State shall immediately notify the person in
19 writing of the revocation or suspension. The notice to be
20 deposited in the United States mail, postage prepaid, to
21 the last known address of the person.

22 2. If the Secretary of State suspends the driver's
23 license of a person under subsection 2 of paragraph (a) of
24 this Section, a person's privilege to operate a vehicle as
25 an occupation shall not be suspended, provided an affidavit
26 is properly completed, the appropriate fee received, and a

1 permit issued prior to the effective date of the
2 suspension, unless 5 offenses were committed, at least 2 of
3 which occurred while operating a commercial vehicle in
4 connection with the driver's regular occupation. All other
5 driving privileges shall be suspended by the Secretary of
6 State. Any driver prior to operating a vehicle for
7 occupational purposes only must submit the affidavit on
8 forms to be provided by the Secretary of State setting
9 forth the facts of the person's occupation. The affidavit
10 shall also state the number of offenses committed while
11 operating a vehicle in connection with the driver's regular
12 occupation. The affidavit shall be accompanied by the
13 driver's license. Upon receipt of a properly completed
14 affidavit, the Secretary of State shall issue the driver a
15 permit to operate a vehicle in connection with the driver's
16 regular occupation only. Unless the permit is issued by the
17 Secretary of State prior to the date of suspension, the
18 privilege to drive any motor vehicle shall be suspended as
19 set forth in the notice that was mailed under this Section.
20 If an affidavit is received subsequent to the effective
21 date of this suspension, a permit may be issued for the
22 remainder of the suspension period.

23 The provisions of this subparagraph shall not apply to
24 any driver required to possess a CDL for the purpose of
25 operating a commercial motor vehicle.

26 Any person who falsely states any fact in the affidavit

1 required herein shall be guilty of perjury under Section
2 6-302 and upon conviction thereof shall have all driving
3 privileges revoked without further rights.

4 3. At the conclusion of a hearing under Section 2-118
5 of this Code, the Secretary of State shall either rescind
6 or continue an order of revocation or shall substitute an
7 order of suspension; or, good cause appearing therefor,
8 rescind, continue, change, or extend the order of
9 suspension. If the Secretary of State does not rescind the
10 order, the Secretary may upon application, to relieve undue
11 hardship (as defined by the rules of the Secretary of
12 State), issue a restricted driving permit granting the
13 privilege of driving a motor vehicle between the
14 petitioner's residence and petitioner's place of
15 employment or within the scope of the petitioner's
16 employment related duties, or to allow transportation for
17 the petitioner, or a household member of the petitioner's
18 family, to receive necessary medical care, provide
19 transportation to and from alcohol or drug remedial or
20 rehabilitative activity recommended by a licensed service
21 provider, or for the petitioner to attend classes, as a
22 student, in an accredited educational institution. The
23 petitioner must demonstrate that no alternative means of
24 transportation is reasonably available and that the
25 petitioner will not endanger the public safety or welfare.
26 Those multiple offenders identified in subdivision (b)4 of

1 Section 6-208 of this Code, however, shall not be eligible
2 for the issuance of a restricted driving permit.

3 (A) If a person's license or permit is revoked or
4 suspended due to 2 or more convictions of violating Section
5 11-501 of this Code or a similar provision of a local
6 ordinance or a similar out-of-state offense, or Section 9-3
7 of the Criminal Code of 1961, where the use of alcohol or
8 other drugs is recited as an element of the offense, or a
9 similar out-of-state offense, or a combination of these
10 offenses, arising out of separate occurrences, that
11 person, if issued a restricted driving permit, may not
12 operate a vehicle unless it has been equipped with an
13 ignition interlock device as defined in Section 1-129.1.

14 (B) If a person's license or permit is revoked or
15 suspended 2 or more times within a 10 year period due to
16 any combination of:

17 (i) a single conviction of violating Section
18 11-501 of this Code or a similar provision of a local
19 ordinance or a similar out-of-state offense or Section
20 9-3 of the Criminal Code of 1961, where the use of
21 alcohol or other drugs is recited as an element of the
22 offense, or a similar out-of-state offense; or

23 (ii) a statutory summary suspension under Section
24 11-501.1; or

25 (iii) a suspension under Section 6-203.1, arising
26 out of separate occurrences, that person, if issued a

1 restricted driving permit, may not operate a vehicle
2 unless it has been equipped with an ignition interlock
3 device as defined in Section 1-129.1.

4 (C) The person must pay to the Secretary of State DUI
5 Administration Fund an amount not to exceed \$20 per month.
6 The Secretary shall establish by rule the amount and the
7 procedures, terms, and conditions relating to these fees.

8 (D) If the restricted driving permit is issued for
9 employment purposes, then the prohibition against
10 operating a motor vehicle that is not equipped with an
11 ignition interlock device does not apply to the operation
12 of an occupational vehicle owned or leased by that person's
13 employer when used solely for employment purposes.

14 (E) In each case the Secretary may issue a restricted
15 driving permit for a period deemed appropriate, except that
16 all permits shall expire within one year from the date of
17 issuance. The Secretary may not, however, issue a
18 restricted driving permit to any person whose current
19 revocation is the result of a second or subsequent
20 conviction for a violation of Section 11-501 of this Code
21 or a similar provision of a local ordinance or any similar
22 out-of-state offense, or Section 9-3 of the Criminal Code
23 of 1961, where the use of alcohol or other drugs is recited
24 as an element of the offense, or any similar out-of-state
25 offense, or any combination of those offenses, until the
26 expiration of at least one year from the date of the

1 revocation. A restricted driving permit issued under this
2 Section shall be subject to cancellation, revocation, and
3 suspension by the Secretary of State in like manner and for
4 like cause as a driver's license issued under this Code may
5 be cancelled, revoked, or suspended; except that a
6 conviction upon one or more offenses against laws or
7 ordinances regulating the movement of traffic shall be
8 deemed sufficient cause for the revocation, suspension, or
9 cancellation of a restricted driving permit. The Secretary
10 of State may, as a condition to the issuance of a
11 restricted driving permit, require the applicant to
12 participate in a designated driver remedial or
13 rehabilitative program. The Secretary of State is
14 authorized to cancel a restricted driving permit if the
15 permit holder does not successfully complete the program.

16 (c-3) In the case of a suspension under paragraph 43 of
17 subsection (a), reports received by the Secretary of State
18 under this Section shall, except during the actual time the
19 suspension is in effect, be privileged information and for use
20 only by the courts, police officers, prosecuting authorities,
21 the driver licensing administrator of any other state, or the
22 Secretary of State. However, beginning January 1, 2008, if the
23 person is a CDL holder, the suspension shall also be made
24 available to the driver licensing administrator of any other
25 state, the U.S. Department of Transportation, and the affected
26 driver or motor carrier or prospective motor carrier upon

1 request.

2 (c-4) In the case of a suspension under paragraph 43 of
3 subsection (a), the Secretary of State shall notify the person
4 by mail that his or her driving privileges and driver's license
5 will be suspended one month after the date of the mailing of
6 the notice.

7 (c-5) The Secretary of State may, as a condition of the
8 reissuance of a driver's license or permit to an applicant
9 whose driver's license or permit has been suspended before he
10 or she reached the age of 18 years pursuant to any of the
11 provisions of this Section, require the applicant to
12 participate in a driver remedial education course and be
13 retested under Section 6-109 of this Code.

14 (d) This Section is subject to the provisions of the
15 Drivers License Compact.

16 (e) The Secretary of State shall not issue a restricted
17 driving permit to a person under the age of 16 years whose
18 driving privileges have been suspended or revoked under any
19 provisions of this Code.

20 (f) In accordance with 49 C.F.R. 384, the Secretary of
21 State may not issue a restricted driving permit for the
22 operation of a commercial motor vehicle to a person holding a
23 CDL whose driving privileges have been suspended, revoked,
24 cancelled, or disqualified under any provisions of this Code.

25 (Source: P.A. 94-307, eff. 9-30-05; 94-556, eff. 9-11-05;
26 94-930, eff. 6-26-06; 95-166, eff. 1-1-08; 95-310, eff. 1-1-08;

1 95-382, eff. 8-23-07; 95-627, eff. 6-1-08; revised 11-16-07.)

2 (Text of Section after amendment by P.A. 95-400)

3 Sec. 6-206. Discretionary authority to suspend or revoke
4 license or permit; Right to a hearing.

5 (a) The Secretary of State is authorized to suspend or
6 revoke the driving privileges of any person without preliminary
7 hearing upon a showing of the person's records or other
8 sufficient evidence that the person:

9 1. Has committed an offense for which mandatory
10 revocation of a driver's license or permit is required upon
11 conviction;

12 2. Has been convicted of not less than 3 offenses
13 against traffic regulations governing the movement of
14 vehicles committed within any 12 month period. No
15 revocation or suspension shall be entered more than 6
16 months after the date of last conviction;

17 3. Has been repeatedly involved as a driver in motor
18 vehicle collisions or has been repeatedly convicted of
19 offenses against laws and ordinances regulating the
20 movement of traffic, to a degree that indicates lack of
21 ability to exercise ordinary and reasonable care in the
22 safe operation of a motor vehicle or disrespect for the
23 traffic laws and the safety of other persons upon the
24 highway;

25 4. Has by the unlawful operation of a motor vehicle

1 caused or contributed to an accident resulting in death or
2 injury requiring immediate professional treatment in a
3 medical facility or doctor's office to any person, except
4 that any suspension or revocation imposed by the Secretary
5 of State under the provisions of this subsection shall
6 start no later than 6 months after being convicted of
7 violating a law or ordinance regulating the movement of
8 traffic, which violation is related to the accident, or
9 shall start not more than one year after the date of the
10 accident, whichever date occurs later;

11 5. Has permitted an unlawful or fraudulent use of a
12 driver's license, identification card, or permit;

13 6. Has been lawfully convicted of an offense or
14 offenses in another state, including the authorization
15 contained in Section 6-203.1, which if committed within
16 this State would be grounds for suspension or revocation;

17 7. Has refused or failed to submit to an examination
18 provided for by Section 6-207 or has failed to pass the
19 examination;

20 8. Is ineligible for a driver's license or permit under
21 the provisions of Section 6-103;

22 9. Has made a false statement or knowingly concealed a
23 material fact or has used false information or
24 identification in any application for a license,
25 identification card, or permit;

26 10. Has possessed, displayed, or attempted to

1 fraudulently use any license, identification card, or
2 permit not issued to the person;

3 11. Has operated a motor vehicle upon a highway of this
4 State when the person's driving privilege or privilege to
5 obtain a driver's license or permit was revoked or
6 suspended unless the operation was authorized by a
7 monitoring device driving permit, judicial driving permit
8 issued prior to January 1, 2009 ~~the effective date of this~~
9 ~~amendatory Act of the 95th General Assembly~~, probationary
10 license to drive, or a restricted driving permit issued
11 under this Code;

12 12. Has submitted to any portion of the application
13 process for another person or has obtained the services of
14 another person to submit to any portion of the application
15 process for the purpose of obtaining a license,
16 identification card, or permit for some other person;

17 13. Has operated a motor vehicle upon a highway of this
18 State when the person's driver's license or permit was
19 invalid under the provisions of Sections 6-107.1 and 6-110;

20 14. Has committed a violation of Section 6-301,
21 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
22 of the Illinois Identification Card Act;

23 15. Has been convicted of violating Section 21-2 of the
24 Criminal Code of 1961 relating to criminal trespass to
25 vehicles in which case, the suspension shall be for one
26 year;

1 16. Has been convicted of violating Section 11-204 of
2 this Code relating to fleeing from a peace officer;

3 17. Has refused to submit to a test, or tests, as
4 required under Section 11-501.1 of this Code and the person
5 has not sought a hearing as provided for in Section
6 11-501.1;

7 18. Has, since issuance of a driver's license or
8 permit, been adjudged to be afflicted with or suffering
9 from any mental disability or disease;

10 19. Has committed a violation of paragraph (a) or (b)
11 of Section 6-101 relating to driving without a driver's
12 license;

13 20. Has been convicted of violating Section 6-104
14 relating to classification of driver's license;

15 21. Has been convicted of violating Section 11-402 of
16 this Code relating to leaving the scene of an accident
17 resulting in damage to a vehicle in excess of \$1,000, in
18 which case the suspension shall be for one year;

19 22. Has used a motor vehicle in violating paragraph
20 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
21 the Criminal Code of 1961 relating to unlawful use of
22 weapons, in which case the suspension shall be for one
23 year;

24 23. Has, as a driver, been convicted of committing a
25 violation of paragraph (a) of Section 11-502 of this Code
26 for a second or subsequent time within one year of a

1 similar violation;

2 24. Has been convicted by a court-martial or punished
3 by non-judicial punishment by military authorities of the
4 United States at a military installation in Illinois of or
5 for a traffic related offense that is the same as or
6 similar to an offense specified under Section 6-205 or
7 6-206 of this Code;

8 25. Has permitted any form of identification to be used
9 by another in the application process in order to obtain or
10 attempt to obtain a license, identification card, or
11 permit;

12 26. Has altered or attempted to alter a license or has
13 possessed an altered license, identification card, or
14 permit;

15 27. Has violated Section 6-16 of the Liquor Control Act
16 of 1934;

17 28. Has been convicted of the illegal possession, while
18 operating or in actual physical control, as a driver, of a
19 motor vehicle, of any controlled substance prohibited
20 under the Illinois Controlled Substances Act, any cannabis
21 prohibited under the Cannabis Control Act, or any
22 methamphetamine prohibited under the Methamphetamine
23 Control and Community Protection Act, in which case the
24 person's driving privileges shall be suspended for one
25 year, and any driver who is convicted of a second or
26 subsequent offense, within 5 years of a previous

1 conviction, for the illegal possession, while operating or
2 in actual physical control, as a driver, of a motor
3 vehicle, of any controlled substance prohibited under the
4 Illinois Controlled Substances Act, any cannabis
5 prohibited under the Cannabis Control Act, or any
6 methamphetamine prohibited under the Methamphetamine
7 Control and Community Protection Act shall be suspended for
8 5 years. Any defendant found guilty of this offense while
9 operating a motor vehicle, shall have an entry made in the
10 court record by the presiding judge that this offense did
11 occur while the defendant was operating a motor vehicle and
12 order the clerk of the court to report the violation to the
13 Secretary of State;

14 29. Has been convicted of the following offenses that
15 were committed while the person was operating or in actual
16 physical control, as a driver, of a motor vehicle: criminal
17 sexual assault, predatory criminal sexual assault of a
18 child, aggravated criminal sexual assault, criminal sexual
19 abuse, aggravated criminal sexual abuse, juvenile pimping,
20 soliciting for a juvenile prostitute and the manufacture,
21 sale or delivery of controlled substances or instruments
22 used for illegal drug use or abuse in which case the
23 driver's driving privileges shall be suspended for one
24 year;

25 30. Has been convicted a second or subsequent time for
26 any combination of the offenses named in paragraph 29 of

1 this subsection, in which case the person's driving
2 privileges shall be suspended for 5 years;

3 31. Has refused to submit to a test as required by
4 Section 11-501.6 or has submitted to a test resulting in an
5 alcohol concentration of 0.08 or more or any amount of a
6 drug, substance, or compound resulting from the unlawful
7 use or consumption of cannabis as listed in the Cannabis
8 Control Act, a controlled substance as listed in the
9 Illinois Controlled Substances Act, an intoxicating
10 compound as listed in the Use of Intoxicating Compounds
11 Act, or methamphetamine as listed in the Methamphetamine
12 Control and Community Protection Act, in which case the
13 penalty shall be as prescribed in Section 6-208.1;

14 32. Has been convicted of Section 24-1.2 of the
15 Criminal Code of 1961 relating to the aggravated discharge
16 of a firearm if the offender was located in a motor vehicle
17 at the time the firearm was discharged, in which case the
18 suspension shall be for 3 years;

19 33. Has as a driver, who was less than 21 years of age
20 on the date of the offense, been convicted a first time of
21 a violation of paragraph (a) of Section 11-502 of this Code
22 or a similar provision of a local ordinance;

23 34. Has committed a violation of Section 11-1301.5 of
24 this Code;

25 35. Has committed a violation of Section 11-1301.6 of
26 this Code;

1 36. Is under the age of 21 years at the time of arrest
2 and has been convicted of not less than 2 offenses against
3 traffic regulations governing the movement of vehicles
4 committed within any 24 month period. No revocation or
5 suspension shall be entered more than 6 months after the
6 date of last conviction;

7 37. Has committed a violation of subsection (c) of
8 Section 11-907 of this Code;

9 38. Has been convicted of a violation of Section 6-20
10 of the Liquor Control Act of 1934 or a similar provision of
11 a local ordinance;

12 39. Has committed a second or subsequent violation of
13 Section 11-1201 of this Code;

14 40. Has committed a violation of subsection (a-1) of
15 Section 11-908 of this Code;

16 41. Has committed a second or subsequent violation of
17 Section 11-605.1 of this Code within 2 years of the date of
18 the previous violation, in which case the suspension shall
19 be for 90 days;

20 42. Has committed a violation of subsection (a-1) of
21 Section 11-1301.3 of this Code; ~~or~~

22 43. Has received a disposition of court supervision for
23 a violation of subsection (a), (d), or (e) of Section 6-20
24 of the Liquor Control Act of 1934 or a similar provision of
25 a local ordinance, in which case the suspension shall be
26 for a period of 3 months;~~;~~

1 44. ~~43.~~ Is under the age of 21 years at the time of
2 arrest and has been convicted of an offense against traffic
3 regulations governing the movement of vehicles after
4 having previously had his or her driving privileges ~~been~~
5 suspended or revoked pursuant to subparagraph 36 of this
6 Section; or.

7 45. ~~43.~~ Has, in connection with or during the course of
8 a formal hearing conducted under Section 2-118 of this
9 Code: (i) committed perjury; (ii) submitted fraudulent or
10 falsified documents; (iii) submitted documents that have
11 been materially altered; or (iv) submitted, as his or her
12 own, documents that were in fact prepared or composed for
13 another person.

14 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
15 and 27 of this subsection, license means any driver's license,
16 any traffic ticket issued when the person's driver's license is
17 deposited in lieu of bail, a suspension notice issued by the
18 Secretary of State, a duplicate or corrected driver's license,
19 a probationary driver's license or a temporary driver's
20 license.

21 (b) If any conviction forming the basis of a suspension or
22 revocation authorized under this Section is appealed, the
23 Secretary of State may rescind or withhold the entry of the
24 order of suspension or revocation, as the case may be, provided
25 that a certified copy of a stay order of a court is filed with
26 the Secretary of State. If the conviction is affirmed on

1 appeal, the date of the conviction shall relate back to the
2 time the original judgment of conviction was entered and the 6
3 month limitation prescribed shall not apply.

4 (c) 1. Upon suspending or revoking the driver's license or
5 permit of any person as authorized in this Section, the
6 Secretary of State shall immediately notify the person in
7 writing of the revocation or suspension. The notice to be
8 deposited in the United States mail, postage prepaid, to
9 the last known address of the person.

10 2. If the Secretary of State suspends the driver's
11 license of a person under subsection 2 of paragraph (a) of
12 this Section, a person's privilege to operate a vehicle as
13 an occupation shall not be suspended, provided an affidavit
14 is properly completed, the appropriate fee received, and a
15 permit issued prior to the effective date of the
16 suspension, unless 5 offenses were committed, at least 2 of
17 which occurred while operating a commercial vehicle in
18 connection with the driver's regular occupation. All other
19 driving privileges shall be suspended by the Secretary of
20 State. Any driver prior to operating a vehicle for
21 occupational purposes only must submit the affidavit on
22 forms to be provided by the Secretary of State setting
23 forth the facts of the person's occupation. The affidavit
24 shall also state the number of offenses committed while
25 operating a vehicle in connection with the driver's regular
26 occupation. The affidavit shall be accompanied by the

1 driver's license. Upon receipt of a properly completed
2 affidavit, the Secretary of State shall issue the driver a
3 permit to operate a vehicle in connection with the driver's
4 regular occupation only. Unless the permit is issued by the
5 Secretary of State prior to the date of suspension, the
6 privilege to drive any motor vehicle shall be suspended as
7 set forth in the notice that was mailed under this Section.
8 If an affidavit is received subsequent to the effective
9 date of this suspension, a permit may be issued for the
10 remainder of the suspension period.

11 The provisions of this subparagraph shall not apply to
12 any driver required to possess a CDL for the purpose of
13 operating a commercial motor vehicle.

14 Any person who falsely states any fact in the affidavit
15 required herein shall be guilty of perjury under Section
16 6-302 and upon conviction thereof shall have all driving
17 privileges revoked without further rights.

18 3. At the conclusion of a hearing under Section 2-118
19 of this Code, the Secretary of State shall either rescind
20 or continue an order of revocation or shall substitute an
21 order of suspension; or, good cause appearing therefor,
22 rescind, continue, change, or extend the order of
23 suspension. If the Secretary of State does not rescind the
24 order, the Secretary may upon application, to relieve undue
25 hardship (as defined by the rules of the Secretary of
26 State), issue a restricted driving permit granting the

1 privilege of driving a motor vehicle between the
2 petitioner's residence and petitioner's place of
3 employment or within the scope of the petitioner's
4 employment related duties, or to allow transportation for
5 the petitioner, or a household member of the petitioner's
6 family, to receive necessary medical care, provide
7 transportation to and from alcohol or drug remedial or
8 rehabilitative activity recommended by a licensed service
9 provider, or for the petitioner to attend classes, as a
10 student, in an accredited educational institution. The
11 petitioner must demonstrate that no alternative means of
12 transportation is reasonably available and that the
13 petitioner will not endanger the public safety or welfare.
14 Those multiple offenders identified in subdivision (b)4 of
15 Section 6-208 of this Code, however, shall not be eligible
16 for the issuance of a restricted driving permit.

17 (A) If a person's license or permit is revoked or
18 suspended due to 2 or more convictions of violating Section
19 11-501 of this Code or a similar provision of a local
20 ordinance or a similar out-of-state offense, or Section 9-3
21 of the Criminal Code of 1961, where the use of alcohol or
22 other drugs is recited as an element of the offense, or a
23 similar out-of-state offense, or a combination of these
24 offenses, arising out of separate occurrences, that
25 person, if issued a restricted driving permit, may not
26 operate a vehicle unless it has been equipped with an

1 ignition interlock device as defined in Section 1-129.1.

2 (B) If a person's license or permit is revoked or
3 suspended 2 or more times within a 10 year period due to
4 any combination of:

5 (i) a single conviction of violating Section
6 11-501 of this Code or a similar provision of a local
7 ordinance or a similar out-of-state offense or Section
8 9-3 of the Criminal Code of 1961, where the use of
9 alcohol or other drugs is recited as an element of the
10 offense, or a similar out-of-state offense; or

11 (ii) a statutory summary suspension under Section
12 11-501.1; or

13 (iii) a suspension under Section 6-203.1, arising
14 out of separate occurrences, that person, if issued a
15 restricted driving permit, may not operate a vehicle
16 unless it has been equipped with an ignition interlock
17 device as defined in Section 1-129.1.

18 (C) The person must pay to the Secretary of State DUI
19 Administration Fund an amount not to exceed \$20 per month.
20 The Secretary shall establish by rule the amount and the
21 procedures, terms, and conditions relating to these fees.

22 (D) If the restricted driving permit is issued for
23 employment purposes, then the prohibition against
24 operating a motor vehicle that is not equipped with an
25 ignition interlock device does not apply to the operation
26 of an occupational vehicle owned or leased by that person's

1 employer when used solely for employment purposes.

2 (E) In each case the Secretary may issue a restricted
3 driving permit for a period deemed appropriate, except that
4 all permits shall expire within one year from the date of
5 issuance. The Secretary may not, however, issue a
6 restricted driving permit to any person whose current
7 revocation is the result of a second or subsequent
8 conviction for a violation of Section 11-501 of this Code
9 or a similar provision of a local ordinance or any similar
10 out-of-state offense, or Section 9-3 of the Criminal Code
11 of 1961, where the use of alcohol or other drugs is recited
12 as an element of the offense, or any similar out-of-state
13 offense, or any combination of those offenses, until the
14 expiration of at least one year from the date of the
15 revocation. A restricted driving permit issued under this
16 Section shall be subject to cancellation, revocation, and
17 suspension by the Secretary of State in like manner and for
18 like cause as a driver's license issued under this Code may
19 be cancelled, revoked, or suspended; except that a
20 conviction upon one or more offenses against laws or
21 ordinances regulating the movement of traffic shall be
22 deemed sufficient cause for the revocation, suspension, or
23 cancellation of a restricted driving permit. The Secretary
24 of State may, as a condition to the issuance of a
25 restricted driving permit, require the applicant to
26 participate in a designated driver remedial or

1 rehabilitative program. The Secretary of State is
2 authorized to cancel a restricted driving permit if the
3 permit holder does not successfully complete the program.

4 (c-3) In the case of a suspension under paragraph 43 of
5 subsection (a), reports received by the Secretary of State
6 under this Section shall, except during the actual time the
7 suspension is in effect, be privileged information and for use
8 only by the courts, police officers, prosecuting authorities,
9 the driver licensing administrator of any other state, or the
10 Secretary of State. However, beginning January 1, 2008, if the
11 person is a CDL holder, the suspension shall also be made
12 available to the driver licensing administrator of any other
13 state, the U.S. Department of Transportation, and the affected
14 driver or motor carrier or prospective motor carrier upon
15 request.

16 (c-4) In the case of a suspension under paragraph 43 of
17 subsection (a), the Secretary of State shall notify the person
18 by mail that his or her driving privileges and driver's license
19 will be suspended one month after the date of the mailing of
20 the notice.

21 (c-5) The Secretary of State may, as a condition of the
22 reissuance of a driver's license or permit to an applicant
23 whose driver's license or permit has been suspended before he
24 or she reached the age of 18 years pursuant to any of the
25 provisions of this Section, require the applicant to
26 participate in a driver remedial education course and be

1 retested under Section 6-109 of this Code.

2 (d) This Section is subject to the provisions of the
3 Drivers License Compact.

4 (e) The Secretary of State shall not issue a restricted
5 driving permit to a person under the age of 16 years whose
6 driving privileges have been suspended or revoked under any
7 provisions of this Code.

8 (f) In accordance with 49 C.F.R. 384, the Secretary of
9 State may not issue a restricted driving permit for the
10 operation of a commercial motor vehicle to a person holding a
11 CDL whose driving privileges have been suspended, revoked,
12 cancelled, or disqualified under any provisions of this Code.

13 (Source: P.A. 94-307, eff. 9-30-05; 94-556, eff. 9-11-05;
14 94-930, eff. 6-26-06; 95-166, eff. 1-1-08; 95-310, eff. 1-1-08;
15 95-382, eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08;
16 revised 11-16-07.)

17 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

18 (Text of Section before amendment by P.A. 95-400 and
19 95-578)

20 Sec. 6-206.1. Judicial Driving Permit. Declaration of
21 Policy. It is hereby declared a policy of the State of Illinois
22 that the driver who is impaired by alcohol, other drug or
23 drugs, or intoxicating compound or compounds is a threat to the
24 public safety and welfare. Therefore, to provide a deterrent to
25 such practice and to remove problem drivers from the highway, a

1 statutory summary driver's license suspension is appropriate.
2 It is also recognized that driving is a privilege and
3 therefore, that in some cases the granting of limited driving
4 privileges, where consistent with public safety, is warranted
5 during the period of suspension in the form of a judicial
6 driving permit to drive for the purpose of employment,
7 receiving drug treatment or medical care, and educational
8 pursuits, where no alternative means of transportation is
9 available.

10 The following procedures shall apply whenever a first
11 offender is arrested for any offense as defined in Section
12 11-501 or a similar provision of a local ordinance:

13 (a) Subsequent to a notification of a statutory summary
14 suspension of driving privileges as provided in Section
15 11-501.1, the first offender as defined in Section 11-500 may
16 petition the circuit court of venue for a Judicial Driving
17 Permit, hereinafter referred as a JDP, to relieve undue
18 hardship. The court may issue a court order, pursuant to the
19 criteria contained in this Section, directing the Secretary of
20 State to issue such a JDP to the petitioner. A JDP shall not
21 become effective prior to the 31st day of the original
22 statutory summary suspension and shall always be subject to the
23 following criteria:

- 24 1. If ordered for the purposes of employment, the JDP
25 shall be only for the purpose of providing the petitioner
26 the privilege of driving a motor vehicle between the

1 petitioner's residence and the petitioner's place of
2 employment and return; or within the scope of the
3 petitioner's employment related duties, shall be effective
4 only during and limited to those specific times and routes
5 actually required to commute or perform the petitioner's
6 employment related duties.

7 2. The court, by a court order, may also direct the
8 Secretary of State to issue a JDP to allow transportation
9 for the petitioner, or a household member of the
10 petitioner's family, to receive alcohol, drug, or
11 intoxicating compound treatment or medical care, if the
12 petitioner is able to demonstrate that no alternative means
13 of transportation is reasonably available. Such JDP shall
14 be effective only during the specific times actually
15 required to commute.

16 3. The court, by a court order, may also direct the
17 Secretary of State to issue a JDP to allow transportation
18 by the petitioner for educational purposes upon
19 demonstrating that there are no alternative means of
20 transportation reasonably available to accomplish those
21 educational purposes. Such JDP shall be only for the
22 purpose of providing transportation to and from the
23 petitioner's residence and the petitioner's place of
24 educational activity, and only during the specific times
25 and routes actually required to commute or perform the
26 petitioner's educational requirement.

1 4. The Court shall not issue an order granting a JDP
2 to:

3 (i) Any person unless and until the court, after
4 considering the results of a current professional
5 evaluation of the person's alcohol or other drug use by
6 an agency pursuant to Section 15-10 of the Alcoholism
7 and Other Drug Abuse and Dependency Act and other
8 appropriate investigation of the person, is satisfied
9 that granting the privilege of driving a motor vehicle
10 on the highways will not endanger the public safety or
11 welfare.

12 (ii) Any person who has been convicted of reckless
13 homicide within the previous 5 years.

14 (iii) Any person whose privilege to operate a motor
15 vehicle was invalid at the time of arrest for the
16 current violation of Section 11-501, or a similar
17 provision of a local ordinance, except in cases where
18 the cause for a driver's license suspension has been
19 removed at the time a JDP is effective. In any case,
20 should the Secretary of State enter a suspension or
21 revocation of driving privileges pursuant to the
22 provisions of this Code while the JDP is in effect or
23 pending, the Secretary shall take the prescribed
24 action and provide a notice to the person and the court
25 ordering the issuance of the JDP that all driving
26 privileges, including those provided by the issuance

1 of the JDP, have been withdrawn.

2 (iv) Any person under the age of 18 years.

3 (v) Any person for the operation of a commercial
4 motor vehicle if the person's driving privileges have
5 been suspended under any provision of this Code in
6 accordance with 49 C.F.R. Part 384.

7 (b) Prior to ordering the issuance of a JDP the Court
8 should consider at least, but not be limited to, the following
9 issues:

10 1. Whether the person is employed and no other means of
11 commuting to the place of employment is available or that
12 the person must drive as a condition of employment. The
13 employer shall certify the hours of employment and the need
14 and parameters necessary for driving as a condition to
15 employment.

16 2. Whether the person must drive to secure alcohol or
17 other medical treatment for himself or a family member.

18 3. Whether the person must drive for educational
19 purposes. The educational institution shall certify the
20 person's enrollment in and academic schedule at the
21 institution.

22 4. Whether the person has been repeatedly convicted of
23 traffic violations or involved in motor vehicle accidents
24 to a degree which indicates disrespect for public safety.

25 5. Whether the person has been convicted of a traffic
26 violation in connection with a traffic accident resulting

1 in the death of any person within the last 5 years.

2 6. Whether the person is likely to obey the limited
3 provisions of the JDP.

4 7. Whether the person has any additional traffic
5 violations pending in any court.

6 For purposes of this Section, programs conducting
7 professional evaluations of a person's alcohol, other drug, or
8 intoxicating compound use must report, to the court of venue,
9 using a form prescribed by the Secretary of State. A copy of
10 such evaluations shall be sent to the Secretary of State by the
11 court. However, the evaluation information shall be privileged
12 and only available to courts and to the Secretary of State, but
13 shall not be admissible in the subsequent trial on the
14 underlying charge.

15 (c) The scope of any court order issued for a JDP under
16 this Section shall be limited to the operation of a motor
17 vehicle as provided for in subsection (a) of this Section and
18 shall specify the petitioner's residence, place of employment
19 or location of educational institution, and the scope of job
20 related duties, if relevant. The JDP shall also specify days of
21 the week and specific hours of the day when the petitioner is
22 able to exercise the limited privilege of operating a motor
23 vehicle.

24 (c-1) If the petitioner is issued a citation for a
25 violation of Section 6-303 during the period of a statutory
26 summary suspension entered under Section 11-501.1 of this Code,

1 or if the petitioner is charged with a violation of Section
2 11-501 or a similar provision of a local ordinance or a similar
3 out of state offense which occurs after the current violation
4 of Section 11-501 or a similar provision of a local ordinance,
5 the court may not grant the petitioner a JDP unless the
6 petitioner is acquitted or the citation or complaint is
7 otherwise dismissed.

8 If the petitioner is issued a citation for a violation of
9 Section 6-303 or a violation of Section 11-501 or a similar
10 provision of a local ordinance or a similar out of state
11 offense during the term of the JDP, the officer issuing the
12 citation, or the law enforcement agency employing that officer,
13 shall confiscate the JDP and immediately send the JDP and
14 notice of the citation to the court that ordered the issuance
15 of the JDP. Within 10 days of receipt, the issuing court, upon
16 notice to the petitioner, shall conduct a hearing to consider
17 cancellation of the JDP. If the court enters an order of
18 cancellation, the court shall forward the order to the
19 Secretary of State, and the Secretary shall cancel the JDP and
20 notify the petitioner of the cancellation. If, however, the
21 petitioner is convicted of the offense before the JDP has been
22 cancelled, the court of venue shall send notice of conviction
23 to the court that ordered issuance of the JDP. The court
24 receiving the notice shall immediately enter an order of
25 cancellation and forward the order to the Secretary of State.
26 The Secretary shall cancel the JDP and notify the petitioner of

1 the cancellation.

2 If the petitioner is issued a citation for any other
3 traffic related offense during the term of the JDP, the officer
4 issuing the citation, or the law enforcement agency employing
5 that officer, shall send notice of the citation to the court
6 that ordered issuance of the JDP. Upon receipt and notice to
7 the petitioner and an opportunity for a hearing, the court
8 shall determine whether the violation constitutes grounds for
9 cancellation of the JDP. If the court enters an order of
10 cancellation, the court shall forward the order to the
11 Secretary of State, and the Secretary shall cancel the JDP and
12 shall notify the petitioner of the cancellation.

13 (d) The Secretary of State shall, upon receiving a court
14 order from the court of venue, issue a JDP to a successful
15 Petitioner under this Section. Such court order form shall also
16 contain a notification, which shall be sent to the Secretary of
17 State, providing the name, driver's license number and legal
18 address of the successful petitioner, and the full and detailed
19 description of the limitations of the JDP. This information
20 shall be available only to the courts, police officers, and the
21 Secretary of State, except during the actual period the JDP is
22 valid, during which time it shall be a public record. The
23 Secretary of State shall design and furnish to the courts an
24 official court order form to be used by the courts when
25 directing the Secretary of State to issue a JDP.

26 Any submitted court order that contains insufficient data

1 or fails to comply with this Code shall not be utilized for JDP
2 issuance or entered to the driver record but shall be returned
3 to the issuing court indicating why the JDP cannot be so
4 entered. A notice of this action shall also be sent to the JDP
5 petitioner by the Secretary of State.

6 (e) The circuit court of venue may conduct the judicial
7 hearing, as provided in Section 2-118.1, and the JDP hearing
8 provided in this Section, concurrently. Such concurrent
9 hearing shall proceed in the court in the same manner as in
10 other civil proceedings.

11 (f) The circuit court of venue may, as a condition of the
12 issuance of a JDP, prohibit the person from operating a motor
13 vehicle not equipped with an ignition interlock device.

14 (Source: P.A. 94-307, eff. 9-30-05; 94-357, eff. 1-1-06;
15 94-930, eff. 6-26-06.)

16 (Text of Section after amendment by P.A. 95-400 and 95-578)

17 Sec. 6-206.1. Monitoring Device Driving Permit.
18 Declaration of Policy. It is hereby declared a policy of the
19 State of Illinois that the driver who is impaired by alcohol,
20 other drug or drugs, or intoxicating compound or compounds is a
21 threat to the public safety and welfare. Therefore, to provide
22 a deterrent to such practice and to remove problem drivers from
23 the highway, a statutory summary driver's license suspension is
24 appropriate. It is also recognized that driving is a privilege
25 and therefore, that the granting of driving privileges, in a

1 manner consistent with public safety, is warranted during the
2 period of suspension in the form of a monitoring device driving
3 permit. A person who drives and fails to comply with the
4 requirements of the monitoring device driving permit commits a
5 violation of Section 6-303 of this Code.

6 The following procedures shall apply whenever a first
7 offender is arrested for any offense as defined in Section
8 11-501 or a similar provision of a local ordinance:

9 (a) Subsequent to a notification of a statutory summary
10 suspension of driving privileges as provided in Section
11 11-501.1, the court, after informing the first offender, as
12 defined in Section 11-500, of his or her right to a monitoring
13 device driving permit, hereinafter referred to as a MDDP, and
14 of the obligations of the MDDP, shall enter an order directing
15 the Secretary of State to issue a MDDP to the offender, unless
16 the offender has opted, in writing, not to have a MDDP issued.
17 However, the court shall not enter the order directing the
18 Secretary of State to issue the MDDP, if the court finds:

19 (1) The offender's driver's license is otherwise
20 invalid;

21 (2) Death or great bodily harm resulted from the arrest
22 for Section 11-501;

23 (3) That the offender has been previously convicted of
24 reckless homicide; or

25 (4) That the offender is less than 18 years of age.

26 Any court order for a MDDP shall order the person to pay

1 the Secretary of State a MDDP Administration Fee in an amount
2 not to exceed \$30 per month. The Secretary shall establish by
3 rule the amount and the procedures, terms, and conditions
4 relating to these fees. The order shall further specify that
5 the offender must have an ignition interlock device installed
6 within 14 days of the date the Secretary issues the MDDP, and
7 shall specify the vehicle in which the device is to be
8 installed. The ignition interlock device provider must notify
9 the Secretary, in a manner and form prescribed by the
10 Secretary, of the installation. If the Secretary does not
11 receive notice of installation, the Secretary shall cancel the
12 MDDP.

13 A MDDP shall not become effective prior to the 31st day of the
14 original statutory summary suspension.

15 (a-1) A person issued a MDDP may drive for any purpose and
16 at any time, subject to the rules adopted by the Secretary of
17 State under subsection (g). The person must, at his or her own
18 expense, drive only vehicles equipped with an ignition
19 interlock device as defined in Section 1-129.1, but in no event
20 shall such person drive a commercial motor vehicle.

21 (a-2) Persons who are issued a MDDP and must drive
22 employer-owned vehicles in the course of their employment
23 duties may seek permission from the court to drive an
24 employer-owned vehicle that does not have an ignition interlock
25 device. The employee shall provide to the court a form,
26 prescribed by the Secretary of State, completed by the employer

1 verifying that the employee must drive an employer-owned
2 vehicle in the course of employment. If approved by the court,
3 the form must be file stamped and must be in the driver's
4 possession while operating an employer-owner vehicle not
5 equipped with an ignition interlock device. No person may use
6 this exemption to drive a school bus, school vehicle, or a
7 vehicle designed to transport more than 15 passengers. No
8 person may use this exemption to drive an employer-owned motor
9 vehicle that is owned by an entity that is wholly or partially
10 owned by the person holding the MDDP, or by a family member of
11 the person holding the MDDP. No person may use this exemption
12 to drive an employer-owned vehicle that is made available to
13 the employee for personal use. No person may drive the exempted
14 vehicle more than 12 hours per day, 6 days per week.

15 (b) (Blank).

16 (c) (Blank).

17 (c-1) If the person is issued a citation for a violation of
18 Section 6-303 or a violation of Section 11-501 or a similar
19 provision of a local ordinance or a similar out of state
20 offense during the term of the MDDP, the officer issuing the
21 citation, or the law enforcement agency employing that officer,
22 shall confiscate the MDDP and immediately send the MDDP and
23 notice of the citation to the court that ordered the issuance
24 of the MDDP. Within 10 days of receipt, the issuing court, upon
25 notice to the person, shall conduct a hearing to consider
26 cancellation of the MDDP. If the court enters an order of

1 cancellation, the court shall forward the order to the
2 Secretary of State, and the Secretary shall cancel the MDDP and
3 notify the person of the cancellation. If, however, the person
4 is convicted of the offense before the MDDP has been cancelled,
5 the court of venue shall send notice of conviction to the court
6 that ordered issuance of the MDDP. The court receiving the
7 notice shall immediately enter an order of cancellation and
8 forward the order to the Secretary of State. The Secretary
9 shall cancel the MDDP and notify the person of the
10 cancellation.

11 If the person is issued a citation for any other traffic
12 related offense during the term of the MDDP, the officer
13 issuing the citation, or the law enforcement agency employing
14 that officer, shall send notice of the citation to the court
15 that ordered issuance of the MDDP. Upon receipt and notice to
16 the person and an opportunity for a hearing, the court shall
17 determine whether the violation constitutes grounds for
18 cancellation of the MDDP. If the court enters an order of
19 cancellation, the court shall forward the order to the
20 Secretary of State, and the Secretary shall cancel the MDDP and
21 shall notify the person of the cancellation.

22 (c-5) If the court determines that the person seeking the
23 MDDP is indigent, the court shall provide the person with a
24 written document, in a form prescribed by the Secretary of
25 State, as evidence of that determination, and the person shall
26 provide that written document to an ignition interlock device

1 provider. The provider shall install an ignition interlock
2 device on that person's vehicle without charge to the person,
3 and seek reimbursement from the Indigent BAIID Fund.

4 (d) The Secretary of State shall, upon receiving a court
5 order from the court of venue, issue a MDDP to a person who
6 applies under this Section. Such court order form shall also
7 contain a notification, which shall be sent to the Secretary of
8 State, providing the name, driver's license number and legal
9 address of the applicant. This information shall be available
10 only to the courts, police officers, and the Secretary of
11 State, except during the actual period the MDDP is valid,
12 during which time it shall be a public record. The Secretary of
13 State shall design and furnish to the courts an official court
14 order form to be used by the courts when directing the
15 Secretary of State to issue a MDDP.

16 Any submitted court order that contains insufficient data
17 or fails to comply with this Code shall not be utilized for
18 MDDP issuance or entered to the driver record but shall be
19 returned to the issuing court indicating why the MDDP cannot be
20 so entered. A notice of this action shall also be sent to the
21 MDDP applicant by the Secretary of State.

22 (e) (Blank).

23 (f) (Blank).

24 (g) The Secretary of State shall adopt rules for
25 implementing this Section. The rules adopted shall address
26 issues including, but not limited to: compliance with the

1 requirements of the MDDP; methods for determining compliance
2 with those requirements; the consequences of noncompliance
3 with those requirements; what constitutes a violation of the
4 MDDP; and the duties of a person or entity that supplies the
5 ignition interlock device.

6 (h) The rules adopted under subsection (g) shall provide,
7 at a minimum, that the person is not in compliance with the
8 requirements of the MDDP if he or she:

9 (1) tampers or attempts to tamper with or circumvent
10 the proper operation of the ignition interlock device;

11 (2) provides valid breath samples that register blood
12 alcohol levels in excess of the number of times allowed
13 under the rules;

14 (3) fails to provide evidence sufficient to satisfy the
15 Secretary that the ignition interlock device has been
16 installed in the designated vehicle or vehicles; or

17 (4) fails to follow any other applicable rules adopted
18 by the Secretary.

19 (i) Any person or entity that supplies an ignition
20 interlock device as provided under this Section shall, in
21 addition to supplying only those devices which fully comply
22 with all the rules adopted under subsection (g), provide the
23 Secretary, within 7 days of inspection, all monitoring reports
24 of each person who has had an ignition interlock device
25 installed. These reports shall be furnished in a manner or form
26 as prescribed by the Secretary.

1 (j) Upon making a determination that a violation of the
2 requirements of the MDDP has occurred, the Secretary shall
3 extend the summary suspension period for an additional 3 months
4 beyond the originally imposed summary suspension period,
5 during which time the person shall only be allowed to drive
6 vehicles equipped with an ignition interlock device; provided
7 further there are no limitations on the number of times the
8 summary suspension may be extended. Any person whose summary
9 suspension is extended pursuant to this Section shall have the
10 right to contest the extension through an administrative
11 hearing with the Secretary. If the summary suspension has
12 already terminated prior to the Secretary receiving the
13 monitoring report that shows a violation, the Secretary shall
14 be authorized to suspend the person's driving privileges for 3
15 months. The only permit the person shall be eligible for during
16 this new suspension period is a MDDP.

17 (k) A person who has had his or her summary suspension
18 extended for the third time shall have his or her vehicle
19 impounded for a period of 30 days, at the person's own expense.
20 A person who has his or her summary suspension extended for the
21 fourth time shall have his or her vehicle subject to seizure
22 and forfeiture. The Secretary shall notify the prosecuting
23 authority of any third or fourth extensions. Upon receipt of
24 the notification, the prosecuting authority shall impound or
25 forfeit the vehicle.

26 (l) A person whose driving privileges have been suspended

1 under Section 11-501.1 of this Code and who had a MDDP that was
2 cancelled pursuant to subsection (c-1) of this Section, shall
3 not be eligible for reinstatement when the summary suspension
4 is scheduled to terminate, but instead shall be eligible only
5 to apply for a restricted driving permit. If a restricted
6 driving permit is granted, the offender may only operate
7 vehicles equipped with an ignition interlock device, for a
8 period of not less than twice the original summary suspension
9 period.

10 (m) Any person or entity that supplies an ignition
11 interlock device under this Section shall, for each ignition
12 interlock device installed, pay 5% of the total gross revenue
13 received for the device into the Indigent BAIID Fund. This 5%
14 shall be clearly indicated as a separate surcharge on each
15 invoice that is issued. The Secretary shall conduct an annual
16 review of the fund to determine whether the surcharge is
17 sufficient to provide for indigent users. The Secretary may
18 increase or decrease this surcharge requirement as needed.

19 (n) Any person or entity that supplies an ignition
20 interlock device under this Section that is requested to
21 provide an ignition interlock device to a person who presents
22 written documentation of indigency from the court, as provided
23 in subsection (c-5) of this Section, shall install the device
24 on the person's vehicle without charge to the person and shall
25 seek reimbursement from the Indigent BAIID Fund.

26 (o) The Indigent BAIID Fund is created as a special fund in

1 the State treasury. The Secretary of State shall, subject to
2 appropriation by the General Assembly, use all money in the
3 Indigent BAIID Fund to reimburse ignition interlock device
4 providers who have installed devices in vehicles of indigent
5 persons pursuant to court orders issued under this Section. The
6 Secretary shall make payments to such providers every 3 months.
7 If the amount of money in the fund at the time payments are
8 made is not sufficient to pay all requests for reimbursement
9 submitted during that 3 month period, the Secretary shall make
10 payments on a pro-rata basis, and those payments shall be
11 considered payment in full for the requests submitted.

12 (p) The Monitoring Device Driving Permit Administration
13 Fee Fund is created as a special fund in the State treasury.
14 The Secretary of State shall, subject to appropriation by the
15 General Assembly, use the money paid into this fund to offset
16 its administrative costs for administering MDDPs.

17 (Source: P.A. 94-307, eff. 9-30-05; 94-357, eff. 1-1-06;
18 94-930, eff. 6-26-06; 95-400, eff. 1-1-09; 95-578, eff. 1-1-09;
19 revised 11-16-07.)

20 (625 ILCS 5/6-206.2)

21 (Text of Section before amendment by P.A. 95-578)

22 Sec. 6-206.2. Violations relating to an ignition interlock
23 device.

24 (a) It is unlawful for any person whose driving privilege
25 is restricted by being prohibited from operating a motor

1 vehicle not equipped with an ignition interlock device to
2 operate a motor vehicle not equipped with an ignition interlock
3 device.

4 (a-5) It is unlawful for any person whose driving privilege
5 is restricted by being prohibited from operating a motor
6 vehicle not equipped with an ignition interlock device to
7 request or solicit any other person to blow into an ignition
8 interlock device or to start a motor vehicle equipped with the
9 device for the purpose of providing the person so restricted
10 with an operable motor vehicle.

11 (b) It is unlawful to blow into an ignition interlock
12 device or to start a motor vehicle equipped with the device for
13 the purpose of providing an operable motor vehicle to a person
14 whose driving privilege is restricted by being prohibited from
15 operating a motor vehicle not equipped with an ignition
16 interlock device.

17 (c) It is unlawful to tamper with, or circumvent the
18 operation of, an ignition interlock device.

19 (d) Except as provided in subsection (c)(17) of Section
20 5-6-3.1 of the Unified Code of Corrections or by rule, no
21 person shall knowingly rent, lease, or lend a motor vehicle to
22 a person known to have his or her driving privilege restricted
23 by being prohibited from operating a vehicle not equipped with
24 an ignition interlock device, unless the vehicle is equipped
25 with a functioning ignition interlock device. Any person whose
26 driving privilege is so restricted shall notify any person

1 intending to rent, lease, or loan a motor vehicle to the
2 restricted person of the driving restriction imposed upon him
3 or her.

4 (d-5) A person convicted of a violation of this Section is
5 guilty of a Class A misdemeanor.

6 (e) (Blank).

7 (Source: P.A. 95-27, eff. 1-1-08.)

8 (Text of Section after amendment by P.A. 95-578)

9 Sec. 6-206.2. Violations relating to an ignition interlock
10 device.

11 (a) It is unlawful for any person whose driving privilege
12 is restricted by being prohibited from operating a motor
13 vehicle not equipped with an ignition interlock device to
14 operate a motor vehicle not equipped with an ignition interlock
15 device.

16 (a-5) It is unlawful for any person whose driving privilege
17 is restricted by being prohibited from operating a motor
18 vehicle not equipped with an ignition interlock device to
19 request or solicit any other person to blow into an ignition
20 interlock device or to start a motor vehicle equipped with the
21 device for the purpose of providing the person so restricted
22 with an operable motor vehicle.

23 (b) It is unlawful to blow into an ignition interlock
24 device or to start a motor vehicle equipped with the device for
25 the purpose of providing an operable motor vehicle to a person

1 whose driving privilege is restricted by being prohibited from
2 operating a motor vehicle not equipped with an ignition
3 interlock device.

4 (c) It is unlawful to tamper with, or circumvent the
5 operation of, an ignition interlock device.

6 (d) Except as provided in subsection (c)(17) of Section
7 5-6-3.1 of the Unified Code of Corrections or by rule, no
8 person shall knowingly rent, lease, or lend a motor vehicle to
9 a person known to have his or her driving privilege restricted
10 by being prohibited from operating a vehicle not equipped with
11 an ignition interlock device, unless the vehicle is equipped
12 with a functioning ignition interlock device. Any person whose
13 driving privilege is so restricted shall notify any person
14 intending to rent, lease, or loan a motor vehicle to the
15 restricted person of the driving restriction imposed upon him
16 or her.

17 (d-5) A person convicted of a violation of this Section is
18 guilty of a Class A misdemeanor.

19 (e) (Blank). ~~Section 11-501.01~~

20 (Source: P.A. 95-27, eff. 1-1-08; 95-578, eff. 6-1-08; revised
21 11-19-07.)

22 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

23 Sec. 6-208. Period of Suspension - Application After
24 Revocation.

25 (a) Except as otherwise provided by this Code or any other

1 law of this State, the Secretary of State shall not suspend a
2 driver's license, permit, or privilege to drive a motor vehicle
3 on the highways for a period of more than one year.

4 (b) Any person whose license, permit, or privilege to drive
5 a motor vehicle on the highways has been revoked shall not be
6 entitled to have such license, permit, or privilege renewed or
7 restored. However, such person may, except as provided under
8 subsections (d) and (d-5) of Section 6-205, make application
9 for a license pursuant to Section 6-106 (i) if the revocation
10 was for a cause ~~that~~ ~~which~~ has been removed or (ii) as provided
11 in the following subparagraphs:

12 1. Except as provided in subparagraphs 1.5, 2, 3, 4,
13 and 5, the person may make application for a license (A)
14 after the expiration of one year from the effective date of
15 the revocation ~~or~~, (B) in the case of a violation of
16 paragraph (b) of Section 11-401 of this Code or a similar
17 provision of a local ordinance, after the expiration of 3
18 years from the effective date of the revocation, ~~or~~ (C) in
19 the case of a violation of Section 9-3 of the Criminal Code
20 of 1961 or a similar provision of a law of another state
21 relating to the offense of reckless homicide or a violation
22 of subparagraph (F) of paragraph 1 of subsection (d) of
23 Section 11-501 of this Code relating to aggravated driving
24 under the influence of alcohol, other drug or drugs,
25 intoxicating compound or compounds, or any combination
26 thereof, if the violation was the proximate cause of a

1 death, after the expiration of 2 years from the effective
2 date of the revocation or after the expiration of 24 months
3 from the date of release from a period of imprisonment as
4 provided in Section 6-103 of this Code, whichever is later.

5 1.5. If the person is convicted of a violation of
6 Section 6-303 of this Code committed while his or her
7 driver's license, permit, or privilege was revoked because
8 of a violation of Section 9-3 of the Criminal Code of 1961,
9 relating to the offense of reckless homicide, or a similar
10 provision of a law of another state, the person may not
11 make application for a license or permit until the
12 expiration of 3 years from the effective date of the most
13 recent revocation.

14 2. If such person is convicted of committing a second
15 violation within a 20-year ~~20-year~~ period of:

16 (A) Section 11-501 of this Code~~7~~ or a similar
17 provision of a local ordinance; ~~or~~

18 (B) Paragraph (b) of Section 11-401 of this Code~~7~~
19 or a similar provision of a local ordinance; ~~or~~

20 (C) Section 9-3 of the Criminal Code of 1961~~7~~~~as~~
21 ~~amended~~, relating to the offense of reckless homicide;
22 or

23 (D) any combination of the above offenses
24 committed at different instances;

25 then such person may not make application for a license
26 until after the expiration of 5 years from the effective

1 date of the most recent revocation. The 20-year ~~20-year~~
2 period shall be computed by using the dates the offenses
3 were committed and shall also include similar out-of-state
4 offenses and similar offenses committed on a military
5 installation.

6 3. However, except as provided in subparagraph 4, if
7 such person is convicted of committing a third~~7~~ or
8 subsequent~~7~~ violation or any combination of the above
9 offenses, including similar out-of-state offenses and
10 similar offenses committed on a military installation,
11 contained in subparagraph 2, then such person may not make
12 application for a license until after the expiration of 10
13 years from the effective date of the most recent
14 revocation.

15 4. The person may not make application for a license if
16 the person is convicted of committing a fourth or
17 subsequent violation of Section 11-501 of this Code or a
18 similar provision of a local ordinance, Section 11-401 of
19 this Code, Section 9-3 of the Criminal Code of 1961, or a
20 combination of these offenses~~4~~ ~~or~~ similar provisions of
21 local ordinances~~4~~ ~~or~~ similar out-of-state offenses~~4~~ or
22 similar offenses committed on a military installation.

23 5. The person may not make application for a license or
24 permit if the person is convicted of a third or subsequent
25 violation of Section 6-303 of this Code committed while his
26 or her driver's license, permit, or privilege was revoked

1 because of a violation of Section 9-3 of the Criminal Code
2 of 1961, relating to the offense of reckless homicide, or a
3 similar provision of a law of another state.

4 Notwithstanding any other provision of this Code, all
5 persons referred to in this paragraph (b) may not have their
6 privileges restored until the Secretary receives payment of the
7 required reinstatement fee pursuant to subsection (b) of
8 Section 6-118.

9 In no event shall the Secretary issue such license unless
10 and until such person has had a hearing pursuant to this Code
11 and the appropriate administrative rules and the Secretary is
12 satisfied, after a review or investigation of such person, that
13 to grant the privilege of driving a motor vehicle on the
14 highways will not endanger the public safety or welfare.

15 (c) (Blank).

16 (Source: P.A. 95-331, eff. 8-21-07; 95-355, eff. 1-1-08;
17 95-377, eff. 1-1-08; revised 11-19-07.)

18 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

19 (Text of Section before amendment by P.A. 95-400)

20 Sec. 6-208.1. Period of statutory summary alcohol, other
21 drug, or intoxicating compound related suspension.

22 (a) Unless the statutory summary suspension has been
23 rescinded, any person whose privilege to drive a motor vehicle
24 on the public highways has been summarily suspended, pursuant
25 to Section 11-501.1, shall not be eligible for restoration of

1 the privilege until the expiration of:

2 1. Six months from the effective date of the statutory
3 summary suspension for a refusal or failure to complete a
4 test or tests to determine the alcohol, drug, or
5 intoxicating compound concentration, pursuant to Section
6 11-501.1; or

7 2. Three months from the effective date of the
8 statutory summary suspension imposed following the
9 person's submission to a chemical test which disclosed an
10 alcohol concentration of 0.08 or more, or any amount of a
11 drug, substance, or intoxicating compound in such person's
12 breath, blood, or urine resulting from the unlawful use or
13 consumption of cannabis listed in the Cannabis Control Act,
14 a controlled substance listed in the Illinois Controlled
15 Substances Act, an intoxicating compound listed in the Use
16 of Intoxicating Compounds Act, or methamphetamine as
17 listed in the Methamphetamine Control and Community
18 Protection Act, pursuant to Section 11-501.1; or

19 3. Three years from the effective date of the statutory
20 summary suspension for any person other than a first
21 offender who refuses or fails to complete a test or tests
22 to determine the alcohol, drug, or intoxicating compound
23 concentration pursuant to Section 11-501.1; or

24 4. One year from the effective date of the summary
25 suspension imposed for any person other than a first
26 offender following submission to a chemical test which

1 disclosed an alcohol concentration of 0.08 or more pursuant
2 to Section 11-501.1 or any amount of a drug, substance or
3 compound in such person's blood or urine resulting from the
4 unlawful use or consumption of cannabis listed in the
5 Cannabis Control Act, a controlled substance listed in the
6 Illinois Controlled Substances Act, an intoxicating
7 compound listed in the Use of Intoxicating Compounds Act,
8 or methamphetamine as listed in the Methamphetamine
9 Control and Community Protection Act.

10 (b) Following a statutory summary suspension of the
11 privilege to drive a motor vehicle under Section 11-501.1,
12 driving privileges shall be restored unless the person is
13 otherwise suspended, revoked, or cancelled by this Code. If the
14 court has reason to believe that the person's driving privilege
15 should not be restored, the court shall notify the Secretary of
16 State prior to the expiration of the statutory summary
17 suspension so appropriate action may be taken pursuant to this
18 Code.

19 (c) Driving privileges may not be restored until all
20 applicable reinstatement fees, as provided by this Code, have
21 been paid to the Secretary of State and the appropriate entry
22 made to the driver's record.

23 (d) Where a driving privilege has been summarily suspended
24 under Section 11-501.1 and the person is subsequently convicted
25 of violating Section 11-501, or a similar provision of a local
26 ordinance, for the same incident, any period served on

1 statutory summary suspension shall be credited toward the
2 minimum period of revocation of driving privileges imposed
3 pursuant to Section 6-205.

4 (e) Following a statutory summary suspension of driving
5 privileges pursuant to Section 11-501.1, for a first offender,
6 the circuit court may, after at least 30 days from the
7 effective date of the statutory summary suspension, issue a
8 judicial driving permit as provided in Section 6-206.1.

9 (f) Subsequent to an arrest of a first offender, for any
10 offense as defined in Section 11-501 or a similar provision of
11 a local ordinance, following a statutory summary suspension of
12 driving privileges pursuant to Section 11-501.1, for a first
13 offender, the circuit court may issue a court order directing
14 the Secretary of State to issue a judicial driving permit as
15 provided in Section 6-206.1. However, this JDP shall not be
16 effective prior to the 31st day of the statutory summary
17 suspension.

18 (g) Following a statutory summary suspension of driving
19 privileges pursuant to Section 11-501.1 where the person was
20 not a first offender, as defined in Section 11-500, the
21 Secretary of State may not issue a restricted driving permit.

22 (h) (Blank).

23 (Source: P.A. 95-355, eff. 1-1-08.)

24 (Text of Section after amendment by P.A. 95-400)

25 Sec. 6-208.1. Period of statutory summary alcohol, other

1 drug, or intoxicating compound related suspension.

2 (a) Unless the statutory summary suspension has been
3 rescinded, any person whose privilege to drive a motor vehicle
4 on the public highways has been summarily suspended, pursuant
5 to Section 11-501.1, shall not be eligible for restoration of
6 the privilege until the expiration of:

7 1. Twelve months from the effective date of the
8 statutory summary suspension for a refusal or failure to
9 complete a test or tests to determine the alcohol, drug, or
10 intoxicating compound concentration, pursuant to Section
11 11-501.1; or

12 2. Six months from the effective date of the statutory
13 summary suspension imposed following the person's
14 submission to a chemical test which disclosed an alcohol
15 concentration of 0.08 or more, or any amount of a drug,
16 substance, or intoxicating compound in such person's
17 breath, blood, or urine resulting from the unlawful use or
18 consumption of cannabis listed in the Cannabis Control Act,
19 a controlled substance listed in the Illinois Controlled
20 Substances Act, an intoxicating compound listed in the Use
21 of Intoxicating Compounds Act, or methamphetamine as
22 listed in the Methamphetamine Control and Community
23 Protection Act, pursuant to Section 11-501.1; or

24 3. Three years from the effective date of the statutory
25 summary suspension for any person other than a first
26 offender who refuses or fails to complete a test or tests

1 to determine the alcohol, drug, or intoxicating compound
2 concentration pursuant to Section 11-501.1; or

3 4. One year from the effective date of the summary
4 suspension imposed for any person other than a first
5 offender following submission to a chemical test which
6 disclosed an alcohol concentration of 0.08 or more pursuant
7 to Section 11-501.1 or any amount of a drug, substance or
8 compound in such person's blood or urine resulting from the
9 unlawful use or consumption of cannabis listed in the
10 Cannabis Control Act, a controlled substance listed in the
11 Illinois Controlled Substances Act, an intoxicating
12 compound listed in the Use of Intoxicating Compounds Act,
13 or methamphetamine as listed in the Methamphetamine
14 Control and Community Protection Act.

15 (b) Following a statutory summary suspension of the
16 privilege to drive a motor vehicle under Section 11-501.1,
17 driving privileges shall be restored unless the person is
18 otherwise suspended, revoked, or cancelled by this Code. If the
19 court has reason to believe that the person's driving privilege
20 should not be restored, the court shall notify the Secretary of
21 State prior to the expiration of the statutory summary
22 suspension so appropriate action may be taken pursuant to this
23 Code.

24 (c) Driving privileges may not be restored until all
25 applicable reinstatement fees, as provided by this Code, have
26 been paid to the Secretary of State and the appropriate entry

1 made to the driver's record.

2 (d) Where a driving privilege has been summarily suspended
3 under Section 11-501.1 and the person is subsequently convicted
4 of violating Section 11-501, or a similar provision of a local
5 ordinance, for the same incident, any period served on
6 statutory summary suspension shall be credited toward the
7 minimum period of revocation of driving privileges imposed
8 pursuant to Section 6-205.

9 (e) Following a statutory summary suspension of driving
10 privileges pursuant to Section 11-501.1, for a first offender,
11 the circuit court shall, unless the offender has opted in
12 writing not to have a monitoring device driving permit issued,
13 order the Secretary of State to issue a monitoring device
14 driving permit as provided in Section 6-206.1. A monitoring
15 device driving permit shall not be effective prior to the 31st
16 day of the statutory summary suspension.

17 (f) (Blank).

18 (g) Following a statutory summary suspension of driving
19 privileges pursuant to Section 11-501.1 where the person was
20 not a first offender, as defined in Section 11-500, the
21 Secretary of State may not issue a restricted driving permit.

22 (h) (Blank).

23 (Source: P.A. 95-355, eff. 1-1-08; 95-400, eff. 1-1-09; revised
24 12-21-07.)

25 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

1 (Text of Section before amendment by P.A. 95-400)

2 Sec. 6-303. Driving while driver's license, permit or
3 privilege to operate a motor vehicle is suspended or revoked.

4 (a) Except as otherwise provided in subsection (a-5), any
5 person who drives or is in actual physical control of a motor
6 vehicle on any highway of this State at a time when such
7 person's driver's license, permit or privilege to do so or the
8 privilege to obtain a driver's license or permit is revoked or
9 suspended as provided by this Code or the law of another state,
10 except as may be specifically allowed by a judicial driving
11 permit, family financial responsibility driving permit,
12 probationary license to drive, or a restricted driving permit
13 issued pursuant to this Code or under the law of another state,
14 shall be guilty of a Class A misdemeanor.

15 (a-5) Any person who violates this Section as provided in
16 subsection (a) while his or her driver's license, permit or
17 privilege is revoked because of a violation of Section 9-3 of
18 the Criminal Code of 1961, relating to the offense of reckless
19 homicide or a similar provision of a law of another state, is
20 guilty of a Class 4 felony. The person shall be required to
21 undergo a professional evaluation, as provided in Section
22 11-501 of this Code, to determine if an alcohol, drug, or
23 intoxicating compound problem exists and the extent of the
24 problem, and to undergo the imposition of treatment as
25 appropriate.

26 (b) The Secretary of State upon receiving a report of the

1 conviction of any violation indicating a person was operating a
2 motor vehicle during the time when said person's driver's
3 license, permit or privilege was suspended by the Secretary, by
4 the appropriate authority of another state, or pursuant to
5 Section 11-501.1; except as may be specifically allowed by a
6 probationary license to drive, judicial driving permit or
7 restricted driving permit issued pursuant to this Code or the
8 law of another state; shall extend the suspension for the same
9 period of time as the originally imposed suspension; however,
10 if the period of suspension has then expired, the Secretary
11 shall be authorized to suspend said person's driving privileges
12 for the same period of time as the originally imposed
13 suspension.

14 (b-3) When the Secretary of State receives a report of a
15 conviction of any violation indicating that a vehicle was
16 operated during the time when the person's driver's license,
17 permit or privilege was revoked, except as may be allowed by a
18 restricted driving permit issued pursuant to this Code or the
19 law of another state, the Secretary shall not issue a driver's
20 license to that person for an additional period of one year
21 from the date of such conviction.

22 (b-4) ~~(b-5)~~ When the Secretary of State receives a report
23 of a conviction of any violation indicating a person was
24 operating a motor vehicle that was not equipped with an
25 ignition interlock device during a time when the person was
26 prohibited from operating a motor vehicle not equipped with

1 such a device, the Secretary shall not issue a driver's license
2 to that person for an additional period of one year from the
3 date of the conviction.

4 (b-5) Any person convicted of violating this Section shall
5 serve a minimum term of imprisonment of 30 consecutive days or
6 300 hours of community service when the person's driving
7 privilege was revoked or suspended as a result of a violation
8 of Section 9-3 of the Criminal Code of 1961, as amended,
9 relating to the offense of reckless homicide, or a similar
10 provision of a law of another state.

11 (c) Any person convicted of violating this Section shall
12 serve a minimum term of imprisonment of 10 consecutive days or
13 30 days of community service when the person's driving
14 privilege was revoked or suspended as a result of:

15 (1) a violation of Section 11-501 of this Code or a
16 similar provision of a local ordinance relating to the
17 offense of operating or being in physical control of a
18 vehicle while under the influence of alcohol, any other
19 drug or any combination thereof; or

20 (2) a violation of paragraph (b) of Section 11-401 of
21 this Code or a similar provision of a local ordinance
22 relating to the offense of leaving the scene of a motor
23 vehicle accident involving personal injury or death; or

24 (3) a statutory summary suspension under Section
25 11-501.1 of this Code.

26 Such sentence of imprisonment or community service shall

1 not be subject to suspension in order to reduce such sentence.

2 (c-1) Except as provided in subsections (c-5) and (d), any
3 person convicted of a second violation of this Section shall be
4 ordered by the court to serve a minimum of 100 hours of
5 community service.

6 (c-2) In addition to other penalties imposed under this
7 Section, the court may impose on any person convicted a fourth
8 time of violating this Section any of the following:

9 (1) Seizure of the license plates of the person's
10 vehicle.

11 (2) Immobilization of the person's vehicle for a period
12 of time to be determined by the court.

13 (c-5) Any person convicted of a second violation of this
14 Section is guilty of a Class 2 felony, is not eligible for
15 probation or conditional discharge, and shall serve a mandatory
16 term of imprisonment, if the revocation or suspension was for a
17 violation of Section 9-3 of the Criminal Code of 1961, relating
18 to the offense of reckless homicide, or a similar out-of-state
19 offense.

20 (d) Any person convicted of a second violation of this
21 Section shall be guilty of a Class 4 felony and shall serve a
22 minimum term of imprisonment of 30 days or 300 hours of
23 community service, as determined by the court, if the
24 revocation or suspension was for a violation of Section 11-401
25 or 11-501 of this Code, or a similar out-of-state offense, or a
26 similar provision of a local ordinance, or a statutory summary

1 suspension under Section 11-501.1 of this Code.

2 (d-1) Except as provided in subsections (d-2), (d-2.5), and
3 (d-3), any person convicted of a third or subsequent violation
4 of this Section shall serve a minimum term of imprisonment of
5 30 days or 300 hours of community service, as determined by the
6 court.

7 (d-2) Any person convicted of a third violation of this
8 Section is guilty of a Class 4 felony and must serve a minimum
9 term of imprisonment of 30 days if the revocation or suspension
10 was for a violation of Section 11-401 or 11-501 of this Code,
11 or a similar out-of-state offense, or a similar provision of a
12 local ordinance, or a statutory summary suspension under
13 Section 11-501.1 of this Code.

14 (d-2.5) Any person convicted of a third violation of this
15 Section is guilty of a Class 1 felony, is not eligible for
16 probation or conditional discharge, and must serve a mandatory
17 term of imprisonment if the revocation or suspension was for a
18 violation of Section 9-3 of the Criminal Code of 1961, relating
19 to the offense of reckless homicide, or a similar out-of-state
20 offense.

21 (d-3) Any person convicted of a fourth, fifth, sixth,
22 seventh, eighth, or ninth violation of this Section is guilty
23 of a Class 4 felony and must serve a minimum term of
24 imprisonment of 180 days if the revocation or suspension was
25 for a violation of Section 11-401 or 11-501 of this Code, or a
26 similar out-of-state offense, or a similar provision of a local

1 ordinance, or a statutory summary suspension under Section
2 11-501.1 of this Code.

3 (d-3.5) Any person convicted of a fourth or subsequent
4 violation of this Section is guilty of a Class 1 felony, is not
5 eligible for probation or conditional discharge, and must serve
6 a mandatory term of imprisonment, and is eligible for an
7 extended term, if the revocation or suspension was for a
8 violation of Section 9-3 of the Criminal Code of 1961, relating
9 to the offense of reckless homicide, or a similar out-of-state
10 offense.

11 (d-4) Any person convicted of a tenth, eleventh, twelfth,
12 thirteenth, or fourteenth violation of this Section is guilty
13 of a Class 3 felony, and is not eligible for probation or
14 conditional discharge, if the revocation or suspension was for
15 a violation of Section 11-401 or 11-501 of this Code, or a
16 similar out-of-state offense, or a similar provision of a local
17 ordinance, or a statutory summary suspension under Section
18 11-501.1 of this Code.

19 (d-5) Any person convicted of a fifteenth or subsequent
20 violation of this Section is guilty of a Class 2 felony, and is
21 not eligible for probation or conditional discharge, if the
22 revocation or suspension was for a violation of Section 11-401
23 or 11-501 of this Code, or a similar out-of-state offense, or a
24 similar provision of a local ordinance, or a statutory summary
25 suspension under Section 11-501.1 of this Code.

26 (e) Any person in violation of this Section who is also in

1 violation of Section 7-601 of this Code relating to mandatory
2 insurance requirements, in addition to other penalties imposed
3 under this Section, shall have his or her motor vehicle
4 immediately impounded by the arresting law enforcement
5 officer. The motor vehicle may be released to any licensed
6 driver upon a showing of proof of insurance for the vehicle
7 that was impounded and the notarized written consent for the
8 release by the vehicle owner.

9 (f) For any prosecution under this Section, a certified
10 copy of the driving abstract of the defendant shall be admitted
11 as proof of any prior conviction.

12 (g) The motor vehicle used in a violation of this Section
13 is subject to seizure and forfeiture as provided in Sections
14 36-1 and 36-2 of the Criminal Code of 1961 if the person's
15 driving privilege was revoked or suspended as a result of a
16 violation listed in paragraph (1), (2), or (3) of subsection
17 (c) of this Section or as a result of a summary suspension as
18 provided in paragraph (4) of subsection (c) of this Section.

19 (Source: P.A. 94-112, eff. 1-1-06; 95-578, rely on 95-27 and
20 95-377, eff. 1-1-08; revised 11-19-07.)

21 (Text of Section after amendment by P.A. 95-400)

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), any
25 person who drives or is in actual physical control of a motor

1 vehicle on any highway of this State at a time when such
2 person's driver's license, permit or privilege to do so or the
3 privilege to obtain a driver's license or permit is revoked or
4 suspended as provided by this Code or the law of another state,
5 except as may be specifically allowed by a judicial driving
6 permit issued prior to January 1, 2009 ~~the effective date of~~
7 ~~this amendatory Act of the 95th General Assembly~~, monitoring
8 device driving permit, family financial responsibility driving
9 permit, probationary license to drive, or a restricted driving
10 permit issued pursuant to this Code or under the law of another
11 state, shall be guilty of a Class A misdemeanor.

12 (a-5) Any person who violates this Section as provided in
13 subsection (a) while his or her driver's license, permit or
14 privilege is revoked because of a violation of Section 9-3 of
15 the Criminal Code of 1961, relating to the offense of reckless
16 homicide or a similar provision of a law of another state, is
17 guilty of a Class 4 felony. The person shall be required to
18 undergo a professional evaluation, as provided in Section
19 11-501 of this Code, to determine if an alcohol, drug, or
20 intoxicating compound problem exists and the extent of the
21 problem, and to undergo the imposition of treatment as
22 appropriate.

23 (b) The Secretary of State upon receiving a report of the
24 conviction of any violation indicating a person was operating a
25 motor vehicle during the time when said person's driver's
26 license, permit or privilege was suspended by the Secretary, by

1 the appropriate authority of another state, or pursuant to
2 Section 11-501.1; except as may be specifically allowed by a
3 probationary license to drive, judicial driving permit issued
4 prior to January 1, 2009 ~~the effective date of this amendatory~~
5 ~~Act of the 95th General Assembly~~, monitoring device driving
6 permit, or restricted driving permit issued pursuant to this
7 Code or the law of another state; shall extend the suspension
8 for the same period of time as the originally imposed
9 suspension; however, if the period of suspension has then
10 expired, the Secretary shall be authorized to suspend said
11 person's driving privileges for the same period of time as the
12 originally imposed suspension.

13 (b-3) When the Secretary of State receives a report of a
14 conviction of any violation indicating that a vehicle was
15 operated during the time when the person's driver's license,
16 permit or privilege was revoked, except as may be allowed by a
17 restricted driving permit issued pursuant to this Code or the
18 law of another state, the Secretary shall not issue a driver's
19 license to that person for an additional period of one year
20 from the date of such conviction.

21 (b-4) ~~(b-5)~~ When the Secretary of State receives a report
22 of a conviction of any violation indicating a person was
23 operating a motor vehicle that was not equipped with an
24 ignition interlock device during a time when the person was
25 prohibited from operating a motor vehicle not equipped with
26 such a device, the Secretary shall not issue a driver's license

1 to that person for an additional period of one year from the
2 date of the conviction.

3 (b-5) Any person convicted of violating this Section shall
4 serve a minimum term of imprisonment of 30 consecutive days or
5 300 hours of community service when the person's driving
6 privilege was revoked or suspended as a result of a violation
7 of Section 9-3 of the Criminal Code of 1961, as amended,
8 relating to the offense of reckless homicide, or a similar
9 provision of a law of another state.

10 (c) Except as provided in subsections (c-3) and (c-4), any
11 person convicted of violating this Section shall serve a
12 minimum term of imprisonment of 10 consecutive days or 30 days
13 of community service when the person's driving privilege was
14 revoked or suspended as a result of:

15 (1) a violation of Section 11-501 of this Code or a
16 similar provision of a local ordinance relating to the
17 offense of operating or being in physical control of a
18 vehicle while under the influence of alcohol, any other
19 drug or any combination thereof; or

20 (2) a violation of paragraph (b) of Section 11-401 of
21 this Code or a similar provision of a local ordinance
22 relating to the offense of leaving the scene of a motor
23 vehicle accident involving personal injury or death; or

24 (3) a statutory summary suspension under Section
25 11-501.1 of this Code.

26 Such sentence of imprisonment or community service shall

1 not be subject to suspension in order to reduce such sentence.

2 (c-1) Except as provided in subsections (c-5) and (d), any
3 person convicted of a second violation of this Section shall be
4 ordered by the court to serve a minimum of 100 hours of
5 community service.

6 (c-2) In addition to other penalties imposed under this
7 Section, the court may impose on any person convicted a fourth
8 time of violating this Section any of the following:

9 (1) Seizure of the license plates of the person's
10 vehicle.

11 (2) Immobilization of the person's vehicle for a period
12 of time to be determined by the court.

13 (c-3) Any person convicted of a violation of this Section
14 during a period of summary suspension imposed pursuant to
15 Section 11-501.1 when the person was eligible for a MDDP shall
16 be guilty of a Class 4 felony and shall serve a minimum term of
17 imprisonment of 30 days.

18 (c-4) Any person who has been issued a MDDP and who is
19 convicted of a violation of this Section as a result of
20 operating or being in actual physical control of a motor
21 vehicle not equipped with an ignition interlock device at the
22 time of the offense shall be guilty of a Class 4 felony and
23 shall serve a minimum term of imprisonment of 30 days.

24 (c-5) Any person convicted of a second violation of this
25 Section is guilty of a Class 2 felony, is not eligible for
26 probation or conditional discharge, and shall serve a mandatory

1 term of imprisonment, if the revocation or suspension was for a
2 violation of Section 9-3 of the Criminal Code of 1961, relating
3 to the offense of reckless homicide, or a similar out-of-state
4 offense.

5 (d) Any person convicted of a second violation of this
6 Section shall be guilty of a Class 4 felony and shall serve a
7 minimum term of imprisonment of 30 days or 300 hours of
8 community service, as determined by the court, if the
9 revocation or suspension was for a violation of Section 11-401
10 or 11-501 of this Code, or a similar out-of-state offense, or a
11 similar provision of a local ordinance, or a statutory summary
12 suspension under Section 11-501.1 of this Code.

13 (d-1) Except as provided in subsections (d-2), (d-2.5), and
14 (d-3), any person convicted of a third or subsequent violation
15 of this Section shall serve a minimum term of imprisonment of
16 30 days or 300 hours of community service, as determined by the
17 court.

18 (d-2) Any person convicted of a third violation of this
19 Section is guilty of a Class 4 felony and must serve a minimum
20 term of imprisonment of 30 days if the revocation or suspension
21 was for a violation of Section 11-401 or 11-501 of this Code,
22 or a similar out-of-state offense, or a similar provision of a
23 local ordinance, or a statutory summary suspension under
24 Section 11-501.1 of this Code.

25 (d-2.5) Any person convicted of a third violation of this
26 Section is guilty of a Class 1 felony, is not eligible for

1 probation or conditional discharge, and must serve a mandatory
2 term of imprisonment if the revocation or suspension was for a
3 violation of Section 9-3 of the Criminal Code of 1961, relating
4 to the offense of reckless homicide, or a similar out-of-state
5 offense.

6 (d-3) Any person convicted of a fourth, fifth, sixth,
7 seventh, eighth, or ninth violation of this Section is guilty
8 of a Class 4 felony and must serve a minimum term of
9 imprisonment of 180 days if the revocation or suspension was
10 for a violation of Section 11-401 or 11-501 of this Code, or a
11 similar out-of-state offense, or a similar provision of a local
12 ordinance, or a statutory summary suspension under Section
13 11-501.1 of this Code.

14 (d-3.5) Any person convicted of a fourth or subsequent
15 violation of this Section is guilty of a Class 1 felony, is not
16 eligible for probation or conditional discharge, and must serve
17 a mandatory term of imprisonment, and is eligible for an
18 extended term, if the revocation or suspension was for a
19 violation of Section 9-3 of the Criminal Code of 1961, relating
20 to the offense of reckless homicide, or a similar out-of-state
21 offense.

22 (d-4) Any person convicted of a tenth, eleventh, twelfth,
23 thirteenth, or fourteenth violation of this Section is guilty
24 of a Class 3 felony, and is not eligible for probation or
25 conditional discharge, if the revocation or suspension was for
26 a violation of Section 11-401 or 11-501 of this Code, or a

1 similar out-of-state offense, or a similar provision of a local
2 ordinance, or a statutory summary suspension under Section
3 11-501.1 of this Code.

4 (d-5) Any person convicted of a fifteenth or subsequent
5 violation of this Section is guilty of a Class 2 felony, and is
6 not eligible for probation or conditional discharge, if the
7 revocation or suspension was for a violation of Section 11-401
8 or 11-501 of this Code, or a similar out-of-state offense, or a
9 similar provision of a local ordinance, or a statutory summary
10 suspension under Section 11-501.1 of this Code.

11 (e) Any person in violation of this Section who is also in
12 violation of Section 7-601 of this Code relating to mandatory
13 insurance requirements, in addition to other penalties imposed
14 under this Section, shall have his or her motor vehicle
15 immediately impounded by the arresting law enforcement
16 officer. The motor vehicle may be released to any licensed
17 driver upon a showing of proof of insurance for the vehicle
18 that was impounded and the notarized written consent for the
19 release by the vehicle owner.

20 (f) For any prosecution under this Section, a certified
21 copy of the driving abstract of the defendant shall be admitted
22 as proof of any prior conviction.

23 (g) The motor vehicle used in a violation of this Section
24 is subject to seizure and forfeiture as provided in Sections
25 36-1 and 36-2 of the Criminal Code of 1961 if the person's
26 driving privilege was revoked or suspended as a result of a

1 violation listed in paragraph (1), (2), or (3) of subsection
2 (c) of this Section or as a result of a summary suspension as
3 provided in paragraph (4) of subsection (c) of this Section.

4 (Source: P.A. 94-112, eff. 1-1-06; 95-578, rely on 95-27 and
5 95-377, eff. 1-1-08; 95-400, eff. 1-1-09; revised 11-19-07.)

6 (625 ILCS 5/6-510) (from Ch. 95 1/2, par. 6-510)

7 Sec. 6-510. Application for Commercial Driver's License
8 (CDL). ~~(a)~~ The application for a CDL or commercial driver
9 instruction permit, must include, but not necessarily be
10 limited to, the following:

11 (1) the full legal name and current Illinois
12 domiciliary address (unless the application is for a
13 Non-resident CDL) of the driver applicant;

14 (2) a physical description of the driver applicant
15 including sex, height, weight, color of eyes and hair
16 color;

17 (3) date of birth;

18 (4) the driver applicant's social security number or
19 other identifying number acceptable to the Secretary of
20 State;

21 (5) the driver applicant's signature;

22 (6) certifications required by 49 C.F.R. Part 383.71;

23 (6.1) the names of all states where the driver
24 applicant has previously been licensed to drive any type of
25 motor vehicle during the previous 10 years pursuant to 49

1 C.F.R. Part 383; and

2 (7) any other information required by the Secretary of
3 State.

4 (Source: P.A. 94-307, eff. 9-30-05; 95-382, eff. 8-23-07;
5 revised 11-19-07.)

6 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

7 (Text of Section before amendment by P.A. 95-400 and
8 95-578)

9 (Text of Section from P.A. 93-1093, 94-963, 95-149, and
10 95-355)

11 Sec. 11-501. Driving while under the influence of alcohol,
12 other drug or drugs, intoxicating compound or compounds or any
13 combination thereof.

14 (a) A person shall not drive or be in actual physical
15 control of any vehicle within this State while:

16 (1) the alcohol concentration in the person's blood or
17 breath is 0.08 or more based on the definition of blood and
18 breath units in Section 11-501.2;

19 (2) under the influence of alcohol;

20 (3) under the influence of any intoxicating compound or
21 combination of intoxicating compounds to a degree that
22 renders the person incapable of driving safely;

23 (4) under the influence of any other drug or
24 combination of drugs to a degree that renders the person
25 incapable of safely driving;

1 (5) under the combined influence of alcohol, other drug
2 or drugs, or intoxicating compound or compounds to a degree
3 that renders the person incapable of safely driving; or

4 (6) there is any amount of a drug, substance, or
5 compound in the person's breath, blood, or urine resulting
6 from the unlawful use or consumption of cannabis listed in
7 the Cannabis Control Act, a controlled substance listed in
8 the Illinois Controlled Substances Act, an intoxicating
9 compound listed in the Use of Intoxicating Compounds Act,
10 or methamphetamine as listed in the Methamphetamine
11 Control and Community Protection Act.

12 (b) The fact that any person charged with violating this
13 Section is or has been legally entitled to use alcohol, other
14 drug or drugs, or intoxicating compound or compounds, or any
15 combination thereof, shall not constitute a defense against any
16 charge of violating this Section.

17 (b-1) With regard to penalties imposed under this Section:

18 (1) Any reference to a prior violation of subsection
19 (a) or a similar provision includes any violation of a
20 provision of a local ordinance or a provision of a law of
21 another state or an offense committed on a military
22 installation that is similar to a violation of subsection
23 (a) of this Section.

24 (2) Any penalty imposed for driving with a license that
25 has been revoked for a previous violation of subsection (a)
26 of this Section shall be in addition to the penalty imposed

1 for any subsequent violation of subsection (a).

2 (b-2) Except as otherwise provided in this Section, any
3 person convicted of violating subsection (a) of this Section is
4 guilty of a Class A misdemeanor.

5 (b-3) In addition to any other criminal or administrative
6 sanction for any second conviction of violating subsection (a)
7 or a similar provision committed within 5 years of a previous
8 violation of subsection (a) or a similar provision, the
9 defendant shall be sentenced to a mandatory minimum of 5 days
10 of imprisonment or assigned a mandatory minimum of 240 hours of
11 community service as may be determined by the court.

12 (b-4) In the case of a third or subsequent violation
13 committed within 5 years of a previous violation of subsection
14 (a) or a similar provision, in addition to any other criminal
15 or administrative sanction, a mandatory minimum term of either
16 10 days of imprisonment or 480 hours of community service shall
17 be imposed.

18 (b-5) The imprisonment or assignment of community service
19 under subsections (b-3) and (b-4) shall not be subject to
20 suspension, nor shall the person be eligible for a reduced
21 sentence.

22 (c) (Blank).

23 (c-1) (1) A person who violates subsection (a) during a
24 period in which his or her driving privileges are revoked
25 or suspended, where the revocation or suspension was for a
26 violation of subsection (a), Section 11-501.1, paragraph

1 (b) of Section 11-401, or for reckless homicide as defined
2 in Section 9-3 of the Criminal Code of 1961 is guilty of a
3 Class 4 felony.

4 (2) A person who violates subsection (a) a third time,
5 if the third violation occurs during a period in which his
6 or her driving privileges are revoked or suspended where
7 the revocation or suspension was for a violation of
8 subsection (a), Section 11-501.1, paragraph (b) of Section
9 11-401, or for reckless homicide as defined in Section 9-3
10 of the Criminal Code of 1961, is guilty of a Class 3
11 felony; and if the person receives a term of probation or
12 conditional discharge, he or she shall be required to serve
13 a mandatory minimum of 10 days of imprisonment or shall be
14 assigned a mandatory minimum of 480 hours of community
15 service, as may be determined by the court, as a condition
16 of the probation or conditional discharge. This mandatory
17 minimum term of imprisonment or assignment of community
18 service shall not be suspended or reduced by the court.

19 (2.2) A person who violates subsection (a), if the
20 violation occurs during a period in which his or her
21 driving privileges are revoked or suspended where the
22 revocation or suspension was for a violation of subsection
23 (a) or Section 11-501.1, shall also be sentenced to an
24 additional mandatory minimum term of 30 consecutive days of
25 imprisonment, 40 days of 24-hour periodic imprisonment, or
26 720 hours of community service, as may be determined by the

1 court. This mandatory term of imprisonment or assignment of
2 community service shall not be suspended or reduced by the
3 court.

4 (3) A person who violates subsection (a) a fourth or
5 subsequent time, if the fourth or subsequent violation
6 occurs during a period in which his or her driving
7 privileges are revoked or suspended where the revocation or
8 suspension was for a violation of subsection (a), Section
9 11-501.1, paragraph (b) of Section 11-401, or for reckless
10 homicide as defined in Section 9-3 of the Criminal Code of
11 1961, is guilty of a Class 2 felony and is not eligible for
12 a sentence of probation or conditional discharge.

13 (c-2) (Blank).

14 (c-3) (Blank).

15 (c-4) (Blank).

16 (c-5)(1) A person who violates subsection (a), if the
17 person was transporting a person under the age of 16 at the
18 time of the violation, is subject to an additional
19 mandatory minimum fine of \$1,000, an additional mandatory
20 minimum 140 hours of community service, which shall include
21 40 hours of community service in a program benefiting
22 children, and an additional 2 days of imprisonment. The
23 imprisonment or assignment of community service under this
24 subdivision (c-5)(1) is not subject to suspension, nor is
25 the person eligible for a reduced sentence.

26 (2) Except as provided in subdivisions (c-5)(3) and

1 (c-5)(4) a person who violates subsection (a) a second
2 time, if at the time of the second violation the person was
3 transporting a person under the age of 16, is subject to an
4 additional 10 days of imprisonment, an additional
5 mandatory minimum fine of \$1,000, and an additional
6 mandatory minimum 140 hours of community service, which
7 shall include 40 hours of community service in a program
8 benefiting children. The imprisonment or assignment of
9 community service under this subdivision (c-5)(2) is not
10 subject to suspension, nor is the person eligible for a
11 reduced sentence.

12 (3) Except as provided in subdivision (c-5)(4), any
13 person convicted of violating subdivision (c-5)(2) or a
14 similar provision within 10 years of a previous violation
15 of subsection (a) or a similar provision shall receive, in
16 addition to any other penalty imposed, a mandatory minimum
17 12 days imprisonment, an additional 40 hours of mandatory
18 community service in a program benefiting children, and a
19 mandatory minimum fine of \$1,750. The imprisonment or
20 assignment of community service under this subdivision
21 (c-5)(3) is not subject to suspension, nor is the person
22 eligible for a reduced sentence.

23 (4) Any person convicted of violating subdivision
24 (c-5)(2) or a similar provision within 5 years of a
25 previous violation of subsection (a) or a similar provision
26 shall receive, in addition to any other penalty imposed, an

1 additional 80 hours of mandatory community service in a
2 program benefiting children, an additional mandatory
3 minimum 12 days of imprisonment, and a mandatory minimum
4 fine of \$1,750. The imprisonment or assignment of community
5 service under this subdivision (c-5)(4) is not subject to
6 suspension, nor is the person eligible for a reduced
7 sentence.

8 (5) Any person convicted a third time for violating
9 subsection (a) or a similar provision, if at the time of
10 the third violation the person was transporting a person
11 under the age of 16, is guilty of a Class 4 felony and
12 shall receive, in addition to any other penalty imposed, an
13 additional mandatory fine of \$1,000, an additional
14 mandatory 140 hours of community service, which shall
15 include 40 hours in a program benefiting children, and a
16 mandatory minimum 30 days of imprisonment. The
17 imprisonment or assignment of community service under this
18 subdivision (c-5)(5) is not subject to suspension, nor is
19 the person eligible for a reduced sentence.

20 (6) Any person convicted of violating subdivision
21 (c-5)(5) or a similar provision a third time within 20
22 years of a previous violation of subsection (a) or a
23 similar provision is guilty of a Class 4 felony and shall
24 receive, in addition to any other penalty imposed, an
25 additional mandatory 40 hours of community service in a
26 program benefiting children, an additional mandatory fine

1 of \$3,000, and a mandatory minimum 120 days of
2 imprisonment. The imprisonment or assignment of community
3 service under this subdivision (c-5)(6) is not subject to
4 suspension, nor is the person eligible for a reduced
5 sentence.

6 (7) Any person convicted a fourth or subsequent time
7 for violating subsection (a) or a similar provision, if at
8 the time of the fourth or subsequent violation the person
9 was transporting a person under the age of 16, and if the
10 person's 3 prior violations of subsection (a) or a similar
11 provision occurred while transporting a person under the
12 age of 16 or while the alcohol concentration in his or her
13 blood, breath, or urine was 0.16 or more based on the
14 definition of blood, breath, or urine units in Section
15 11-501.2, is guilty of a Class 2 felony, is not eligible
16 for probation or conditional discharge, and is subject to a
17 minimum fine of \$3,000.

18 (c-6)(1) Any person convicted of a first violation of
19 subsection (a) or a similar provision, if the alcohol
20 concentration in his or her blood, breath, or urine was
21 0.16 or more based on the definition of blood, breath, or
22 urine units in Section 11-501.2, shall be subject, in
23 addition to any other penalty that may be imposed, to a
24 mandatory minimum of 100 hours of community service and a
25 mandatory minimum fine of \$500.

26 (2) Any person convicted of a second violation of

1 subsection (a) or a similar provision committed within 10
2 years of a previous violation of subsection (a) or a
3 similar provision, if at the time of the second violation
4 of subsection (a) or a similar provision the alcohol
5 concentration in his or her blood, breath, or urine was
6 0.16 or more based on the definition of blood, breath, or
7 urine units in Section 11-501.2, shall be subject, in
8 addition to any other penalty that may be imposed, to a
9 mandatory minimum of 2 days of imprisonment and a mandatory
10 minimum fine of \$1,250.

11 (3) Any person convicted of a third violation of
12 subsection (a) or a similar provision within 20 years of a
13 previous violation of subsection (a) or a similar
14 provision, if at the time of the third violation of
15 subsection (a) or a similar provision the alcohol
16 concentration in his or her blood, breath, or urine was
17 0.16 or more based on the definition of blood, breath, or
18 urine units in Section 11-501.2, is guilty of a Class 4
19 felony and shall be subject, in addition to any other
20 penalty that may be imposed, to a mandatory minimum of 90
21 days of imprisonment and a mandatory minimum fine of
22 \$2,500.

23 (4) Any person convicted of a fourth or subsequent
24 violation of subsection (a) or a similar provision, if at
25 the time of the fourth or subsequent violation the alcohol
26 concentration in his or her blood, breath, or urine was

1 0.16 or more based on the definition of blood, breath, or
2 urine units in Section 11-501.2, and if the person's 3
3 prior violations of subsection (a) or a similar provision
4 occurred while transporting a person under the age of 16 or
5 while the alcohol concentration in his or her blood,
6 breath, or urine was 0.16 or more based on the definition
7 of blood, breath, or urine units in Section 11-501.2, is
8 guilty of a Class 2 felony and is not eligible for a
9 sentence of probation or conditional discharge and is
10 subject to a minimum fine of \$2,500.

11 (d) (1) Every person convicted of committing a violation of
12 this Section shall be guilty of aggravated driving under
13 the influence of alcohol, other drug or drugs, or
14 intoxicating compound or compounds, or any combination
15 thereof if:

16 (A) the person committed a violation of subsection
17 (a) or a similar provision for the third or subsequent
18 time;

19 (B) the person committed a violation of subsection
20 (a) while driving a school bus with persons 18 years of
21 age or younger on board;

22 (C) the person in committing a violation of
23 subsection (a) was involved in a motor vehicle accident
24 that resulted in great bodily harm or permanent
25 disability or disfigurement to another, when the
26 violation was a proximate cause of the injuries;

1 (D) the person committed a violation of subsection
2 (a) for a second time and has been previously convicted
3 of violating Section 9-3 of the Criminal Code of 1961
4 or a similar provision of a law of another state
5 relating to reckless homicide in which the person was
6 determined to have been under the influence of alcohol,
7 other drug or drugs, or intoxicating compound or
8 compounds as an element of the offense or the person
9 has previously been convicted under subparagraph (C)
10 or subparagraph (F) of this paragraph (1);

11 (E) the person, in committing a violation of
12 subsection (a) while driving at any speed in a school
13 speed zone at a time when a speed limit of 20 miles per
14 hour was in effect under subsection (a) of Section
15 11-605 of this Code, was involved in a motor vehicle
16 accident that resulted in bodily harm, other than great
17 bodily harm or permanent disability or disfigurement,
18 to another person, when the violation of subsection (a)
19 was a proximate cause of the bodily harm; or

20 (F) the person, in committing a violation of
21 subsection (a), was involved in a motor vehicle,
22 snowmobile, all-terrain vehicle, or watercraft
23 accident that resulted in the death of another person,
24 when the violation of subsection (a) was a proximate
25 cause of the death.

26 (2) Except as provided in this paragraph (2), a person

1 convicted of aggravated driving under the influence of
2 alcohol, other drug or drugs, or intoxicating compound or
3 compounds, or any combination thereof is guilty of a Class
4 4 felony. For a violation of subparagraph (C) of paragraph
5 (1) of this subsection (d), the defendant, if sentenced to
6 a term of imprisonment, shall be sentenced to not less than
7 one year nor more than 12 years. Aggravated driving under
8 the influence of alcohol, other drug or drugs, or
9 intoxicating compound or compounds, or any combination
10 thereof as defined in subparagraph (F) of paragraph (1) of
11 this subsection (d) is a Class 2 felony, for which the
12 defendant, if sentenced to a term of imprisonment, shall be
13 sentenced to: (A) a term of imprisonment of not less than 3
14 years and not more than 14 years if the violation resulted
15 in the death of one person; or (B) a term of imprisonment
16 of not less than 6 years and not more than 28 years if the
17 violation resulted in the deaths of 2 or more persons. For
18 any prosecution under this subsection (d), a certified copy
19 of the driving abstract of the defendant shall be admitted
20 as proof of any prior conviction. Any person sentenced
21 under this subsection (d) who receives a term of probation
22 or conditional discharge must serve a minimum term of
23 either 480 hours of community service or 10 days of
24 imprisonment as a condition of the probation or conditional
25 discharge. This mandatory minimum term of imprisonment or
26 assignment of community service may not be suspended or

1 reduced by the court.

2 (e) After a finding of guilt and prior to any final
3 sentencing, or an order for supervision, for an offense based
4 upon an arrest for a violation of this Section or a similar
5 provision of a local ordinance, individuals shall be required
6 to undergo a professional evaluation to determine if an
7 alcohol, drug, or intoxicating compound abuse problem exists
8 and the extent of the problem, and undergo the imposition of
9 treatment as appropriate. Programs conducting these
10 evaluations shall be licensed by the Department of Human
11 Services. The cost of any professional evaluation shall be paid
12 for by the individual required to undergo the professional
13 evaluation.

14 (e-1) Any person who is found guilty of or pleads guilty to
15 violating this Section, including any person receiving a
16 disposition of court supervision for violating this Section,
17 may be required by the Court to attend a victim impact panel
18 offered by, or under contract with, a County State's Attorney's
19 office, a probation and court services department, Mothers
20 Against Drunk Driving, or the Alliance Against Intoxicated
21 Motorists. All costs generated by the victim impact panel shall
22 be paid from fees collected from the offender or as may be
23 determined by the court.

24 (f) Every person found guilty of violating this Section,
25 whose operation of a motor vehicle while in violation of this
26 Section proximately caused any incident resulting in an

1 appropriate emergency response, shall be liable for the expense
2 of an emergency response as provided in subsection (m) of this
3 Section.

4 (g) The Secretary of State shall revoke the driving
5 privileges of any person convicted under this Section or a
6 similar provision of a local ordinance.

7 (h) (Blank).

8 (i) The Secretary of State shall require the use of
9 ignition interlock devices on all vehicles owned by an
10 individual who has been convicted of a second or subsequent
11 offense of this Section or a similar provision of a local
12 ordinance. The Secretary shall establish by rule and regulation
13 the procedures for certification and use of the interlock
14 system.

15 (j) In addition to any other penalties and liabilities, a
16 person who is found guilty of or pleads guilty to violating
17 subsection (a), including any person placed on court
18 supervision for violating subsection (a), shall be fined \$500,
19 payable to the circuit clerk, who shall distribute the money as
20 follows: 20% to the law enforcement agency that made the arrest
21 and 80% shall be forwarded to the State Treasurer for deposit
22 into the General Revenue Fund. If the person has been
23 previously convicted of violating subsection (a) or a similar
24 provision of a local ordinance, the fine shall be \$1,000. In
25 the event that more than one agency is responsible for the
26 arrest, the amount payable to law enforcement agencies shall be

1 shared equally. Any moneys received by a law enforcement agency
2 under this subsection (j) shall be used for enforcement and
3 prevention of driving while under the influence of alcohol,
4 other drug or drugs, intoxicating compound or compounds or any
5 combination thereof, as defined by this Section, including but
6 not limited to the purchase of law enforcement equipment and
7 commodities that will assist in the prevention of alcohol
8 related criminal violence throughout the State; police officer
9 training and education in areas related to alcohol related
10 crime, including but not limited to DUI training; and police
11 officer salaries, including but not limited to salaries for
12 hire back funding for safety checkpoints, saturation patrols,
13 and liquor store sting operations. Equipment and commodities
14 shall include, but are not limited to, in-car video cameras,
15 radar and laser speed detection devices, and alcohol breath
16 testers. Any moneys received by the Department of State Police
17 under this subsection (j) shall be deposited into the State
18 Police DUI Fund and shall be used for enforcement and
19 prevention of driving while under the influence of alcohol,
20 other drug or drugs, intoxicating compound or compounds or any
21 combination thereof, as defined by this Section, including but
22 not limited to the purchase of law enforcement equipment and
23 commodities that will assist in the prevention of alcohol
24 related criminal violence throughout the State; police officer
25 training and education in areas related to alcohol related
26 crime, including but not limited to DUI training; and police

1 officer salaries, including but not limited to salaries for
2 hire back funding for safety checkpoints, saturation patrols,
3 and liquor store sting operations.

4 (k) The Secretary of State Police DUI Fund is created as a
5 special fund in the State treasury. All moneys received by the
6 Secretary of State Police under subsection (j) of this Section
7 shall be deposited into the Secretary of State Police DUI Fund
8 and, subject to appropriation, shall be used for enforcement
9 and 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 this Section, including but
12 not limited to the purchase of law enforcement equipment and
13 commodities to assist in the prevention of alcohol related
14 criminal violence throughout the State; police officer
15 training and education in areas related to alcohol related
16 crime, including but not limited to DUI training; and police
17 officer salaries, including but not limited to salaries for
18 hire back funding for safety checkpoints, saturation patrols,
19 and liquor store sting operations.

20 (l) Whenever an individual is sentenced for an offense
21 based upon an arrest for a violation of subsection (a) or a
22 similar provision of a local ordinance, and the professional
23 evaluation recommends remedial or rehabilitative treatment or
24 education, neither the treatment nor the education shall be the
25 sole disposition and either or both may be imposed only in
26 conjunction with another disposition. The court shall monitor

1 compliance with any remedial education or treatment
2 recommendations contained in the professional evaluation.
3 Programs conducting alcohol or other drug evaluation or
4 remedial education must be licensed by the Department of Human
5 Services. If the individual is not a resident of Illinois,
6 however, the court may accept an alcohol or other drug
7 evaluation or remedial education program in the individual's
8 state of residence. Programs providing treatment must be
9 licensed under existing applicable alcoholism and drug
10 treatment licensure standards.

11 (m) In addition to any other fine or penalty required by
12 law, an individual convicted of a violation of subsection (a),
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, whose operation of a motor vehicle,
16 snowmobile, or watercraft while in violation of subsection (a),
17 Section 5-7 of the Snowmobile Registration and Safety Act,
18 Section 5-16 of the Boat Registration and Safety Act, or a
19 similar provision proximately caused an incident resulting in
20 an appropriate emergency response, shall be required to make
21 restitution to a public agency for the costs of that emergency
22 response. The restitution may not exceed \$1,000 per public
23 agency for each emergency response. As used in this subsection
24 (m), "emergency response" means any incident requiring a
25 response by a police officer, a firefighter carried on the
26 rolls of a regularly constituted fire department, or an

1 ambulance.

2 (Source: P.A. 93-1093, eff. 3-29-05; 94-963, eff. 6-28-06;
3 95-149, eff. 8-14-07; 95-355, eff. 1-1-08; revised 11-28-07.)

4 (Text of Section from P.A. 94-110, 94-963, 95-149, and
5 95-355)

6 Sec. 11-501. Driving while under the influence of alcohol,
7 other drug or drugs, intoxicating compound or compounds or any
8 combination thereof.

9 (a) A person shall not drive or be in actual physical
10 control of any vehicle within this State while:

11 (1) the alcohol concentration in the person's blood or
12 breath is 0.08 or more based on the definition of blood and
13 breath units in Section 11-501.2;

14 (2) under the influence of alcohol;

15 (3) under the influence of any intoxicating compound or
16 combination of intoxicating compounds to a degree that
17 renders the person incapable of driving safely;

18 (4) under the influence of any other drug or
19 combination of drugs to a degree that renders the person
20 incapable of safely driving;

21 (5) under the combined influence of alcohol, other drug
22 or drugs, or intoxicating compound or compounds to a degree
23 that renders the person incapable of safely driving; or

24 (6) there is any amount of a drug, substance, or
25 compound in the person's breath, blood, or urine resulting

1 from the unlawful use or consumption of cannabis listed in
2 the Cannabis Control Act, a controlled substance listed in
3 the Illinois Controlled Substances Act, an intoxicating
4 compound listed in the Use of Intoxicating Compounds Act,
5 or methamphetamine as listed in the Methamphetamine
6 Control and Community Protection Act.

7 (b) The fact that any person charged with violating this
8 Section is or has been legally entitled to use alcohol, other
9 drug or drugs, or intoxicating compound or compounds, or any
10 combination thereof, shall not constitute a defense against any
11 charge of violating this Section.

12 (b-1) With regard to penalties imposed under this Section:

13 (1) Any reference to a prior violation of subsection
14 (a) or a similar provision includes any violation of a
15 provision of a local ordinance or a provision of a law of
16 another state or an offense committed on a military
17 installation that is similar to a violation of subsection
18 (a) of this Section.

19 (2) Any penalty imposed for driving with a license that
20 has been revoked for a previous violation of subsection (a)
21 of this Section shall be in addition to the penalty imposed
22 for any subsequent violation of subsection (a).

23 (b-2) Except as otherwise provided in this Section, any
24 person convicted of violating subsection (a) of this Section is
25 guilty of a Class A misdemeanor.

26 (b-3) In addition to any other criminal or administrative

1 sanction for any second conviction of violating subsection (a)
2 or a similar provision committed within 5 years of a previous
3 violation of subsection (a) or a similar provision, the
4 defendant shall be sentenced to a mandatory minimum of 5 days
5 of imprisonment or assigned a mandatory minimum of 240 hours of
6 community service as may be determined by the court.

7 (b-4) In the case of a third or subsequent violation
8 committed within 5 years of a previous violation of subsection
9 (a) or a similar provision, in addition to any other criminal
10 or administrative sanction, a mandatory minimum term of either
11 10 days of imprisonment or 480 hours of community service shall
12 be imposed.

13 (b-5) The imprisonment or assignment of community service
14 under subsections (b-3) and (b-4) shall not be subject to
15 suspension, nor shall the person be eligible for a reduced
16 sentence.

17 (c) (Blank).

18 (c-1) (1) A person who violates subsection (a) during a
19 period in which his or her driving privileges are revoked
20 or suspended, where the revocation or suspension was for a
21 violation of subsection (a), Section 11-501.1, paragraph
22 (b) of Section 11-401, or for reckless homicide as defined
23 in Section 9-3 of the Criminal Code of 1961 is guilty of a
24 Class 4 felony.

25 (2) A person who violates subsection (a) a third time,
26 if the third violation occurs during a period in which his

1 or her driving privileges are revoked or suspended where
2 the revocation or suspension was for a violation of
3 subsection (a), Section 11-501.1, paragraph (b) of Section
4 11-401, or for reckless homicide as defined in Section 9-3
5 of the Criminal Code of 1961, is guilty of a Class 3
6 felony; and if the person receives a term of probation or
7 conditional discharge, he or she shall be required to serve
8 a mandatory minimum of 10 days of imprisonment or shall be
9 assigned a mandatory minimum of 480 hours of community
10 service, as may be determined by the court, as a condition
11 of the probation or conditional discharge. This mandatory
12 minimum term of imprisonment or assignment of community
13 service shall not be suspended or reduced by the court.

14 (2.2) A person who violates subsection (a), if the
15 violation occurs during a period in which his or her
16 driving privileges are revoked or suspended where the
17 revocation or suspension was for a violation of subsection
18 (a) or Section 11-501.1, shall also be sentenced to an
19 additional mandatory minimum term of 30 consecutive days of
20 imprisonment, 40 days of 24-hour periodic imprisonment, or
21 720 hours of community service, as may be determined by the
22 court. This mandatory term of imprisonment or assignment of
23 community service shall not be suspended or reduced by the
24 court.

25 (3) A person who violates subsection (a) a fourth or
26 subsequent time, if the fourth or subsequent violation

1 occurs during a period in which his or her driving
2 privileges are revoked or suspended where the revocation or
3 suspension was for a violation of subsection (a), Section
4 11-501.1, paragraph (b) of Section 11-401, or for reckless
5 homicide as defined in Section 9-3 of the Criminal Code of
6 1961, is guilty of a Class 2 felony and is not eligible for
7 a sentence of probation or conditional discharge.

8 (c-2) (Blank).

9 (c-3) (Blank).

10 (c-4) (Blank).

11 (c-5) Except as provided in subsection (c-5.1), a person 21
12 years of age or older who violates subsection (a), if the
13 person was transporting a person under the age of 16 at the
14 time of the violation, is subject to 6 months of imprisonment,
15 an additional mandatory minimum fine of \$1,000, and 25 days of
16 community service in a program benefiting children. The
17 imprisonment or assignment of community service under this
18 subsection (c-5) is not subject to suspension, nor is the
19 person eligible for a reduced sentence.

20 (c-5.1) A person 21 years of age or older who is convicted
21 of violating subsection (a) of this Section a first time and
22 who in committing that violation was involved in a motor
23 vehicle accident that resulted in bodily harm to the child
24 under the age of 16 being transported by the person, if the
25 violation was the proximate cause of the injury, is guilty of a
26 Class 4 felony and is subject to one year of imprisonment, a

1 mandatory fine of \$2,500, and 25 days of community service in a
2 program benefiting children. The imprisonment or assignment to
3 community service under this subsection (c-5.1) shall not be
4 subject to suspension, nor shall the person be eligible for
5 probation in order to reduce the sentence or assignment.

6 (c-6) Except as provided in subsections (c-7) and (c-7.1),
7 a person 21 years of age or older who violates subsection (a) a
8 second time, if at the time of the second violation the person
9 was transporting a person under the age of 16, is subject to 6
10 months of imprisonment, an additional mandatory minimum fine of
11 \$1,000, and an additional mandatory minimum 140 hours of
12 community service, which shall include 40 hours of community
13 service in a program benefiting children. The imprisonment or
14 assignment of community service under this subsection (c-6) is
15 not subject to suspension, nor is the person eligible for a
16 reduced sentence.

17 (c-7) Except as provided in subsection (c-7.1), any person
18 21 years of age or older convicted of violating subsection
19 (c-6) or a similar provision within 10 years of a previous
20 violation of subsection (a) or a similar provision is guilty of
21 a Class 4 felony and, in addition to any other penalty imposed,
22 is subject to one year of imprisonment, 25 days of mandatory
23 community service in a program benefiting children, and a
24 mandatory fine of \$2,500. The imprisonment or assignment of
25 community service under this subsection (c-7) is not subject to
26 suspension, nor is the person eligible for a reduced sentence.

1 (c-7.1) A person 21 years of age or older who is convicted
2 of violating subsection (a) of this Section a second time
3 within 10 years and who in committing that violation was
4 involved in a motor vehicle accident that resulted in bodily
5 harm to the child under the age of 16 being transported, if the
6 violation was the proximate cause of the injury, is guilty of a
7 Class 4 felony and is subject to 18 months of imprisonment, a
8 mandatory fine of \$5,000, and 25 days of community service in a
9 program benefiting children. The imprisonment or assignment to
10 community service under this subsection (c-7.1) shall not be
11 subject to suspension, nor shall the person be eligible for
12 probation in order to reduce the sentence or assignment.

13 (c-8) (Blank).

14 (c-9) Any person 21 years of age or older convicted a third
15 time for violating subsection (a) or a similar provision, if at
16 the time of the third violation the person was transporting a
17 person under the age of 16, is guilty of a Class 4 felony and is
18 subject to 18 months of imprisonment, a mandatory fine of
19 \$2,500, and 25 days of community service in a program
20 benefiting children. The imprisonment or assignment of
21 community service under this subsection (c-9) is not subject to
22 suspension, nor is the person eligible for a reduced sentence.

23 (c-10) Any person 21 years of age or older convicted of
24 violating subsection (c-9) or a similar provision a third time
25 within 20 years of a previous violation of subsection (a) or a
26 similar provision is guilty of a Class 3 felony and, in

1 addition to any other penalty imposed, is subject to 3 years of
2 imprisonment, 25 days of community service in a program
3 benefiting children, and a mandatory fine of \$25,000. The
4 imprisonment or assignment of community service under this
5 subsection (c-10) is not subject to suspension, nor is the
6 person eligible for a reduced sentence.

7 (c-11) Any person 21 years of age or older convicted a
8 fourth or subsequent time for violating subsection (a) or a
9 similar provision, if at the time of the fourth or subsequent
10 violation the person was transporting a person under the age of
11 16, and if the person's 3 prior violations of subsection (a) or
12 a similar provision occurred while transporting a person under
13 the age of 16 or while the alcohol concentration in his or her
14 blood, breath, or urine was 0.16 or more based on the
15 definition of blood, breath, or urine units in Section
16 11-501.2, is guilty of a Class 2 felony, is not eligible for
17 probation or conditional discharge, and is subject to a minimum
18 fine of \$25,000.

19 (c-12) Any person convicted of a first violation of
20 subsection (a) or a similar provision, if the alcohol
21 concentration in his or her blood, breath, or urine was 0.16 or
22 more based on the definition of blood, breath, or urine units
23 in Section 11-501.2, shall be subject, in addition to any other
24 penalty that may be imposed, to a mandatory minimum of 100
25 hours of community service and a mandatory minimum fine of
26 \$500.

1 (c-13) Any person convicted of a second violation of
2 subsection (a) or a similar provision committed within 10 years
3 of a previous violation of subsection (a) or a similar
4 provision, if at the time of the second violation of subsection
5 (a) or a similar provision the alcohol concentration in his or
6 her blood, breath, or urine was 0.16 or more based on the
7 definition of blood, breath, or urine units in Section
8 11-501.2, shall be subject, in addition to any other penalty
9 that may be imposed, to a mandatory minimum of 2 days of
10 imprisonment and a mandatory minimum fine of \$1,250.

11 (c-14) Any person convicted of a third violation of
12 subsection (a) or a similar provision within 20 years of a
13 previous violation of subsection (a) or a similar provision, if
14 at the time of the third violation of subsection (a) or a
15 similar provision the alcohol concentration in his or her
16 blood, breath, or urine was 0.16 or more based on the
17 definition of blood, breath, or urine units in Section
18 11-501.2, is guilty of a Class 4 felony and shall be subject,
19 in addition to any other penalty that may be imposed, to a
20 mandatory minimum of 90 days of imprisonment and a mandatory
21 minimum fine of \$2,500.

22 (c-15) Any person convicted of a fourth or subsequent
23 violation of subsection (a) or a similar provision, if at the
24 time of the fourth or subsequent violation the alcohol
25 concentration in his or her blood, breath, or urine was 0.16 or
26 more based on the definition of blood, breath, or urine units

1 in Section 11-501.2, and if the person's 3 prior violations of
2 subsection (a) or a similar provision occurred while
3 transporting a person under the age of 16 or while the alcohol
4 concentration in his or her blood, breath, or urine was 0.16 or
5 more based on the definition of blood, breath, or urine units
6 in Section 11-501.2, is guilty of a Class 2 felony and is not
7 eligible for a sentence of probation or conditional discharge
8 and is subject to a minimum fine of \$2,500.

9 (d) (1) Every person convicted of committing a violation of
10 this Section shall be guilty of aggravated driving under
11 the influence of alcohol, other drug or drugs, or
12 intoxicating compound or compounds, or any combination
13 thereof if:

14 (A) the person committed a violation of subsection
15 (a) or a similar provision for the third or subsequent
16 time;

17 (B) the person committed a violation of subsection
18 (a) while driving a school bus with persons 18 years of
19 age or younger on board;

20 (C) the person in committing a violation of
21 subsection (a) was involved in a motor vehicle accident
22 that resulted in great bodily harm or permanent
23 disability or disfigurement to another, when the
24 violation was a proximate cause of the injuries;

25 (D) the person committed a violation of subsection
26 (a) for a second time and has been previously convicted

1 of violating Section 9-3 of the Criminal Code of 1961
2 or a similar provision of a law of another state
3 relating to reckless homicide in which the person was
4 determined to have been under the influence of alcohol,
5 other drug or drugs, or intoxicating compound or
6 compounds as an element of the offense or the person
7 has previously been convicted under subparagraph (C)
8 or subparagraph (F) of this paragraph (1);

9 (E) the person, in committing a violation of
10 subsection (a) while driving at any speed in a school
11 speed zone at a time when a speed limit of 20 miles per
12 hour was in effect under subsection (a) of Section
13 11-605 of this Code, was involved in a motor vehicle
14 accident that resulted in bodily harm, other than great
15 bodily harm or permanent disability or disfigurement,
16 to another person, when the violation of subsection (a)
17 was a proximate cause of the bodily harm; or

18 (F) the person, in committing a violation of
19 subsection (a), was involved in a motor vehicle,
20 snowmobile, all-terrain vehicle, or watercraft
21 accident that resulted in the death of another person,
22 when the violation of subsection (a) was a proximate
23 cause of the death.

24 (2) Except as provided in this paragraph (2), a person
25 convicted of aggravated driving under the influence of
26 alcohol, other drug or drugs, or intoxicating compound or

1 compounds, or any combination thereof is guilty of a Class
2 4 felony. For a violation of subparagraph (C) of paragraph
3 (1) of this subsection (d), the defendant, if sentenced to
4 a term of imprisonment, shall be sentenced to not less than
5 one year nor more than 12 years. Aggravated driving under
6 the influence of alcohol, other drug or drugs, or
7 intoxicating compound or compounds, or any combination
8 thereof as defined in subparagraph (F) of paragraph (1) of
9 this subsection (d) is a Class 2 felony, for which the
10 defendant, if sentenced to a term of imprisonment, shall be
11 sentenced to: (A) a term of imprisonment of not less than 3
12 years and not more than 14 years if the violation resulted
13 in the death of one person; or (B) a term of imprisonment
14 of not less than 6 years and not more than 28 years if the
15 violation resulted in the deaths of 2 or more persons. For
16 any prosecution under this subsection (d), a certified copy
17 of the driving abstract of the defendant shall be admitted
18 as proof of any prior conviction. Any person sentenced
19 under this subsection (d) who receives a term of probation
20 or conditional discharge must serve a minimum term of
21 either 480 hours of community service or 10 days of
22 imprisonment as a condition of the probation or conditional
23 discharge. This mandatory minimum term of imprisonment or
24 assignment of community service may not be suspended or
25 reduced by the court.

26 (e) After a finding of guilt and prior to any final

1 sentencing, or an order for supervision, for an offense based
2 upon an arrest for a violation of this Section or a similar
3 provision of a local ordinance, individuals shall be required
4 to undergo a professional evaluation to determine if an
5 alcohol, drug, or intoxicating compound abuse problem exists
6 and the extent of the problem, and undergo the imposition of
7 treatment as appropriate. Programs conducting these
8 evaluations shall be licensed by the Department of Human
9 Services. The cost of any professional evaluation shall be paid
10 for by the individual required to undergo the professional
11 evaluation.

12 (e-1) Any person who is found guilty of or pleads guilty to
13 violating this Section, including any person receiving a
14 disposition of court supervision for violating this Section,
15 may be required by the Court to attend a victim impact panel
16 offered by, or under contract with, a County State's Attorney's
17 office, a probation and court services department, Mothers
18 Against Drunk Driving, or the Alliance Against Intoxicated
19 Motorists. All costs generated by the victim impact panel shall
20 be paid from fees collected from the offender or as may be
21 determined by the court.

22 (f) Every person found guilty of violating this Section,
23 whose operation of a motor vehicle while in violation of this
24 Section proximately caused any incident resulting in an
25 appropriate emergency response, shall be liable for the expense
26 of an emergency response as provided in subsection (m) of this

1 Section.

2 (g) The Secretary of State shall revoke the driving
3 privileges of any person convicted under this Section or a
4 similar provision of a local ordinance.

5 (h) (Blank).

6 (i) The Secretary of State shall require the use of
7 ignition interlock devices on all vehicles owned by an
8 individual who has been convicted of a second or subsequent
9 offense of this Section or a similar provision of a local
10 ordinance. The Secretary shall establish by rule and regulation
11 the procedures for certification and use of the interlock
12 system.

13 (j) In addition to any other penalties and liabilities, a
14 person who is found guilty of or pleads guilty to violating
15 subsection (a), including any person placed on court
16 supervision for violating subsection (a), shall be fined \$500,
17 payable to the circuit clerk, who shall distribute the money as
18 follows: 20% to the law enforcement agency that made the arrest
19 and 80% shall be forwarded to the State Treasurer for deposit
20 into the General Revenue Fund. If the person has been
21 previously convicted of violating subsection (a) or a similar
22 provision of a local ordinance, the fine shall be \$1,000. In
23 the event that more than one agency is responsible for the
24 arrest, the amount payable to law enforcement agencies shall be
25 shared equally. Any moneys received by a law enforcement agency
26 under this subsection (j) shall be used for enforcement and

1 prevention of driving while under the influence of alcohol,
2 other drug or drugs, intoxicating compound or compounds or any
3 combination thereof, as defined by this Section, including but
4 not limited to the purchase of law enforcement equipment and
5 commodities that will assist in the prevention of alcohol
6 related criminal violence throughout the State; police officer
7 training and education in areas related to alcohol related
8 crime, including but not limited to DUI training; and police
9 officer salaries, including but not limited to salaries for
10 hire back funding for safety checkpoints, saturation patrols,
11 and liquor store sting operations. Equipment and commodities
12 shall include, but are not limited to, in-car video cameras,
13 radar and laser speed detection devices, and alcohol breath
14 testers. Any moneys received by the Department of State Police
15 under this subsection (j) shall be deposited into the State
16 Police DUI Fund and shall be used for enforcement and
17 prevention of driving while under the influence of alcohol,
18 other drug or drugs, intoxicating compound or compounds or any
19 combination thereof, as defined by this Section, including but
20 not limited to the purchase of law enforcement equipment and
21 commodities that will assist in the prevention of alcohol
22 related criminal violence throughout the State; police officer
23 training and education in areas related to alcohol related
24 crime, including but not limited to DUI training; and police
25 officer salaries, including but not limited to salaries for
26 hire back funding for safety checkpoints, saturation patrols,

1 and liquor store sting operations.

2 (k) The Secretary of State Police DUI Fund is created as a
3 special fund in the State treasury. All moneys received by the
4 Secretary of State Police under subsection (j) of this Section
5 shall be deposited into the Secretary of State Police DUI Fund
6 and, subject to appropriation, shall be used for enforcement
7 and prevention of driving while under the influence of alcohol,
8 other drug or drugs, intoxicating compound or compounds or any
9 combination thereof, as defined by this Section, including but
10 not limited to the purchase of law enforcement equipment and
11 commodities to assist in the prevention of alcohol related
12 criminal violence throughout the State; police officer
13 training and education in areas related to alcohol related
14 crime, including but not limited to DUI training; and police
15 officer salaries, including but not limited to salaries for
16 hire back funding for safety checkpoints, saturation patrols,
17 and liquor store sting operations.

18 (l) Whenever an individual is sentenced for an offense
19 based upon an arrest for a violation of subsection (a) or a
20 similar provision of a local ordinance, and the professional
21 evaluation recommends remedial or rehabilitative treatment or
22 education, neither the treatment nor the education shall be the
23 sole disposition and either or both may be imposed only in
24 conjunction with another disposition. The court shall monitor
25 compliance with any remedial education or treatment
26 recommendations contained in the professional evaluation.

1 Programs conducting alcohol or other drug evaluation or
2 remedial education must be licensed by the Department of Human
3 Services. If the individual is not a resident of Illinois,
4 however, the court may accept an alcohol or other drug
5 evaluation or remedial education program in the individual's
6 state of residence. Programs providing treatment must be
7 licensed under existing applicable alcoholism and drug
8 treatment licensure standards.

9 (m) In addition to any other fine or penalty required by
10 law, an individual convicted of a violation of subsection (a),
11 Section 5-7 of the Snowmobile Registration and Safety Act,
12 Section 5-16 of the Boat Registration and Safety Act, or a
13 similar provision, whose operation of a motor vehicle,
14 snowmobile, or watercraft while in violation of subsection (a),
15 Section 5-7 of the Snowmobile Registration and Safety Act,
16 Section 5-16 of the Boat Registration and Safety Act, or a
17 similar provision proximately caused an incident resulting in
18 an appropriate emergency response, shall be required to make
19 restitution to a public agency for the costs of that emergency
20 response. The restitution may not exceed \$1,000 per public
21 agency for each emergency response. As used in this subsection
22 (m), "emergency response" means any incident requiring a
23 response by a police officer, a firefighter carried on the
24 rolls of a regularly constituted fire department, or an
25 ambulance.

26 (Source: P.A. 94-110, eff. 1-1-06; 94-963, eff. 6-28-06;

1 95-149, eff. 8-14-07; 95-355, eff. 1-1-08; revised 11-28-07.)

2 (Text of Section from P.A. 94-113, 94-609, 94-963, 95-149,
3 and 95-355)

4 Sec. 11-501. Driving while under the influence of alcohol,
5 other drug or drugs, intoxicating compound or compounds or any
6 combination thereof.

7 (a) A person shall not drive or be in actual physical
8 control of any vehicle within this State while:

9 (1) the alcohol concentration in the person's blood or
10 breath is 0.08 or more based on the definition of blood and
11 breath units in Section 11-501.2;

12 (2) under the influence of alcohol;

13 (3) under the influence of any intoxicating compound or
14 combination of intoxicating compounds to a degree that
15 renders the person incapable of driving safely;

16 (4) under the influence of any other drug or
17 combination of drugs to a degree that renders the person
18 incapable of safely driving;

19 (5) under the combined influence of alcohol, other drug
20 or drugs, or intoxicating compound or compounds to a degree
21 that renders the person incapable of safely driving; or

22 (6) there is any amount of a drug, substance, or
23 compound in the person's breath, blood, or urine resulting
24 from the unlawful use or consumption of cannabis listed in
25 the Cannabis Control Act, a controlled substance listed in

1 the Illinois Controlled Substances Act, an intoxicating
2 compound listed in the Use of Intoxicating Compounds Act,
3 or methamphetamine as listed in the Methamphetamine
4 Control and Community Protection Act.

5 (b) The fact that any person charged with violating this
6 Section is or has been legally entitled to use alcohol, other
7 drug or drugs, or intoxicating compound or compounds, or any
8 combination thereof, shall not constitute a defense against any
9 charge of violating this Section.

10 (b-1) With regard to penalties imposed under this Section:

11 (1) Any reference to a prior violation of subsection
12 (a) or a similar provision includes any violation of a
13 provision of a local ordinance or a provision of a law of
14 another state or an offense committed on a military
15 installation that is similar to a violation of subsection
16 (a) of this Section.

17 (2) Any penalty imposed for driving with a license that
18 has been revoked for a previous violation of subsection (a)
19 of this Section shall be in addition to the penalty imposed
20 for any subsequent violation of subsection (a).

21 (b-2) Except as otherwise provided in this Section, any
22 person convicted of violating subsection (a) of this Section is
23 guilty of a Class A misdemeanor.

24 (b-3) In addition to any other criminal or administrative
25 sanction for any second conviction of violating subsection (a)
26 or a similar provision committed within 5 years of a previous

1 violation of subsection (a) or a similar provision, the
2 defendant shall be sentenced to a mandatory minimum of 5 days
3 of imprisonment or assigned a mandatory minimum of 240 hours of
4 community service as may be determined by the court.

5 (b-4) In the case of a third or subsequent violation
6 committed within 5 years of a previous violation of subsection
7 (a) or a similar provision, in addition to any other criminal
8 or administrative sanction, a mandatory minimum term of either
9 10 days of imprisonment or 480 hours of community service shall
10 be imposed.

11 (b-5) The imprisonment or assignment of community service
12 under subsections (b-3) and (b-4) shall not be subject to
13 suspension, nor shall the person be eligible for a reduced
14 sentence.

15 (c) (Blank).

16 (c-1) (1) A person who violates subsection (a) during a
17 period in which his or her driving privileges are revoked
18 or suspended, where the revocation or suspension was for a
19 violation of subsection (a), Section 11-501.1, paragraph
20 (b) of Section 11-401, or for reckless homicide as defined
21 in Section 9-3 of the Criminal Code of 1961 is guilty of a
22 Class 4 felony.

23 (2) A person who violates subsection (a) a third time,
24 if the third violation occurs during a period in which his
25 or her driving privileges are revoked or suspended where
26 the revocation or suspension was for a violation of

1 subsection (a), Section 11-501.1, paragraph (b) of Section
2 11-401, or for reckless homicide as defined in Section 9-3
3 of the Criminal Code of 1961, is guilty of a Class 3
4 felony.

5 (2.1) A person who violates subsection (a) a third
6 time, if the third violation occurs during a period in
7 which his or her driving privileges are revoked or
8 suspended where the revocation or suspension was for a
9 violation of subsection (a), Section 11-501.1, subsection
10 (b) of Section 11-401, or for reckless homicide as defined
11 in Section 9-3 of the Criminal Code of 1961, is guilty of a
12 Class 3 felony; and if the person receives a term of
13 probation or conditional discharge, he or she shall be
14 required to serve a mandatory minimum of 10 days of
15 imprisonment or shall be assigned a mandatory minimum of
16 480 hours of community service, as may be determined by the
17 court, as a condition of the probation or conditional
18 discharge. This mandatory minimum term of imprisonment or
19 assignment of community service shall not be suspended or
20 reduced by the court.

21 (2.2) A person who violates subsection (a), if the
22 violation occurs during a period in which his or her
23 driving privileges are revoked or suspended where the
24 revocation or suspension was for a violation of subsection
25 (a) or Section 11-501.1, shall also be sentenced to an
26 additional mandatory minimum term of 30 consecutive days of

1 imprisonment, 40 days of 24-hour periodic imprisonment, or
2 720 hours of community service, as may be determined by the
3 court. This mandatory term of imprisonment or assignment of
4 community service shall not be suspended or reduced by the
5 court.

6 (3) A person who violates subsection (a) a fourth or
7 subsequent time, if the fourth or subsequent violation
8 occurs during a period in which his or her driving
9 privileges are revoked or suspended where the revocation or
10 suspension was for a violation of subsection (a), Section
11 11-501.1, paragraph (b) of Section 11-401, or for reckless
12 homicide as defined in Section 9-3 of the Criminal Code of
13 1961, is guilty of a Class 2 felony and is not eligible for
14 a sentence of probation or conditional discharge.

15 (c-2) (Blank).

16 (c-3) (Blank).

17 (c-4) (Blank).

18 (c-5) A person who violates subsection (a), if the person
19 was transporting a person under the age of 16 at the time of
20 the violation, is subject to an additional mandatory minimum
21 fine of \$1,000, an additional mandatory minimum 140 hours of
22 community service, which shall include 40 hours of community
23 service in a program benefiting children, and an additional 2
24 days of imprisonment. The imprisonment or assignment of
25 community service under this subsection (c-5) is not subject to
26 suspension, nor is the person eligible for a reduced sentence.

1 (c-6) Except as provided in subsections (c-7) and (c-8) a
2 person who violates subsection (a) a second time, if at the
3 time of the second violation the person was transporting a
4 person under the age of 16, is subject to an additional 10 days
5 of imprisonment, an additional mandatory minimum fine of
6 \$1,000, and an additional mandatory minimum 140 hours of
7 community service, which shall include 40 hours of community
8 service in a program benefiting children. The imprisonment or
9 assignment of community service under this subsection (c-6) is
10 not subject to suspension, nor is the person eligible for a
11 reduced sentence.

12 (c-7) Except as provided in subsection (c-8), any person
13 convicted of violating subsection (c-6) or a similar provision
14 within 10 years of a previous violation of subsection (a) or a
15 similar provision shall receive, in addition to any other
16 penalty imposed, a mandatory minimum 12 days imprisonment, an
17 additional 40 hours of mandatory community service in a program
18 benefiting children, and a mandatory minimum fine of \$1,750.
19 The imprisonment or assignment of community service under this
20 subsection (c-7) is not subject to suspension, nor is the
21 person eligible for a reduced sentence.

22 (c-8) Any person convicted of violating subsection (c-6) or
23 a similar provision within 5 years of a previous violation of
24 subsection (a) or a similar provision shall receive, in
25 addition to any other penalty imposed, an additional 80 hours
26 of mandatory community service in a program benefiting

1 children, an additional mandatory minimum 12 days of
2 imprisonment, and a mandatory minimum fine of \$1,750. The
3 imprisonment or assignment of community service under this
4 subsection (c-8) is not subject to suspension, nor is the
5 person eligible for a reduced sentence.

6 (c-9) Any person convicted a third time for violating
7 subsection (a) or a similar provision, if at the time of the
8 third violation the person was transporting a person under the
9 age of 16, is guilty of a Class 4 felony and shall receive, in
10 addition to any other penalty imposed, an additional mandatory
11 fine of \$1,000, an additional mandatory 140 hours of community
12 service, which shall include 40 hours in a program benefiting
13 children, and a mandatory minimum 30 days of imprisonment. The
14 imprisonment or assignment of community service under this
15 subsection (c-9) is not subject to suspension, nor is the
16 person eligible for a reduced sentence.

17 (c-10) Any person convicted of violating subsection (c-9)
18 or a similar provision a third time within 20 years of a
19 previous violation of subsection (a) or a similar provision is
20 guilty of a Class 4 felony and shall receive, in addition to
21 any other penalty imposed, an additional mandatory 40 hours of
22 community service in a program benefiting children, an
23 additional mandatory fine of \$3,000, and a mandatory minimum
24 120 days of imprisonment. The imprisonment or assignment of
25 community service under this subsection (c-10) is not subject
26 to suspension, nor is the person eligible for a reduced

1 sentence.

2 (c-11) Any person convicted a fourth or subsequent time for
3 violating subsection (a) or a similar provision, if at the time
4 of the fourth or subsequent violation the person was
5 transporting a person under the age of 16, and if the person's
6 3 prior violations of subsection (a) or a similar provision
7 occurred while transporting a person under the age of 16 or
8 while the alcohol concentration in his or her blood, breath, or
9 urine was 0.16 or more based on the definition of blood,
10 breath, or urine units in Section 11-501.2, is guilty of a
11 Class 2 felony, is not eligible for probation or conditional
12 discharge, and is subject to a minimum fine of \$3,000.

13 (c-12) Any person convicted of a first violation of
14 subsection (a) or a similar provision, if the alcohol
15 concentration in his or her blood, breath, or urine was 0.16 or
16 more based on the definition of blood, breath, or urine units
17 in Section 11-501.2, shall be subject, in addition to any other
18 penalty that may be imposed, to a mandatory minimum of 100
19 hours of community service and a mandatory minimum fine of
20 \$500.

21 (c-13) Any person convicted of a second violation of
22 subsection (a) or a similar provision committed within 10 years
23 of a previous violation of subsection (a) or a similar
24 provision committed within 10 years of a previous violation of
25 subsection (a) or a similar provision, if at the time of the
26 second violation of subsection (a) the alcohol concentration in

1 his or her blood, breath, or urine was 0.16 or more based on
2 the definition of blood, breath, or urine units in Section
3 11-501.2, shall be subject, in addition to any other penalty
4 that may be imposed, to a mandatory minimum of 2 days of
5 imprisonment and a mandatory minimum fine of \$1,250.

6 (c-14) Any person convicted of a third violation of
7 subsection (a) or a similar provision within 20 years of a
8 previous violation of subsection (a) or a similar provision, if
9 at the time of the third violation of subsection (a) or a
10 similar provision the alcohol concentration in his or her
11 blood, breath, or urine was 0.16 or more based on the
12 definition of blood, breath, or urine units in Section
13 11-501.2, is guilty of a Class 4 felony and shall be subject,
14 in addition to any other penalty that may be imposed, to a
15 mandatory minimum of 90 days of imprisonment and a mandatory
16 minimum fine of \$2,500.

17 (c-15) Any person convicted of a fourth or subsequent
18 violation of subsection (a) or a similar provision, if at the
19 time of the fourth or subsequent violation the alcohol
20 concentration in his or her blood, breath, or urine was 0.16 or
21 more based on the definition of blood, breath, or urine units
22 in Section 11-501.2, and if the person's 3 prior violations of
23 subsection (a) or a similar provision occurred while
24 transporting a person under the age of 16 or while the alcohol
25 concentration in his or her blood, breath, or urine was 0.16 or
26 more based on the definition of blood, breath, or urine units

1 in Section 11-501.2, is guilty of a Class 2 felony and is not
2 eligible for a sentence of probation or conditional discharge
3 and is subject to a minimum fine of \$2,500.

4 (d) (1) Every person convicted of committing a violation of
5 this Section shall be guilty of aggravated driving under
6 the influence of alcohol, other drug or drugs, or
7 intoxicating compound or compounds, or any combination
8 thereof if:

9 (A) the person committed a violation of subsection
10 (a) or a similar provision for the third or subsequent
11 time;

12 (B) the person committed a violation of subsection
13 (a) while driving a school bus with persons 18 years of
14 age or younger on board;

15 (C) the person in committing a violation of
16 subsection (a) was involved in a motor vehicle accident
17 that resulted in great bodily harm or permanent
18 disability or disfigurement to another, when the
19 violation was a proximate cause of the injuries;

20 (D) the person committed a violation of subsection
21 (a) for a second time and has been previously convicted
22 of violating Section 9-3 of the Criminal Code of 1961
23 or a similar provision of a law of another state
24 relating to reckless homicide in which the person was
25 determined to have been under the influence of alcohol,
26 other drug or drugs, or intoxicating compound or

1 compounds as an element of the offense or the person
2 has previously been convicted under subparagraph (C)
3 or subparagraph (F) of this paragraph (1);

4 (E) the person, in committing a violation of
5 subsection (a) while driving at any speed in a school
6 speed zone at a time when a speed limit of 20 miles per
7 hour was in effect under subsection (a) of Section
8 11-605 of this Code, was involved in a motor vehicle
9 accident that resulted in bodily harm, other than great
10 bodily harm or permanent disability or disfigurement,
11 to another person, when the violation of subsection (a)
12 was a proximate cause of the bodily harm; or

13 (F) the person, in committing a violation of
14 subsection (a), was involved in a motor vehicle,
15 snowmobile, all-terrain vehicle, or watercraft
16 accident that resulted in the death of another person,
17 when the violation of subsection (a) was a proximate
18 cause of the death.

19 (2) Except as provided in this paragraph (2), a person
20 convicted of aggravated driving under the influence of
21 alcohol, other drug or drugs, or intoxicating compound or
22 compounds, or any combination thereof is guilty of a Class
23 4 felony. For a violation of subparagraph (C) of paragraph
24 (1) of this subsection (d), the defendant, if sentenced to
25 a term of imprisonment, shall be sentenced to not less than
26 one year nor more than 12 years. Aggravated driving under

1 the influence of alcohol, other drug or drugs, or
2 intoxicating compound or compounds, or any combination
3 thereof as defined in subparagraph (F) of paragraph (1) of
4 this subsection (d) is a Class 2 felony, for which the
5 defendant, unless the court determines that extraordinary
6 circumstances exist and require probation, shall be
7 sentenced to: (A) a term of imprisonment of not less than 3
8 years and not more than 14 years if the violation resulted
9 in the death of one person; or (B) a term of imprisonment
10 of not less than 6 years and not more than 28 years if the
11 violation resulted in the deaths of 2 or more persons. For
12 any prosecution under this subsection (d), a certified copy
13 of the driving abstract of the defendant shall be admitted
14 as proof of any prior conviction. Any person sentenced
15 under this subsection (d) who receives a term of probation
16 or conditional discharge must serve a minimum term of
17 either 480 hours of community service or 10 days of
18 imprisonment as a condition of the probation or conditional
19 discharge. This mandatory minimum term of imprisonment or
20 assignment of community service may not be suspended or
21 reduced by the court.

22 (e) 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 this Section or a similar
25 provision of a local ordinance, individuals shall be required
26 to undergo a professional evaluation to determine if an

1 alcohol, drug, or intoxicating compound abuse problem exists
2 and the extent of the problem, and undergo the imposition of
3 treatment as appropriate. Programs conducting these
4 evaluations shall be licensed by the Department of Human
5 Services. The cost of any professional evaluation shall be paid
6 for by the individual required to undergo the professional
7 evaluation.

8 (e-1) Any person who is found guilty of or pleads guilty to
9 violating this Section, including any person receiving a
10 disposition of court supervision for violating this Section,
11 may be required by the Court to attend a victim impact panel
12 offered by, or under contract with, a County State's Attorney's
13 office, a probation and court services department, Mothers
14 Against Drunk Driving, or the Alliance Against Intoxicated
15 Motorists. All costs generated by the victim impact panel shall
16 be paid from fees collected from the offender or as may be
17 determined by the court.

18 (f) Every person found guilty of violating this Section,
19 whose operation of a motor vehicle while in violation of this
20 Section proximately caused any incident resulting in an
21 appropriate emergency response, shall be liable for the expense
22 of an emergency response as provided in subsection (m) of this
23 Section.

24 (g) The Secretary of State shall revoke the driving
25 privileges of any person convicted under this Section or a
26 similar provision of a local ordinance.

1 (h) (Blank).

2 (i) The Secretary of State shall require the use of
3 ignition interlock devices on all vehicles owned by an
4 individual who has been convicted of a second or subsequent
5 offense of this Section or a similar provision of a local
6 ordinance. The Secretary shall establish by rule and regulation
7 the procedures for certification and use of the interlock
8 system.

9 (j) In addition to any other penalties and liabilities, a
10 person who is found guilty of or pleads guilty to violating
11 subsection (a), including any person placed on court
12 supervision for violating subsection (a), shall be fined \$500,
13 payable to the circuit clerk, who shall distribute the money as
14 follows: 20% to the law enforcement agency that made the arrest
15 and 80% shall be forwarded to the State Treasurer for deposit
16 into the General Revenue Fund. If the person has been
17 previously convicted of violating subsection (a) or a similar
18 provision of a local ordinance, the fine shall be \$1,000. In
19 the event that more than one agency is responsible for the
20 arrest, the amount payable to law enforcement agencies shall be
21 shared equally. Any moneys received by a law enforcement agency
22 under this subsection (j) shall be used for enforcement and
23 prevention of driving while under the influence of alcohol,
24 other drug or drugs, intoxicating compound or compounds or any
25 combination thereof, as defined by this Section, including but
26 not limited to the purchase of law enforcement equipment and

1 commodities that will assist in the prevention of alcohol
2 related criminal violence throughout the State; police officer
3 training and education in areas related to alcohol related
4 crime, including but not limited to DUI training; and police
5 officer salaries, including but not limited to salaries for
6 hire back funding for safety checkpoints, saturation patrols,
7 and liquor store sting operations. Equipment and commodities
8 shall include, but are not limited to, in-car video cameras,
9 radar and laser speed detection devices, and alcohol breath
10 testers. Any moneys received by the Department of State Police
11 under this subsection (j) shall be deposited into the State
12 Police DUI Fund and shall be used for enforcement and
13 prevention of driving while under the influence of alcohol,
14 other drug or drugs, intoxicating compound or compounds or any
15 combination thereof, as defined by this Section, including but
16 not limited to the purchase of law enforcement equipment and
17 commodities that will assist in the prevention of alcohol
18 related criminal violence throughout the State; police officer
19 training and education in areas related to alcohol related
20 crime, including but not limited to DUI training; and police
21 officer salaries, including but not limited to salaries for
22 hire back funding for safety checkpoints, saturation patrols,
23 and liquor store sting operations.

24 (k) The Secretary of State Police DUI Fund is created as a
25 special fund in the State treasury. All moneys received by the
26 Secretary of State Police under subsection (j) of this Section

1 shall be deposited into the Secretary of State Police DUI Fund
2 and, subject to appropriation, shall be used for enforcement
3 and prevention of driving while under the influence of alcohol,
4 other drug or drugs, intoxicating compound or compounds or any
5 combination thereof, as defined by this Section, including but
6 not limited to the purchase of law enforcement equipment and
7 commodities to assist in the prevention of alcohol related
8 criminal violence throughout the State; police officer
9 training and education in areas related to alcohol related
10 crime, including but not limited to DUI training; and police
11 officer salaries, including but not limited to salaries for
12 hire back funding for safety checkpoints, saturation patrols,
13 and liquor store sting operations.

14 (1) Whenever an individual is sentenced for an offense
15 based upon an arrest for a violation of subsection (a) 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 (m) In addition to any other fine or penalty required by
6 law, an individual convicted of a violation of subsection (a),
7 Section 5-7 of the Snowmobile Registration and Safety Act,
8 Section 5-16 of the Boat Registration and Safety Act, or a
9 similar provision, whose operation of a motor vehicle,
10 snowmobile, or watercraft while in violation of subsection (a),
11 Section 5-7 of the Snowmobile Registration and Safety Act,
12 Section 5-16 of the Boat Registration and Safety Act, or a
13 similar provision proximately caused an incident resulting in
14 an appropriate emergency response, shall be required to make
15 restitution to a public agency for the costs of that emergency
16 response. The restitution may not exceed \$1,000 per public
17 agency for each emergency response. As used in this subsection
18 (m), "emergency response" means any incident requiring a
19 response by a police officer, a firefighter carried on the
20 rolls of a regularly constituted fire department, or an
21 ambulance.

22 (Source: P.A. 94-113, eff. 1-1-06; 94-609, eff. 1-1-06; 94-963,
23 eff. 6-28-06; 95-149, eff. 8-14-07; 95-355, eff. 1-1-08;
24 revised 11-28-07.)

25 (Text of Section from P.A. 94-114, 94-963, 95-149, and

1 95-355)

2 Sec. 11-501. Driving while under the influence of alcohol,
3 other drug or drugs, intoxicating compound or compounds or any
4 combination thereof.

5 (a) A person shall not drive or be in actual physical
6 control of any vehicle within this State while:

7 (1) the alcohol concentration in the person's blood or
8 breath is 0.08 or more based on the definition of blood and
9 breath units in Section 11-501.2;

10 (2) under the influence of alcohol;

11 (3) under the influence of any intoxicating compound or
12 combination of intoxicating compounds to a degree that
13 renders the person incapable of driving safely;

14 (4) under the influence of any other drug or
15 combination of drugs to a degree that renders the person
16 incapable of safely driving;

17 (5) under the combined influence of alcohol, other drug
18 or drugs, or intoxicating compound or compounds to a degree
19 that renders the person incapable of safely driving; or

20 (6) there is any amount of a drug, substance, or
21 compound in the person's breath, blood, or urine resulting
22 from the unlawful use or consumption of cannabis listed in
23 the Cannabis Control Act, a controlled substance listed in
24 the Illinois Controlled Substances Act, an intoxicating
25 compound listed in the Use of Intoxicating Compounds Act,
26 or methamphetamine as listed in the Methamphetamine

1 Control and Community Protection Act.

2 (b) The fact that any person charged with violating this
3 Section is or has been legally entitled to use alcohol, other
4 drug or drugs, or intoxicating compound or compounds, or any
5 combination thereof, shall not constitute a defense against any
6 charge of violating this Section.

7 (b-1) With regard to penalties imposed under this Section:

8 (1) Any reference to a prior violation of subsection
9 (a) or a similar provision includes any violation of a
10 provision of a local ordinance or a provision of a law of
11 another state or an offense committed on a military
12 installation that is similar to a violation of subsection
13 (a) of this Section.

14 (2) Any penalty imposed for driving with a license that
15 has been revoked for a previous violation of subsection (a)
16 of this Section shall be in addition to the penalty imposed
17 for any subsequent violation of subsection (a).

18 (b-2) Except as otherwise provided in this Section, any
19 person convicted of violating subsection (a) of this Section is
20 guilty of a Class A misdemeanor.

21 (b-3) In addition to any other criminal or administrative
22 sanction for any second conviction of violating subsection (a)
23 or a similar provision committed within 5 years of a previous
24 violation of subsection (a) or a similar provision, the
25 defendant shall be sentenced to a mandatory minimum of 5 days
26 of imprisonment or assigned a mandatory minimum of 240 hours of

1 community service as may be determined by the court.

2 (b-4) In the case of a third or subsequent violation
3 committed within 5 years of a previous violation of subsection
4 (a) or a similar provision, in addition to any other criminal
5 or administrative sanction, a mandatory minimum term of either
6 10 days of imprisonment or 480 hours of community service shall
7 be imposed.

8 (b-5) The imprisonment or assignment of community service
9 under subsections (b-3) and (b-4) shall not be subject to
10 suspension, nor shall the person be eligible for a reduced
11 sentence.

12 (c) (Blank).

13 (c-1) (1) A person who violates subsection (a) during a
14 period in which his or her driving privileges are revoked
15 or suspended, where the revocation or suspension was for a
16 violation of subsection (a), Section 11-501.1, paragraph
17 (b) of Section 11-401, or for reckless homicide as defined
18 in Section 9-3 of the Criminal Code of 1961 is guilty of a
19 Class 4 felony.

20 (2) A person who violates subsection (a) a third time,
21 if the third violation occurs during a period in which his
22 or her driving privileges are revoked or suspended where
23 the revocation or suspension was for a violation of
24 subsection (a), Section 11-501.1, paragraph (b) of Section
25 11-401, or for reckless homicide as defined in Section 9-3
26 of the Criminal Code of 1961, is guilty of a Class 3

1 felony.

2 (2.1) A person who violates subsection (a) a third
3 time, if the third violation occurs during a period in
4 which his or her driving privileges are revoked or
5 suspended where the revocation or suspension was for a
6 violation of subsection (a), Section 11-501.1, subsection
7 (b) of Section 11-401, or for reckless homicide as defined
8 in Section 9-3 of the Criminal Code of 1961, is guilty of a
9 Class 3 felony; and if the person receives a term of
10 probation or conditional discharge, he or she shall be
11 required to serve a mandatory minimum of 10 days of
12 imprisonment or shall be assigned a mandatory minimum of
13 480 hours of community service, as may be determined by the
14 court, as a condition of the probation or conditional
15 discharge. This mandatory minimum term of imprisonment or
16 assignment of community service shall not be suspended or
17 reduced by the court.

18 (2.2) A person who violates subsection (a), if the
19 violation occurs during a period in which his or her
20 driving privileges are revoked or suspended where the
21 revocation or suspension was for a violation of subsection
22 (a) or Section 11-501.1, shall also be sentenced to an
23 additional mandatory minimum term of 30 consecutive days of
24 imprisonment, 40 days of 24-hour periodic imprisonment, or
25 720 hours of community service, as may be determined by the
26 court. This mandatory term of imprisonment or assignment of

1 community service shall not be suspended or reduced by the
2 court.

3 (3) A person who violates subsection (a) a fourth or
4 fifth time, if the fourth or fifth violation occurs during
5 a period in which his or her driving privileges are revoked
6 or suspended where the revocation or suspension was for a
7 violation of subsection (a), Section 11-501.1, paragraph
8 (b) of Section 11-401, or for reckless homicide as defined
9 in Section 9-3 of the Criminal Code of 1961, is guilty of a
10 Class 2 felony and is not eligible for a sentence of
11 probation or conditional discharge.

12 (c-2) (Blank).

13 (c-3) (Blank).

14 (c-4) (Blank).

15 (c-5) A person who violates subsection (a), if the person
16 was transporting a person under the age of 16 at the time of
17 the violation, is subject to an additional mandatory minimum
18 fine of \$1,000, an additional mandatory minimum 140 hours of
19 community service, which shall include 40 hours of community
20 service in a program benefiting children, and an additional 2
21 days of imprisonment. The imprisonment or assignment of
22 community service under this subsection (c-5) is not subject to
23 suspension, nor is the person eligible for a reduced sentence.

24 (c-6) Except as provided in subsections (c-7) and (c-8) a
25 person who violates subsection (a) a second time, if at the
26 time of the second violation the person was transporting a

1 person under the age of 16, is subject to an additional 10 days
2 of imprisonment, an additional mandatory minimum fine of
3 \$1,000, and an additional mandatory minimum 140 hours of
4 community service, which shall include 40 hours of community
5 service in a program benefiting children. The imprisonment or
6 assignment of community service under this subsection (c-6) is
7 not subject to suspension, nor is the person eligible for a
8 reduced sentence.

9 (c-7) Except as provided in subsection (c-8), any person
10 convicted of violating subsection (c-6) or a similar provision
11 within 10 years of a previous violation of subsection (a) or a
12 similar provision shall receive, in addition to any other
13 penalty imposed, a mandatory minimum 12 days imprisonment, an
14 additional 40 hours of mandatory community service in a program
15 benefiting children, and a mandatory minimum fine of \$1,750.
16 The imprisonment or assignment of community service under this
17 subsection (c-7) is not subject to suspension, nor is the
18 person eligible for a reduced sentence.

19 (c-8) Any person convicted of violating subsection (c-6) or
20 a similar provision within 5 years of a previous violation of
21 subsection (a) or a similar provision shall receive, in
22 addition to any other penalty imposed, an additional 80 hours
23 of mandatory community service in a program benefiting
24 children, an additional mandatory minimum 12 days of
25 imprisonment, and a mandatory minimum fine of \$1,750. The
26 imprisonment or assignment of community service under this

1 subsection (c-8) is not subject to suspension, nor is the
2 person eligible for a reduced sentence.

3 (c-9) Any person convicted a third time for violating
4 subsection (a) or a similar provision, if at the time of the
5 third violation the person was transporting a person under the
6 age of 16, is guilty of a Class 4 felony and shall receive, in
7 addition to any other penalty imposed, an additional mandatory
8 fine of \$1,000, an additional mandatory 140 hours of community
9 service, which shall include 40 hours in a program benefiting
10 children, and a mandatory minimum 30 days of imprisonment. The
11 imprisonment or assignment of community service under this
12 subsection (c-9) is not subject to suspension, nor is the
13 person eligible for a reduced sentence.

14 (c-10) Any person convicted of violating subsection (c-9)
15 or a similar provision a third time within 20 years of a
16 previous violation of subsection (a) or a similar provision is
17 guilty of a Class 4 felony and shall receive, in addition to
18 any other penalty imposed, an additional mandatory 40 hours of
19 community service in a program benefiting children, an
20 additional mandatory fine of \$3,000, and a mandatory minimum
21 120 days of imprisonment. The imprisonment or assignment of
22 community service under this subsection (c-10) is not subject
23 to suspension, nor is the person eligible for a reduced
24 sentence.

25 (c-11) Any person convicted a fourth or fifth time for
26 violating subsection (a) or a similar provision, if at the time

1 of the fourth or fifth violation the person was transporting a
2 person under the age of 16, and if the person's 3 prior
3 violations of subsection (a) or a similar provision occurred
4 while transporting a person under the age of 16 or while the
5 alcohol concentration in his or her blood, breath, or urine was
6 0.16 or more based on the definition of blood, breath, or urine
7 units in Section 11-501.2, is guilty of a Class 2 felony, is
8 not eligible for probation or conditional discharge, and is
9 subject to a minimum fine of \$3,000.

10 (c-12) Any person convicted of a first violation of
11 subsection (a) or a similar provision, if the alcohol
12 concentration in his or her blood, breath, or urine was 0.16 or
13 more based on the definition of blood, breath, or urine units
14 in Section 11-501.2, shall be subject, in addition to any other
15 penalty that may be imposed, to a mandatory minimum of 100
16 hours of community service and a mandatory minimum fine of
17 \$500.

18 (c-13) Any person convicted of a second violation of
19 subsection (a) or a similar provision committed within 10 years
20 of a previous violation of subsection (a) or a similar
21 provision committed within 10 years of a previous violation of
22 subsection (a) or a similar provision, if at the time of the
23 second violation of subsection (a) the alcohol concentration in
24 his or her blood, breath, or urine was 0.16 or more based on
25 the definition of blood, breath, or urine units in Section
26 11-501.2, shall be subject, in addition to any other penalty

1 that may be imposed, to a mandatory minimum of 2 days of
2 imprisonment and a mandatory minimum fine of \$1,250.

3 (c-14) Any person convicted of a third violation of
4 subsection (a) or a similar provision within 20 years of a
5 previous violation of subsection (a) or a similar provision, if
6 at the time of the third violation of subsection (a) or a
7 similar provision the alcohol concentration in his or her
8 blood, breath, or urine was 0.16 or more based on the
9 definition of blood, breath, or urine units in Section
10 11-501.2, is guilty of a Class 4 felony and shall be subject,
11 in addition to any other penalty that may be imposed, to a
12 mandatory minimum of 90 days of imprisonment and a mandatory
13 minimum fine of \$2,500.

14 (c-15) Any person convicted of a fourth or fifth violation
15 of subsection (a) or a similar provision, if at the time of the
16 fourth or fifth violation the alcohol concentration in his or
17 her blood, breath, or urine was 0.16 or more based on the
18 definition of blood, breath, or urine units in Section
19 11-501.2, and if the person's 3 prior violations of subsection
20 (a) or a similar provision occurred while transporting a person
21 under the age of 16 or while the alcohol concentration in his
22 or her blood, breath, or urine was 0.16 or more based on the
23 definition of blood, breath, or urine units in Section
24 11-501.2, is guilty of a Class 2 felony and is not eligible for
25 a sentence of probation or conditional discharge and is subject
26 to a minimum fine of \$2,500.

1 (c-16) Any person convicted of a sixth or subsequent
2 violation of subsection (a) is guilty of a Class X felony.

3 (d) (1) Every person convicted of committing a violation of
4 this Section shall be guilty of aggravated driving under
5 the influence of alcohol, other drug or drugs, or
6 intoxicating compound or compounds, or any combination
7 thereof if:

8 (A) the person committed a violation of subsection
9 (a) or a similar provision for the third or subsequent
10 time;

11 (B) the person committed a violation of subsection
12 (a) while driving a school bus with persons 18 years of
13 age or younger on board;

14 (C) the person in committing a violation of
15 subsection (a) was involved in a motor vehicle accident
16 that resulted in great bodily harm or permanent
17 disability or disfigurement to another, when the
18 violation was a proximate cause of the injuries;

19 (D) the person committed a violation of subsection
20 (a) for a second time and has been previously convicted
21 of violating Section 9-3 of the Criminal Code of 1961
22 or a similar provision of a law of another state
23 relating to reckless homicide in which the person was
24 determined to have been under the influence of alcohol,
25 other drug or drugs, or intoxicating compound or
26 compounds as an element of the offense or the person

1 has previously been convicted under subparagraph (C)
2 or subparagraph (F) of this paragraph (1);

3 (E) the person, in committing a violation of
4 subsection (a) while driving at any speed in a school
5 speed zone at a time when a speed limit of 20 miles per
6 hour was in effect under subsection (a) of Section
7 11-605 of this Code, was involved in a motor vehicle
8 accident that resulted in bodily harm, other than great
9 bodily harm or permanent disability or disfigurement,
10 to another person, when the violation of subsection (a)
11 was a proximate cause of the bodily harm; or

12 (F) the person, in committing a violation of
13 subsection (a), was involved in a motor vehicle,
14 snowmobile, all-terrain vehicle, or watercraft
15 accident that resulted in the death of another person,
16 when the violation of subsection (a) was a proximate
17 cause of the death.

18 (2) Except as provided in this paragraph (2), a person
19 convicted of aggravated driving under the influence of
20 alcohol, other drug or drugs, or intoxicating compound or
21 compounds, or any combination thereof is guilty of a Class
22 4 felony. For a violation of subparagraph (C) of paragraph
23 (1) of this subsection (d), the defendant, if sentenced to
24 a term of imprisonment, shall be sentenced to not less than
25 one year nor more than 12 years. Aggravated driving under
26 the influence of alcohol, other drug or drugs, or

1 intoxicating compound or compounds, or any combination
2 thereof as defined in subparagraph (F) of paragraph (1) of
3 this subsection (d) is a Class 2 felony, for which the
4 defendant, if sentenced to a term of imprisonment, shall be
5 sentenced to: (A) a term of imprisonment of not less than 3
6 years and not more than 14 years if the violation resulted
7 in the death of one person; or (B) a term of imprisonment
8 of not less than 6 years and not more than 28 years if the
9 violation resulted in the deaths of 2 or more persons. For
10 any prosecution under this subsection (d), a certified copy
11 of the driving abstract of the defendant shall be admitted
12 as proof of any prior conviction. Any person sentenced
13 under this subsection (d) who receives a term of probation
14 or conditional discharge must serve a minimum term of
15 either 480 hours of community service or 10 days of
16 imprisonment as a condition of the probation or conditional
17 discharge. This mandatory minimum term of imprisonment or
18 assignment of community service may not be suspended or
19 reduced by the court.

20 (e) After a finding of guilt and prior to any final
21 sentencing, or an order for supervision, for an offense based
22 upon an arrest for a violation of this Section or a similar
23 provision of a local ordinance, individuals shall be required
24 to undergo a professional evaluation to determine if an
25 alcohol, drug, or intoxicating compound abuse problem exists
26 and the extent of the problem, and undergo the imposition of

1 treatment as appropriate. Programs conducting these
2 evaluations shall be licensed by the Department of Human
3 Services. The cost of any professional evaluation shall be paid
4 for by the individual required to undergo the professional
5 evaluation.

6 (e-1) Any person who is found guilty of or pleads guilty to
7 violating this Section, including any person receiving a
8 disposition of court supervision for violating this Section,
9 may be required by the Court to attend a victim impact panel
10 offered by, or under contract with, a County State's Attorney's
11 office, a probation and court services department, Mothers
12 Against Drunk Driving, or the Alliance Against Intoxicated
13 Motorists. All costs generated by the victim impact panel shall
14 be paid from fees collected from the offender or as may be
15 determined by the court.

16 (f) Every person found guilty of violating this Section,
17 whose operation of a motor vehicle while in violation of this
18 Section proximately caused any incident resulting in an
19 appropriate emergency response, shall be liable for the expense
20 of an emergency response as provided in subsection (m) of this
21 Section.

22 (g) The Secretary of State shall revoke the driving
23 privileges of any person convicted under this Section or a
24 similar provision of a local ordinance.

25 (h) (Blank).

26 (i) The Secretary of State shall require the use of

1 ignition interlock devices on all vehicles owned by an
2 individual who has been convicted of a second or subsequent
3 offense of this Section or a similar provision of a local
4 ordinance. The Secretary shall establish by rule and regulation
5 the procedures for certification and use of the interlock
6 system.

7 (j) In addition to any other penalties and liabilities, a
8 person who is found guilty of or pleads guilty to violating
9 subsection (a), including any person placed on court
10 supervision for violating subsection (a), shall be fined \$500,
11 payable to the circuit clerk, who shall distribute the money as
12 follows: 20% to the law enforcement agency that made the arrest
13 and 80% shall be forwarded to the State Treasurer for deposit
14 into the General Revenue Fund. If the person has been
15 previously convicted of violating subsection (a) or a similar
16 provision of a local ordinance, the fine shall be \$1,000. In
17 the event that more than one agency is responsible for the
18 arrest, the amount payable to law enforcement agencies shall be
19 shared equally. Any moneys received by a law enforcement agency
20 under this subsection (j) shall be used for enforcement and
21 prevention of driving while under the influence of alcohol,
22 other drug or drugs, intoxicating compound or compounds or any
23 combination thereof, as defined by this Section, including but
24 not limited to the purchase of law enforcement equipment and
25 commodities that will assist in the prevention of alcohol
26 related criminal violence throughout the State; police officer

1 training and education in areas related to alcohol related
2 crime, including but not limited to DUI training; and police
3 officer salaries, including but not limited to salaries for
4 hire back funding for safety checkpoints, saturation patrols,
5 and liquor store sting operations. Equipment and commodities
6 shall include, but are not limited to, in-car video cameras,
7 radar and laser speed detection devices, and alcohol breath
8 testers. Any moneys received by the Department of State Police
9 under this subsection (j) shall be deposited into the State
10 Police DUI Fund and shall be used for enforcement and
11 prevention of driving while under the influence of alcohol,
12 other drug or drugs, intoxicating compound or compounds or any
13 combination thereof, as defined by this Section, including but
14 not limited to the purchase of law enforcement equipment and
15 commodities that will assist in the prevention of alcohol
16 related criminal violence throughout the State; police officer
17 training and education in areas related to alcohol related
18 crime, including but not limited to DUI training; and police
19 officer salaries, including but not limited to salaries for
20 hire back funding for safety checkpoints, saturation patrols,
21 and liquor store sting operations.

22 (k) The Secretary of State Police DUI Fund is created as a
23 special fund in the State treasury. All moneys received by the
24 Secretary of State Police under subsection (j) of this Section
25 shall be deposited into the Secretary of State Police DUI Fund
26 and, subject to appropriation, shall be used for enforcement

1 and prevention of driving while under the influence of alcohol,
2 other drug or drugs, intoxicating compound or compounds or any
3 combination thereof, as defined by this Section, including but
4 not limited to the purchase of law enforcement equipment and
5 commodities to assist in the prevention of alcohol related
6 criminal violence throughout the State; police officer
7 training and education in areas related to alcohol related
8 crime, including but not limited to DUI training; and police
9 officer salaries, including but not limited to salaries for
10 hire back funding for safety checkpoints, saturation patrols,
11 and liquor store sting operations.

12 (1) Whenever an individual is sentenced for an offense
13 based upon an arrest for a violation of subsection (a) or a
14 similar provision of a local ordinance, and the professional
15 evaluation recommends remedial or rehabilitative treatment or
16 education, neither the treatment nor the education shall be the
17 sole disposition and either or both may be imposed only in
18 conjunction with another disposition. The court shall monitor
19 compliance with any remedial education or treatment
20 recommendations contained in the professional evaluation.
21 Programs conducting alcohol or other drug evaluation or
22 remedial education must be licensed by the Department of Human
23 Services. If the individual is not a resident of Illinois,
24 however, the court may accept an alcohol or other drug
25 evaluation or remedial education program in the individual's
26 state of residence. Programs providing treatment must be

1 licensed under existing applicable alcoholism and drug
2 treatment licensure standards.

3 (m) In addition to any other fine or penalty required by
4 law, an individual convicted of a violation of subsection (a),
5 Section 5-7 of the Snowmobile Registration and Safety Act,
6 Section 5-16 of the Boat Registration and Safety Act, or a
7 similar provision, whose operation of a motor vehicle,
8 snowmobile, or watercraft while in violation of subsection (a),
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 proximately caused an incident resulting in
12 an appropriate emergency response, shall be required to make
13 restitution to a public agency for the costs of that emergency
14 response. The restitution may not exceed \$1,000 per public
15 agency for each emergency response. As used in this subsection
16 (m), "emergency response" means any incident requiring a
17 response by a police officer, a firefighter carried on the
18 rolls of a regularly constituted fire department, or an
19 ambulance.

20 (Source: P.A. 94-114, eff. 1-1-06; 94-963, eff. 6-28-06;
21 95-149, eff. 8-14-07; 95-355, eff. 1-1-08; revised 11-28-07.)

22 (Text of Section from P.A. 94-116, 94-963, 95-149, and
23 95-355)

24 Sec. 11-501. Driving while under the influence of alcohol,
25 other drug or drugs, intoxicating compound or compounds or any

1 combination thereof.

2 (a) A person shall not drive or be in actual physical
3 control of any vehicle within this State while:

4 (1) the alcohol concentration in the person's blood or
5 breath is 0.08 or more based on the definition of blood and
6 breath units in Section 11-501.2;

7 (2) under the influence of alcohol;

8 (3) under the influence of any intoxicating compound or
9 combination of intoxicating compounds to a degree that
10 renders the person incapable of driving safely;

11 (4) under the influence of any other drug or
12 combination of drugs to a degree that renders the person
13 incapable of safely driving;

14 (5) under the combined influence of alcohol, other drug
15 or drugs, or intoxicating compound or compounds to a degree
16 that renders the person incapable of safely driving; or

17 (6) there is any amount of a drug, substance, or
18 compound in the person's breath, blood, or urine resulting
19 from the unlawful use or consumption of cannabis listed in
20 the Cannabis Control Act, a controlled substance listed in
21 the Illinois Controlled Substances Act, an intoxicating
22 compound listed in the Use of Intoxicating Compounds Act,
23 or methamphetamine as listed in the Methamphetamine
24 Control and Community Protection Act.

25 (b) The fact that any person charged with violating this
26 Section is or has been legally entitled to use alcohol, other

1 drug or drugs, or intoxicating compound or compounds, or any
2 combination thereof, shall not constitute a defense against any
3 charge of violating this Section.

4 (b-1) With regard to penalties imposed under this Section:

5 (1) Any reference to a prior violation of subsection
6 (a) or a similar provision includes any violation of a
7 provision of a local ordinance or a provision of a law of
8 another state or an offense committed on a military
9 installation that is similar to a violation of subsection
10 (a) of this Section.

11 (2) Any penalty imposed for driving with a license that
12 has been revoked for a previous violation of subsection (a)
13 of this Section shall be in addition to the penalty imposed
14 for any subsequent violation of subsection (a).

15 (b-2) Except as otherwise provided in this Section, any
16 person convicted of violating subsection (a) of this Section is
17 guilty of a Class A misdemeanor.

18 (b-3) In addition to any other criminal or administrative
19 sanction for any second conviction of violating subsection (a)
20 or a similar provision committed within 5 years of a previous
21 violation of subsection (a) or a similar provision, the
22 defendant shall be sentenced to a mandatory minimum of 5 days
23 of imprisonment or assigned a mandatory minimum of 240 hours of
24 community service as may be determined by the court.

25 (b-4) In the case of a third violation committed within 5
26 years of a previous violation of subsection (a) or a similar

1 provision, the defendant is guilty of a Class 2 felony, and in
2 addition to any other criminal or administrative sanction, a
3 mandatory minimum term of either 10 days of imprisonment or 480
4 hours of community service shall be imposed.

5 (b-5) The imprisonment or assignment of community service
6 under subsections (b-3) and (b-4) shall not be subject to
7 suspension, nor shall the person be eligible for a reduced
8 sentence.

9 (c) (Blank).

10 (c-1) (1) A person who violates subsection (a) during a
11 period in which his or her driving privileges are revoked
12 or suspended, where the revocation or suspension was for a
13 violation of subsection (a), Section 11-501.1, paragraph
14 (b) of Section 11-401, or for reckless homicide as defined
15 in Section 9-3 of the Criminal Code of 1961 is guilty of a
16 Class 4 felony.

17 (2) A person who violates subsection (a) a third time
18 is guilty of a Class 2 felony.

19 (2.1) A person who violates subsection (a) a third
20 time, if the third violation occurs during a period in
21 which his or her driving privileges are revoked or
22 suspended where the revocation or suspension was for a
23 violation of subsection (a), Section 11-501.1, subsection
24 (b) of Section 11-401, or for reckless homicide as defined
25 in Section 9-3 of the Criminal Code of 1961, is guilty of a
26 Class 2 felony; and if the person receives a term of

1 probation or conditional discharge, he or she shall be
2 required to serve a mandatory minimum of 10 days of
3 imprisonment or shall be assigned a mandatory minimum of
4 480 hours of community service, as may be determined by the
5 court, as a condition of the probation or conditional
6 discharge. This mandatory minimum term of imprisonment or
7 assignment of community service shall not be suspended or
8 reduced by the court.

9 (2.2) A person who violates subsection (a), if the
10 violation occurs during a period in which his or her
11 driving privileges are revoked or suspended where the
12 revocation or suspension was for a violation of subsection
13 (a) or Section 11-501.1, shall also be sentenced to an
14 additional mandatory minimum term of 30 consecutive days of
15 imprisonment, 40 days of 24-hour periodic imprisonment, or
16 720 hours of community service, as may be determined by the
17 court. This mandatory term of imprisonment or assignment of
18 community service shall not be suspended or reduced by the
19 court.

20 (3) A person who violates subsection (a) a fourth time
21 is guilty of a Class 2 felony and is not eligible for a
22 sentence of probation or conditional discharge.

23 (4) A person who violates subsection (a) a fifth or
24 subsequent time is guilty of a Class 1 felony and is not
25 eligible for a sentence of probation or conditional
26 discharge.

1 (c-2) (Blank).

2 (c-3) (Blank).

3 (c-4) (Blank).

4 (c-5) A person who violates subsection (a), if the person
5 was transporting a person under the age of 16 at the time of
6 the violation, is subject to an additional mandatory minimum
7 fine of \$1,000, an additional mandatory minimum 140 hours of
8 community service, which shall include 40 hours of community
9 service in a program benefiting children, and an additional 2
10 days of imprisonment. The imprisonment or assignment of
11 community service under this subsection (c-5) is not subject to
12 suspension, nor is the person eligible for a reduced sentence.

13 (c-6) Except as provided in subsections (c-7) and (c-8) a
14 person who violates subsection (a) a second time, if at the
15 time of the second violation the person was transporting a
16 person under the age of 16, is subject to an additional 10 days
17 of imprisonment, an additional mandatory minimum fine of
18 \$1,000, and an additional mandatory minimum 140 hours of
19 community service, which shall include 40 hours of community
20 service in a program benefiting children. The imprisonment or
21 assignment of community service under this subsection (c-6) is
22 not subject to suspension, nor is the person eligible for a
23 reduced sentence.

24 (c-7) Except as provided in subsection (c-8), any person
25 convicted of violating subsection (c-6) or a similar provision
26 within 10 years of a previous violation of subsection (a) or a

1 similar provision shall receive, in addition to any other
2 penalty imposed, a mandatory minimum 12 days imprisonment, an
3 additional 40 hours of mandatory community service in a program
4 benefiting children, and a mandatory minimum fine of \$1,750.
5 The imprisonment or assignment of community service under this
6 subsection (c-7) is not subject to suspension, nor is the
7 person eligible for a reduced sentence.

8 (c-8) Any person convicted of violating subsection (c-6) or
9 a similar provision within 5 years of a previous violation of
10 subsection (a) or a similar provision shall receive, in
11 addition to any other penalty imposed, an additional 80 hours
12 of mandatory community service in a program benefiting
13 children, an additional mandatory minimum 12 days of
14 imprisonment, and a mandatory minimum fine of \$1,750. The
15 imprisonment or assignment of community service under this
16 subsection (c-8) is not subject to suspension, nor is the
17 person eligible for a reduced sentence.

18 (c-9) Any person convicted a third time for violating
19 subsection (a) or a similar provision, if at the time of the
20 third violation the person was transporting a person under the
21 age of 16, is guilty of a Class 2 felony and shall receive, in
22 addition to any other penalty imposed, an additional mandatory
23 fine of \$1,000, an additional mandatory 140 hours of community
24 service, which shall include 40 hours in a program benefiting
25 children, and a mandatory minimum 30 days of imprisonment. The
26 imprisonment or assignment of community service under this

1 subsection (c-9) is not subject to suspension, nor is the
2 person eligible for a reduced sentence.

3 (c-10) Any person convicted of violating subsection (c-9)
4 or a similar provision a third time within 20 years of a
5 previous violation of subsection (a) or a similar provision is
6 guilty of a Class 2 felony and shall receive, in addition to
7 any other penalty imposed, an additional mandatory 40 hours of
8 community service in a program benefiting children, an
9 additional mandatory fine of \$3,000, and a mandatory minimum
10 120 days of imprisonment. The imprisonment or assignment of
11 community service under this subsection (c-10) is not subject
12 to suspension, nor is the person eligible for a reduced
13 sentence.

14 (c-11) Any person convicted a fourth time for violating
15 subsection (a) or a similar provision, if at the time of the
16 fourth violation the person was transporting a person under the
17 age of 16, and if the person's 3 prior violations of subsection
18 (a) or a similar provision occurred while transporting a person
19 under the age of 16 or while the alcohol concentration in his
20 or her blood, breath, or urine was 0.16 or more based on the
21 definition of blood, breath, or urine units in Section
22 11-501.2, is guilty of a Class 2 felony, is not eligible for
23 probation or conditional discharge, and is subject to a minimum
24 fine of \$3,000.

25 (c-12) Any person convicted of a first violation of
26 subsection (a) or a similar provision, if the alcohol

1 concentration in his or her blood, breath, or urine was 0.16 or
2 more based on the definition of blood, breath, or urine units
3 in Section 11-501.2, shall be subject, in addition to any other
4 penalty that may be imposed, to a mandatory minimum of 100
5 hours of community service and a mandatory minimum fine of
6 \$500.

7 (c-13) Any person convicted of a second violation of
8 subsection (a) or a similar provision committed within 10 years
9 of a previous violation of subsection (a) or a similar
10 provision committed within 10 years of a previous violation of
11 subsection (a) or a similar provision, if at the time of the
12 second violation of subsection (a) the alcohol concentration in
13 his or her blood, breath, or urine was 0.16 or more based on
14 the definition of blood, breath, or urine units in Section
15 11-501.2, shall be subject, in addition to any other penalty
16 that may be imposed, to a mandatory minimum of 2 days of
17 imprisonment and a mandatory minimum fine of \$1,250.

18 (c-14) Any person convicted of a third violation of
19 subsection (a) or a similar provision within 20 years of a
20 previous violation of subsection (a) or a similar provision, if
21 at the time of the third violation of subsection (a) or a
22 similar provision the alcohol concentration in his or her
23 blood, breath, or urine was 0.16 or more based on the
24 definition of blood, breath, or urine units in Section
25 11-501.2, is guilty of a Class 2 felony and shall be subject,
26 in addition to any other penalty that may be imposed, to a

1 mandatory minimum of 90 days of imprisonment and a mandatory
2 minimum fine of \$2,500.

3 (c-15) Any person convicted of a fourth violation of
4 subsection (a) or a similar provision, if at the time of the
5 fourth violation the alcohol concentration in his or her blood,
6 breath, or urine was 0.16 or more based on the definition of
7 blood, breath, or urine units in Section 11-501.2, and if the
8 person's 3 prior violations of subsection (a) or a similar
9 provision occurred while transporting a person under the age of
10 16 or while the alcohol concentration in his or her blood,
11 breath, or urine was 0.16 or more based on the definition of
12 blood, breath, or urine units in Section 11-501.2, is guilty of
13 a Class 2 felony and is not eligible for a sentence of
14 probation or conditional discharge and is subject to a minimum
15 fine of \$2,500.

16 (d) (1) Every person convicted of committing a violation of
17 this Section shall be guilty of aggravated driving under
18 the influence of alcohol, other drug or drugs, or
19 intoxicating compound or compounds, or any combination
20 thereof if:

21 (A) the person committed a violation of subsection
22 (a) or a similar provision for the third or subsequent
23 time;

24 (B) the person committed a violation of subsection
25 (a) while driving a school bus with persons 18 years of
26 age or younger on board;

1 (C) the person in committing a violation of
2 subsection (a) was involved in a motor vehicle accident
3 that resulted in great bodily harm or permanent
4 disability or disfigurement to another, when the
5 violation was a proximate cause of the injuries;

6 (D) the person committed a violation of subsection
7 (a) for a second time and has been previously convicted
8 of violating Section 9-3 of the Criminal Code of 1961
9 or a similar provision of a law of another state
10 relating to reckless homicide in which the person was
11 determined to have been under the influence of alcohol,
12 other drug or drugs, or intoxicating compound or
13 compounds as an element of the offense or the person
14 has previously been convicted under subparagraph (C)
15 or subparagraph (F) of this paragraph (1);

16 (E) the person, in committing a violation of
17 subsection (a) while driving at any speed in a school
18 speed zone at a time when a speed limit of 20 miles per
19 hour was in effect under subsection (a) of Section
20 11-605 of this Code, was involved in a motor vehicle
21 accident that resulted in bodily harm, other than great
22 bodily harm or permanent disability or disfigurement,
23 to another person, when the violation of subsection (a)
24 was a proximate cause of the bodily harm; or

25 (F) the person, in committing a violation of
26 subsection (a), was involved in a motor vehicle,

1 snowmobile, all-terrain vehicle, or watercraft
2 accident that resulted in the death of another person,
3 when the violation of subsection (a) was a proximate
4 cause of the death.

5 (2) Except as provided in this paragraph (2) and in
6 paragraphs (3) and (4) of subsection (c-1), a person
7 convicted of aggravated driving under the influence of
8 alcohol, other drug or drugs, or intoxicating compound or
9 compounds, or any combination thereof is guilty of a Class
10 4 felony. For a violation of subparagraph (C) of paragraph
11 (1) of this subsection (d), the defendant, if sentenced to
12 a term of imprisonment, shall be sentenced to not less than
13 one year nor more than 12 years. Except as provided in
14 paragraph (4) of subsection (c-1), aggravated driving
15 under the influence of alcohol, other drug, or drugs,
16 intoxicating compounds or compounds, or any combination
17 thereof as defined in subparagraph (A) of paragraph (1) of
18 this subsection (d) is a Class 2 felony. Aggravated driving
19 under the influence of alcohol, other drug or drugs, or
20 intoxicating compound or compounds, or any combination
21 thereof as defined in subparagraph (F) of paragraph (1) of
22 this subsection (d) is a Class 2 felony, for which the
23 defendant, if sentenced to a term of imprisonment, shall be
24 sentenced to: (A) a term of imprisonment of not less than 3
25 years and not more than 14 years if the violation resulted
26 in the death of one person; or (B) a term of imprisonment

1 of not less than 6 years and not more than 28 years if the
2 violation resulted in the deaths of 2 or more persons. For
3 any prosecution under this subsection (d), a certified copy
4 of the driving abstract of the defendant shall be admitted
5 as proof of any prior conviction. Any person sentenced
6 under this subsection (d) who receives a term of probation
7 or conditional discharge must serve a minimum term of
8 either 480 hours of community service or 10 days of
9 imprisonment as a condition of the probation or conditional
10 discharge. This mandatory minimum term of imprisonment or
11 assignment of community service may not be suspended or
12 reduced by the court.

13 (e) After a finding of guilt and prior to any final
14 sentencing, or an order for supervision, for an offense based
15 upon an arrest for a violation of this Section or a similar
16 provision of a local ordinance, individuals shall be required
17 to undergo a professional evaluation to determine if an
18 alcohol, drug, or intoxicating compound abuse problem exists
19 and the extent of the problem, and undergo the imposition of
20 treatment as appropriate. Programs conducting these
21 evaluations shall be licensed by the Department of Human
22 Services. The cost of any professional evaluation shall be paid
23 for by the individual required to undergo the professional
24 evaluation.

25 (e-1) Any person who is found guilty of or pleads guilty to
26 violating this Section, including any person receiving a

1 disposition of court supervision for violating this Section,
2 may be required by the Court to attend a victim impact panel
3 offered by, or under contract with, a County State's Attorney's
4 office, a probation and court services department, Mothers
5 Against Drunk Driving, or the Alliance Against Intoxicated
6 Motorists. All costs generated by the victim impact panel shall
7 be paid from fees collected from the offender or as may be
8 determined by the court.

9 (f) Every person found guilty of violating this Section,
10 whose operation of a motor vehicle while in violation of this
11 Section proximately caused any incident resulting in an
12 appropriate emergency response, shall be liable for the expense
13 of an emergency response as provided in subsection (m) of this
14 Section.

15 (g) The Secretary of State shall revoke the driving
16 privileges of any person convicted under this Section or a
17 similar provision of a local ordinance.

18 (h) (Blank).

19 (i) The Secretary of State shall require the use of
20 ignition interlock devices on all vehicles owned by an
21 individual who has been convicted of a second or subsequent
22 offense of this Section or a similar provision of a local
23 ordinance. The Secretary shall establish by rule and regulation
24 the procedures for certification and use of the interlock
25 system.

26 (j) In addition to any other penalties and liabilities, a

1 person who is found guilty of or pleads guilty to violating
2 subsection (a), including any person placed on court
3 supervision for violating subsection (a), shall be fined \$500,
4 payable to the circuit clerk, who shall distribute the money as
5 follows: 20% to the law enforcement agency that made the arrest
6 and 80% shall be forwarded to the State Treasurer for deposit
7 into the General Revenue Fund. If the person has been
8 previously convicted of violating subsection (a) or a similar
9 provision of a local ordinance, the fine shall be \$1,000. In
10 the event that more than one agency is responsible for the
11 arrest, the amount payable to law enforcement agencies shall be
12 shared equally. Any moneys received by a law enforcement agency
13 under this subsection (j) shall be used for enforcement and
14 prevention of driving while under the influence of alcohol,
15 other drug or drugs, intoxicating compound or compounds or any
16 combination thereof, as defined by this Section, including but
17 not limited to the purchase of law enforcement equipment and
18 commodities that will assist in the prevention of alcohol
19 related criminal violence throughout the State; police officer
20 training and education in areas related to alcohol related
21 crime, including but not limited to DUI training; and police
22 officer salaries, including but not limited to salaries for
23 hire back funding for safety checkpoints, saturation patrols,
24 and liquor store sting operations. Equipment and commodities
25 shall include, but are not limited to, in-car video cameras,
26 radar and laser speed detection devices, and alcohol breath

1 testers. Any moneys received by the Department of State Police
2 under this subsection (j) shall be deposited into the State
3 Police DUI Fund and shall be used for enforcement and
4 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 this Section, including but
7 not limited to the purchase of law enforcement equipment and
8 commodities that will assist in the prevention of alcohol
9 related criminal violence throughout the State; police officer
10 training and education in areas related to alcohol related
11 crime, including but not limited to DUI training; and police
12 officer salaries, including but not limited to salaries for
13 hire back funding for safety checkpoints, saturation patrols,
14 and liquor store sting operations.

15 (k) The Secretary of State Police DUI Fund is created as a
16 special fund in the State treasury. All moneys received by the
17 Secretary of State Police under subsection (j) of this Section
18 shall be deposited into the Secretary of State Police DUI Fund
19 and, subject to appropriation, shall be used for enforcement
20 and prevention of driving while under the influence of alcohol,
21 other drug or drugs, intoxicating compound or compounds or any
22 combination thereof, as defined by this Section, including but
23 not limited to the purchase of law enforcement equipment and
24 commodities to assist in the prevention of alcohol related
25 criminal violence throughout the State; police officer
26 training and education in areas related to alcohol related

1 crime, including but not limited to DUI training; and police
2 officer salaries, including but not limited to salaries for
3 hire back funding for safety checkpoints, saturation patrols,
4 and liquor store sting operations.

5 (l) Whenever an individual is sentenced for an offense
6 based upon an arrest for a violation of subsection (a) or a
7 similar provision of a local ordinance, and the professional
8 evaluation recommends remedial or rehabilitative treatment or
9 education, neither the treatment nor the education shall be the
10 sole disposition and either or both may be imposed only in
11 conjunction with another disposition. The court shall monitor
12 compliance with any remedial education or treatment
13 recommendations contained in the professional evaluation.
14 Programs conducting alcohol or other drug evaluation or
15 remedial education must be licensed by the Department of Human
16 Services. If the individual is not a resident of Illinois,
17 however, the court may accept an alcohol or other drug
18 evaluation or remedial education program in the individual's
19 state of residence. Programs providing treatment must be
20 licensed under existing applicable alcoholism and drug
21 treatment licensure standards.

22 (m) In addition to any other fine or penalty required by
23 law, an individual convicted of a violation of subsection (a),
24 Section 5-7 of the Snowmobile Registration and Safety Act,
25 Section 5-16 of the Boat Registration and Safety Act, or a
26 similar provision, whose operation of a motor vehicle,

1 snowmobile, or watercraft while in violation of subsection (a),
2 Section 5-7 of the Snowmobile Registration and Safety Act,
3 Section 5-16 of the Boat Registration and Safety Act, or a
4 similar provision proximately caused an incident resulting in
5 an appropriate emergency response, shall be required to make
6 restitution to a public agency for the costs of that emergency
7 response. The restitution may not exceed \$1,000 per public
8 agency for each emergency response. As used in this subsection
9 (m), "emergency response" means any incident requiring a
10 response by a police officer, a firefighter carried on the
11 rolls of a regularly constituted fire department, or an
12 ambulance.

13 (Source: P.A. 94-116, eff. 1-1-06; 94-963, eff. 6-28-06;
14 95-149, eff. 8-14-07; 95-355, eff. 1-1-08; revised 11-28-07.)

15 (Text of Section from P.A. 94-329, 94-963, 95-149, and
16 95-355)

17 Sec. 11-501. Driving while under the influence of alcohol,
18 other drug or drugs, intoxicating compound or compounds or any
19 combination thereof.

20 (a) A person shall not drive or be in actual physical
21 control of any vehicle within this State while:

22 (1) the alcohol concentration in the person's blood or
23 breath is 0.08 or more based on the definition of blood and
24 breath units in Section 11-501.2;

25 (2) under the influence of alcohol;

1 (3) under the influence of any intoxicating compound or
2 combination of intoxicating compounds to a degree that
3 renders the person incapable of driving safely;

4 (4) under the influence of any other drug or
5 combination of drugs to a degree that renders the person
6 incapable of safely driving;

7 (5) under the combined influence of alcohol, other drug
8 or drugs, or intoxicating compound or compounds to a degree
9 that renders the person incapable of safely driving; or

10 (6) there is any amount of a drug, substance, or
11 compound in the person's breath, blood, or urine resulting
12 from the unlawful use or consumption of cannabis listed in
13 the Cannabis Control Act, a controlled substance listed in
14 the Illinois Controlled Substances Act, an intoxicating
15 compound listed in the Use of Intoxicating Compounds Act,
16 or methamphetamine as listed in the Methamphetamine
17 Control and Community Protection Act.

18 (b) The fact that any person charged with violating this
19 Section is or has been legally entitled to use alcohol, other
20 drug or drugs, or intoxicating compound or compounds, or any
21 combination thereof, shall not constitute a defense against any
22 charge of violating this Section.

23 (b-1) With regard to penalties imposed under this Section:

24 (1) Any reference to a prior violation of subsection
25 (a) or a similar provision includes any violation of a
26 provision of a local ordinance or a provision of a law of

1 another state or an offense committed on a military
2 installation that is similar to a violation of subsection
3 (a) of this Section.

4 (2) Any penalty imposed for driving with a license that
5 has been revoked for a previous violation of subsection (a)
6 of this Section shall be in addition to the penalty imposed
7 for any subsequent violation of subsection (a).

8 (b-2) Except as otherwise provided in this Section, any
9 person convicted of violating subsection (a) of this Section is
10 guilty of a Class A misdemeanor.

11 (b-3) In addition to any other criminal or administrative
12 sanction for any second conviction of violating subsection (a)
13 or a similar provision committed within 5 years of a previous
14 violation of subsection (a) or a similar provision, the
15 defendant shall be sentenced to a mandatory minimum of 5 days
16 of imprisonment or assigned a mandatory minimum of 240 hours of
17 community service as may be determined by the court.

18 (b-4) In the case of a third or subsequent violation
19 committed within 5 years of a previous violation of subsection
20 (a) or a similar provision, in addition to any other criminal
21 or administrative sanction, a mandatory minimum term of either
22 10 days of imprisonment or 480 hours of community service shall
23 be imposed.

24 (b-5) The imprisonment or assignment of community service
25 under subsections (b-3) and (b-4) shall not be subject to
26 suspension, nor shall the person be eligible for a reduced

1 sentence.

2 (c) (Blank).

3 (c-1) (1) A person who violates subsection (a) during a
4 period in which his or her driving privileges are revoked
5 or suspended, where the revocation or suspension was for a
6 violation of subsection (a), Section 11-501.1, paragraph
7 (b) of Section 11-401, or for reckless homicide as defined
8 in Section 9-3 of the Criminal Code of 1961 is guilty of
9 aggravated driving under the influence of alcohol, other
10 drug or drugs, intoxicating compound or compounds, or any
11 combination thereof and is guilty of a Class 4 felony.

12 (2) A person who violates subsection (a) a third time,
13 if the third violation occurs during a period in which his
14 or her driving privileges are revoked or suspended where
15 the revocation or suspension was for a violation of
16 subsection (a), Section 11-501.1, paragraph (b) of Section
17 11-401, or for reckless homicide as defined in Section 9-3
18 of the Criminal Code of 1961, is guilty of aggravated
19 driving under the influence of alcohol, other drug or
20 drugs, intoxicating compound or compounds, or any
21 combination thereof and is guilty of a Class 3 felony.

22 (2.1) A person who violates subsection (a) a third
23 time, if the third violation occurs during a period in
24 which his or her driving privileges are revoked or
25 suspended where the revocation or suspension was for a
26 violation of subsection (a), Section 11-501.1, subsection

1 (b) of Section 11-401, or for reckless homicide as defined
2 in Section 9-3 of the Criminal Code of 1961, is guilty of
3 aggravated driving under the influence of alcohol, other
4 drug or drugs, intoxicating compound or compounds, or any
5 combination thereof and is guilty of a Class 3 felony; and
6 if the person receives a term of probation or conditional
7 discharge, he or she shall be required to serve a mandatory
8 minimum of 10 days of imprisonment or shall be assigned a
9 mandatory minimum of 480 hours of community service, as may
10 be determined by the court, as a condition of the probation
11 or conditional discharge. This mandatory minimum term of
12 imprisonment or assignment of community service shall not
13 be suspended or reduced by the court.

14 (2.2) A person who violates subsection (a), if the
15 violation occurs during a period in which his or her
16 driving privileges are revoked or suspended where the
17 revocation or suspension was for a violation of subsection
18 (a) or Section 11-501.1, is guilty of aggravated driving
19 under the influence of alcohol, other drug or drugs,
20 intoxicating compound or compounds, or any combination
21 thereof and shall also be sentenced to an additional
22 mandatory minimum term of 30 consecutive days of
23 imprisonment, 40 days of 24-hour periodic imprisonment, or
24 720 hours of community service, as may be determined by the
25 court. This mandatory term of imprisonment or assignment of
26 community service shall not be suspended or reduced by the

1 court.

2 (3) A person who violates subsection (a) a fourth or
3 subsequent time, if the fourth or subsequent violation
4 occurs during a period in which his or her driving
5 privileges are revoked or suspended where the revocation or
6 suspension was for a violation of subsection (a), Section
7 11-501.1, paragraph (b) of Section 11-401, or for reckless
8 homicide as defined in Section 9-3 of the Criminal Code of
9 1961, is guilty of aggravated driving under the influence
10 of alcohol, other drug or drugs, intoxicating compound or
11 compounds, or any combination thereof and is guilty of a
12 Class 2 felony, and is not eligible for a sentence of
13 probation or conditional discharge.

14 (c-2) (Blank).

15 (c-3) (Blank).

16 (c-4) (Blank).

17 (c-5) A person who violates subsection (a), if the person
18 was transporting a person under the age of 16 at the time of
19 the violation, is subject to an additional mandatory minimum
20 fine of \$1,000, an additional mandatory minimum 140 hours of
21 community service, which shall include 40 hours of community
22 service in a program benefiting children, and an additional 2
23 days of imprisonment. The imprisonment or assignment of
24 community service under this subsection (c-5) is not subject to
25 suspension, nor is the person eligible for a reduced sentence.

26 (c-6) Except as provided in subsections (c-7) and (c-8) a

1 person who violates subsection (a) a second time, if at the
2 time of the second violation the person was transporting a
3 person under the age of 16, is subject to an additional 10 days
4 of imprisonment, an additional mandatory minimum fine of
5 \$1,000, and an additional mandatory minimum 140 hours of
6 community service, which shall include 40 hours of community
7 service in a program benefiting children. The imprisonment or
8 assignment of community service under this subsection (c-6) is
9 not subject to suspension, nor is the person eligible for a
10 reduced sentence.

11 (c-7) Except as provided in subsection (c-8), any person
12 convicted of violating subsection (c-6) or a similar provision
13 within 10 years of a previous violation of subsection (a) or a
14 similar provision shall receive, in addition to any other
15 penalty imposed, a mandatory minimum 12 days imprisonment, an
16 additional 40 hours of mandatory community service in a program
17 benefiting children, and a mandatory minimum fine of \$1,750.
18 The imprisonment or assignment of community service under this
19 subsection (c-7) is not subject to suspension, nor is the
20 person eligible for a reduced sentence.

21 (c-8) Any person convicted of violating subsection (c-6) or
22 a similar provision within 5 years of a previous violation of
23 subsection (a) or a similar provision shall receive, in
24 addition to any other penalty imposed, an additional 80 hours
25 of mandatory community service in a program benefiting
26 children, an additional mandatory minimum 12 days of

1 imprisonment, and a mandatory minimum fine of \$1,750. The
2 imprisonment or assignment of community service under this
3 subsection (c-8) is not subject to suspension, nor is the
4 person eligible for a reduced sentence.

5 (c-9) Any person convicted a third time for violating
6 subsection (a) or a similar provision, if at the time of the
7 third violation the person was transporting a person under the
8 age of 16, is guilty of a Class 4 felony and shall receive, in
9 addition to any other penalty imposed, an additional mandatory
10 fine of \$1,000, an additional mandatory 140 hours of community
11 service, which shall include 40 hours in a program benefiting
12 children, and a mandatory minimum 30 days of imprisonment. The
13 imprisonment or assignment of community service under this
14 subsection (c-9) is not subject to suspension, nor is the
15 person eligible for a reduced sentence.

16 (c-10) Any person convicted of violating subsection (c-9)
17 or a similar provision a third time within 20 years of a
18 previous violation of subsection (a) or a similar provision is
19 guilty of a Class 4 felony and shall receive, in addition to
20 any other penalty imposed, an additional mandatory 40 hours of
21 community service in a program benefiting children, an
22 additional mandatory fine of \$3,000, and a mandatory minimum
23 120 days of imprisonment. The imprisonment or assignment of
24 community service under this subsection (c-10) is not subject
25 to suspension, nor is the person eligible for a reduced
26 sentence.

1 (c-11) Any person convicted a fourth or subsequent time for
2 violating subsection (a) or a similar provision, if at the time
3 of the fourth or subsequent violation the person was
4 transporting a person under the age of 16, and if the person's
5 3 prior violations of subsection (a) or a similar provision
6 occurred while transporting a person under the age of 16 or
7 while the alcohol concentration in his or her blood, breath, or
8 urine was 0.16 or more based on the definition of blood,
9 breath, or urine units in Section 11-501.2, is guilty of a
10 Class 2 felony, is not eligible for probation or conditional
11 discharge, and is subject to a minimum fine of \$3,000.

12 (c-12) Any person convicted of a first violation of
13 subsection (a) or a similar provision, if the alcohol
14 concentration in his or her blood, breath, or urine was 0.16 or
15 more based on the definition of blood, breath, or urine units
16 in Section 11-501.2, shall be subject, in addition to any other
17 penalty that may be imposed, to a mandatory minimum of 100
18 hours of community service and a mandatory minimum fine of
19 \$500.

20 (c-13) Any person convicted of a second violation of
21 subsection (a) or a similar provision committed within 10 years
22 of a previous violation of subsection (a) or a similar
23 provision committed within 10 years of a previous violation of
24 subsection (a) or a similar provision, if at the time of the
25 second violation of subsection (a) the alcohol concentration in
26 his or her blood, breath, or urine was 0.16 or more based on

1 the definition of blood, breath, or urine units in Section
2 11-501.2, shall be subject, in addition to any other penalty
3 that may be imposed, to a mandatory minimum of 2 days of
4 imprisonment and a mandatory minimum fine of \$1,250.

5 (c-14) Any person convicted of a third violation of
6 subsection (a) or a similar provision within 20 years of a
7 previous violation of subsection (a) or a similar provision, if
8 at the time of the third violation of subsection (a) or a
9 similar provision the alcohol concentration in his or her
10 blood, breath, or urine was 0.16 or more based on the
11 definition of blood, breath, or urine units in Section
12 11-501.2, is guilty of a Class 4 felony and shall be subject,
13 in addition to any other penalty that may be imposed, to a
14 mandatory minimum of 90 days of imprisonment and a mandatory
15 minimum fine of \$2,500.

16 (c-15) Any person convicted of a fourth or subsequent
17 violation of subsection (a) or a similar provision, if at the
18 time of the fourth or subsequent violation the alcohol
19 concentration in his or her blood, breath, or urine was 0.16 or
20 more based on the definition of blood, breath, or urine units
21 in Section 11-501.2, and if the person's 3 prior violations of
22 subsection (a) or a similar provision occurred while
23 transporting a person under the age of 16 or while the alcohol
24 concentration in his or her blood, breath, or urine was 0.16 or
25 more based on the definition of blood, breath, or urine units
26 in Section 11-501.2, is guilty of a Class 2 felony and is not

1 eligible for a sentence of probation or conditional discharge
2 and is subject to a minimum fine of \$2,500.

3 (d) (1) Every person convicted of committing a violation of
4 this Section shall be guilty of aggravated driving under
5 the influence of alcohol, other drug or drugs, or
6 intoxicating compound or compounds, or any combination
7 thereof if:

8 (A) the person committed a violation of subsection
9 (a) or a similar provision for the third or subsequent
10 time;

11 (B) the person committed a violation of subsection
12 (a) while driving a school bus with persons 18 years of
13 age or younger on board;

14 (C) the person in committing a violation of
15 subsection (a) was involved in a motor vehicle accident
16 that resulted in great bodily harm or permanent
17 disability or disfigurement to another, when the
18 violation was a proximate cause of the injuries;

19 (D) the person committed a violation of subsection
20 (a) for a second time and has been previously convicted
21 of violating Section 9-3 of the Criminal Code of 1961
22 or a similar provision of a law of another state
23 relating to reckless homicide in which the person was
24 determined to have been under the influence of alcohol,
25 other drug or drugs, or intoxicating compound or
26 compounds as an element of the offense or the person

1 has previously been convicted under subparagraph (C)
2 or subparagraph (F) of this paragraph (1);

3 (E) the person, in committing a violation of
4 subsection (a) while driving at any speed in a school
5 speed zone at a time when a speed limit of 20 miles per
6 hour was in effect under subsection (a) of Section
7 11-605 of this Code, was involved in a motor vehicle
8 accident that resulted in bodily harm, other than great
9 bodily harm or permanent disability or disfigurement,
10 to another person, when the violation of subsection (a)
11 was a proximate cause of the bodily harm; or

12 (F) the person, in committing a violation of
13 subsection (a), was involved in a motor vehicle,
14 snowmobile, all-terrain vehicle, or watercraft
15 accident that resulted in the death of another person,
16 when the violation of subsection (a) was a proximate
17 cause of the death;

18 (G) the person committed the violation while he or
19 she did not possess a driver's license or permit or a
20 restricted driving permit or a judicial driving
21 permit; or

22 (H) the person committed the violation while he or
23 she knew or should have known that the vehicle he or
24 she was driving was not covered by a liability
25 insurance policy.

26 (2) Except as provided in this paragraph (2) and in

1 paragraphs (2), (2.1), and (3) of subsection (c-1), a
2 person convicted of aggravated driving under the influence
3 of alcohol, other drug or drugs, or intoxicating compound
4 or compounds, or any combination thereof is guilty of a
5 Class 4 felony. For a violation of subparagraph (C) of
6 paragraph (1) of this subsection (d), the defendant, if
7 sentenced to a term of imprisonment, shall be sentenced to
8 not less than one year nor more than 12 years. Aggravated
9 driving under the influence of alcohol, other drug or
10 drugs, or intoxicating compound or compounds, or any
11 combination thereof as defined in subparagraph (F) of
12 paragraph (1) of this subsection (d) is a Class 2 felony,
13 for which the defendant, if sentenced to a term of
14 imprisonment, shall be sentenced to: (A) a term of
15 imprisonment of not less than 3 years and not more than 14
16 years if the violation resulted in the death of one person;
17 or (B) a term of imprisonment of not less than 6 years and
18 not more than 28 years if the violation resulted in the
19 deaths of 2 or more persons. For any prosecution under this
20 subsection (d), a certified copy of the driving abstract of
21 the defendant shall be admitted as proof of any prior
22 conviction. Any person sentenced under this subsection (d)
23 who receives a term of probation or conditional discharge
24 must serve a minimum term of either 480 hours of community
25 service or 10 days of imprisonment as a condition of the
26 probation or conditional discharge. This mandatory minimum

1 term of imprisonment or assignment of community service may
2 not be suspended or reduced by the court.

3 (e) After a finding of guilt and prior to any final
4 sentencing, or an order for supervision, for an offense based
5 upon an arrest for a violation of this Section or a similar
6 provision of a local ordinance, individuals shall be required
7 to undergo a professional evaluation to determine if an
8 alcohol, drug, or intoxicating compound abuse problem exists
9 and the extent of the problem, and undergo the imposition of
10 treatment as appropriate. Programs conducting these
11 evaluations shall be licensed by the Department of Human
12 Services. The cost of any professional evaluation shall be paid
13 for by the individual required to undergo the professional
14 evaluation.

15 (e-1) Any person who is found guilty of or pleads guilty to
16 violating this Section, including any person receiving a
17 disposition of court supervision for violating this Section,
18 may be required by the Court to attend a victim impact panel
19 offered by, or under contract with, a County State's Attorney's
20 office, a probation and court services department, Mothers
21 Against Drunk Driving, or the Alliance Against Intoxicated
22 Motorists. All costs generated by the victim impact panel shall
23 be paid from fees collected from the offender or as may be
24 determined by the court.

25 (f) Every person found guilty of violating this Section,
26 whose operation of a motor vehicle while in violation of this

1 Section proximately caused any incident resulting in an
2 appropriate emergency response, shall be liable for the expense
3 of an emergency response as provided in subsection (m) of this
4 Section.

5 (g) The Secretary of State shall revoke the driving
6 privileges of any person convicted under this Section or a
7 similar provision of a local ordinance.

8 (h) (Blank).

9 (i) The Secretary of State shall require the use of
10 ignition interlock devices on all vehicles owned by an
11 individual who has been convicted of a second or subsequent
12 offense of this Section or a similar provision of a local
13 ordinance. The Secretary shall establish by rule and regulation
14 the procedures for certification and use of the interlock
15 system.

16 (j) In addition to any other penalties and liabilities, a
17 person who is found guilty of or pleads guilty to violating
18 subsection (a), including any person placed on court
19 supervision for violating subsection (a), shall be fined \$500,
20 payable to the circuit clerk, who shall distribute the money as
21 follows: 20% to the law enforcement agency that made the arrest
22 and 80% shall be forwarded to the State Treasurer for deposit
23 into the General Revenue Fund. If the person has been
24 previously convicted of violating subsection (a) or a similar
25 provision of a local ordinance, the fine shall be \$1,000. In
26 the event that more than one agency is responsible for the

1 arrest, the amount payable to law enforcement agencies shall be
2 shared equally. Any moneys received by a law enforcement agency
3 under this subsection (j) shall be used for enforcement and
4 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 this Section, including but
7 not limited to the purchase of law enforcement equipment and
8 commodities that will assist in the prevention of alcohol
9 related criminal violence throughout the State; police officer
10 training and education in areas related to alcohol related
11 crime, including but not limited to DUI training; and police
12 officer salaries, including but not limited to salaries for
13 hire back funding for safety checkpoints, saturation patrols,
14 and liquor store sting operations. Equipment and commodities
15 shall include, but are not limited to, in-car video cameras,
16 radar and laser speed detection devices, and alcohol breath
17 testers. Any moneys received by the Department of State Police
18 under this subsection (j) shall be deposited into the State
19 Police DUI Fund and shall be used for enforcement and
20 prevention of driving while under the influence of alcohol,
21 other drug or drugs, intoxicating compound or compounds or any
22 combination thereof, as defined by this Section, including but
23 not limited to the purchase of law enforcement equipment and
24 commodities that will assist in the prevention of alcohol
25 related criminal violence throughout the State; police officer
26 training and education in areas related to alcohol related

1 crime, including but not limited to DUI training; and police
2 officer salaries, including but not limited to salaries for
3 hire back funding for safety checkpoints, saturation patrols,
4 and liquor store sting operations.

5 (k) The Secretary of State Police DUI Fund is created as a
6 special fund in the State treasury. All moneys received by the
7 Secretary of State Police under subsection (j) of this Section
8 shall be deposited into the Secretary of State Police DUI Fund
9 and, subject to appropriation, shall be used for enforcement
10 and prevention of driving while under the influence of alcohol,
11 other drug or drugs, intoxicating compound or compounds or any
12 combination thereof, as defined by this Section, including but
13 not limited to the purchase of law enforcement equipment and
14 commodities to assist in the prevention of alcohol related
15 criminal violence throughout the State; police officer
16 training and education in areas related to alcohol related
17 crime, including but not limited to DUI training; and police
18 officer salaries, including but not limited to salaries for
19 hire back funding for safety checkpoints, saturation patrols,
20 and liquor store sting operations.

21 (l) Whenever an individual is sentenced for an offense
22 based upon an arrest for a violation of subsection (a) or a
23 similar provision of a local ordinance, and the professional
24 evaluation recommends remedial or rehabilitative treatment or
25 education, neither the treatment nor the education shall be the
26 sole disposition and either or both may be imposed only in

1 conjunction with another disposition. The court shall monitor
2 compliance with any remedial education or treatment
3 recommendations contained in the professional evaluation.
4 Programs conducting alcohol or other drug evaluation or
5 remedial education must be licensed by the Department of Human
6 Services. If the individual is not a resident of Illinois,
7 however, the court may accept an alcohol or other drug
8 evaluation or remedial education program in the individual's
9 state of residence. Programs providing treatment must be
10 licensed under existing applicable alcoholism and drug
11 treatment licensure standards.

12 (m) In addition to any other fine or penalty required by
13 law, an individual convicted of a violation of subsection (a),
14 Section 5-7 of the Snowmobile Registration and Safety Act,
15 Section 5-16 of the Boat Registration and Safety Act, or a
16 similar provision, whose operation of a motor vehicle,
17 snowmobile, or watercraft while in violation of subsection (a),
18 Section 5-7 of the Snowmobile Registration and Safety Act,
19 Section 5-16 of the Boat Registration and Safety Act, or a
20 similar provision proximately caused an incident resulting in
21 an appropriate emergency response, shall be required to make
22 restitution to a public agency for the costs of that emergency
23 response. The restitution may not exceed \$1,000 per public
24 agency for each emergency response. As used in this subsection
25 (m), "emergency response" means any incident requiring a
26 response by a police officer, a firefighter carried on the

1 rolls of a regularly constituted fire department, or an
2 ambulance.

3 (Source: P.A. 94-329, eff. 1-1-06; 94-963, eff. 6-28-06;
4 95-149, eff. 8-14-07; 95-355, eff. 1-1-08; revised 11-28-07.)

5 (Text of Section after amendment by P.A. 95-578)

6 Sec. 11-501. Driving while under the influence of alcohol,
7 other drug or drugs, intoxicating compound or compounds or any
8 combination thereof.

9 (a) A person shall not drive or be in actual physical
10 control of any vehicle within this State while:

11 (1) the alcohol concentration in the person's blood or
12 breath is 0.08 or more based on the definition of blood and
13 breath units in Section 11-501.2;

14 (2) under the influence of alcohol;

15 (3) under the influence of any intoxicating compound or
16 combination of intoxicating compounds to a degree that
17 renders the person incapable of driving safely;

18 (4) under the influence of any other drug or
19 combination of drugs to a degree that renders the person
20 incapable of safely driving;

21 (5) under the combined influence of alcohol, other drug
22 or drugs, or intoxicating compound or compounds to a degree
23 that renders the person incapable of safely driving; or

24 (6) there is any amount of a drug, substance, or
25 compound in the person's breath, blood, or urine resulting

1 from the unlawful use or consumption of cannabis listed in
2 the Cannabis Control Act, a controlled substance listed in
3 the Illinois Controlled Substances Act, an intoxicating
4 compound listed in the Use of Intoxicating Compounds Act,
5 or methamphetamine as listed in the Methamphetamine
6 Control and Community Protection Act.

7 (b) The fact that any person charged with violating this
8 Section is or has been legally entitled to use alcohol, other
9 drug or drugs, or intoxicating compound or compounds, or any
10 combination thereof, shall not constitute a defense against any
11 charge of violating this Section.

12 (c) Penalties.

13 (1) Except as otherwise provided in this Section, any
14 person convicted of violating subsection (a) of this
15 Section is guilty of a Class A misdemeanor.

16 (2) A person who violates subsection (a) or a similar
17 provision a second time shall be sentenced to a mandatory
18 minimum term of either 5 days of imprisonment or 240 hours
19 of community service in addition to any other criminal or
20 administrative sanction.

21 (3) A person who violates subsection (a) is subject to
22 6 months of imprisonment, an additional mandatory minimum
23 fine of \$1,000, and 25 days of community service in a
24 program benefiting children if the person was transporting
25 a person under the age of 16 at the time of the violation.

26 (4) A person who violates subsection (a) a first time,

1 if the alcohol concentration in his or her blood, breath,
2 or urine was 0.16 or more based on the definition of blood,
3 breath, or urine units in Section 11-501.2, shall be
4 subject, in addition to any other penalty that may be
5 imposed, to a mandatory minimum of 100 hours of community
6 service and a mandatory minimum fine of \$500.

7 (5) A person who violates subsection (a) a second time,
8 if at the time of the second violation the alcohol
9 concentration in his or her blood, breath, or urine was
10 0.16 or more based on the definition of blood, breath, or
11 urine units in Section 11-501.2, shall be subject, in
12 addition to any other penalty that may be imposed, to a
13 mandatory minimum of 2 days of imprisonment and a mandatory
14 minimum fine of \$1,250.

15 (d) Aggravated driving under the influence of alcohol,
16 other drug or drugs, or intoxicating compound or compounds, or
17 any combination thereof.

18 (1) Every person convicted of committing a violation of
19 this Section shall be guilty of aggravated driving under
20 the influence of alcohol, other drug or drugs, or
21 intoxicating compound or compounds, or any combination
22 thereof if:

23 (A) the person committed a violation of subsection

24 (a) or a similar provision for the third or subsequent
25 time;

26 (B) the person committed a violation of subsection

1 (a) while driving a school bus with persons 18 years of
2 age or younger on board;

3 (C) the person in committing a violation of
4 subsection (a) was involved in a motor vehicle accident
5 that resulted in great bodily harm or permanent
6 disability or disfigurement to another, when the
7 violation was a proximate cause of the injuries;

8 (D) the person committed a violation of subsection
9 (a) for a second time and has been previously convicted
10 of violating Section 9-3 of the Criminal Code of 1961
11 or a similar provision of a law of another state
12 relating to reckless homicide in which the person was
13 determined to have been under the influence of alcohol,
14 other drug or drugs, or intoxicating compound or
15 compounds as an element of the offense or the person
16 has previously been convicted under subparagraph (C)
17 or subparagraph (F) of this paragraph (1);

18 (E) the person, in committing a violation of
19 subsection (a) while driving at any speed in a school
20 speed zone at a time when a speed limit of 20 miles per
21 hour was in effect under subsection (a) of Section
22 11-605 of this Code, was involved in a motor vehicle
23 accident that resulted in bodily harm, other than great
24 bodily harm or permanent disability or disfigurement,
25 to another person, when the violation of subsection (a)
26 was a proximate cause of the bodily harm;

1 (F) the person, in committing a violation of
2 subsection (a), was involved in a motor vehicle,
3 snowmobile, all-terrain vehicle, or watercraft
4 accident that resulted in the death of another person,
5 when the violation of subsection (a) was a proximate
6 cause of the death;

7 (G) the person committed a violation of subsection
8 (a) during a period in which the defendant's driving
9 privileges are revoked or suspended, where the
10 revocation or suspension was for a violation of
11 subsection (a), Section 11-501.1, paragraph (b) of
12 Section 11-401, or for reckless homicide as defined in
13 Section 9-3 of the Criminal Code of 1961;

14 (H) the person committed the violation while he or
15 she did not possess a driver's license or permit or a
16 restricted driving permit or a judicial driving
17 permit;

18 (I) the person committed the violation while he or
19 she knew or should have known that the vehicle he or
20 she was driving was not covered by a liability
21 insurance policy;

22 (J) the person in committing a violation of
23 subsection (a) was involved in a motor vehicle accident
24 that resulted in bodily harm, but not great bodily
25 harm, to the child under the age of 16 being
26 transported by the person, if the violation was the

1 proximate cause of the injury; or

2 (K) the person in committing a second violation of
3 subsection (a) or a similar provision was transporting
4 a person under the age of 16.

5 (2) (A) Except as provided otherwise, a person
6 convicted of aggravated driving under the influence of
7 alcohol, other drug or drugs, or intoxicating compound or
8 compounds, or any combination thereof is guilty of a Class
9 4 felony.

10 (B) A third violation of this Section or a similar
11 provision is a Class 2 felony. If at the time of the third
12 violation the alcohol concentration in his or her blood,
13 breath, or urine was 0.16 or more based on the definition
14 of blood, breath, or urine units in Section 11-501.2, a
15 mandatory minimum of 90 days of imprisonment and a
16 mandatory minimum fine of \$2,500 shall be imposed in
17 addition to any other criminal or administrative sanction.
18 If at the time of the third violation, the defendant was
19 transporting a person under the age of 16, a mandatory fine
20 of \$25,000 and 25 days of community service in a program
21 benefiting children shall be imposed in addition to any
22 other criminal or administrative sanction.

23 (C) A fourth violation of this Section or a similar
24 provision is a Class 2 felony, for which a sentence of
25 probation or conditional discharge may not be imposed. If
26 at the time of the violation, the alcohol concentration in

1 the defendant's blood, breath, or urine was 0.16 or more
2 based on the definition of blood, breath, or urine units in
3 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
4 be imposed in addition to any other criminal or
5 administrative sanction. If at the time of the fourth
6 violation, the defendant was transporting a person under
7 the age of 16 a mandatory fine of \$25,000 and 25 days of
8 community service in a program benefiting children shall be
9 imposed in addition to any other criminal or administrative
10 sanction.

11 (D) A fifth violation of this Section or a similar
12 provision is a Class 1 felony, for which a sentence of
13 probation or conditional discharge may not be imposed. If
14 at the time of the violation, the alcohol concentration in
15 the defendant's blood, breath, or urine was 0.16 or more
16 based on the definition of blood, breath, or urine units in
17 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
18 be imposed in addition to any other criminal or
19 administrative sanction. If at the time of the fifth
20 violation, the defendant was transporting a person under
21 the age of 16, a mandatory fine of \$25,000, and 25 days of
22 community service in a program benefiting children shall be
23 imposed in addition to any other criminal or administrative
24 sanction.

25 (E) A sixth or subsequent violation of this Section or
26 similar provision is a Class X felony. If at the time of

1 the violation, the alcohol concentration in the
2 defendant's blood, breath, or urine was 0.16 or more based
3 on the definition of blood, breath, or urine units in
4 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
5 be imposed in addition to any other criminal or
6 administrative sanction. If at the time of the violation,
7 the defendant was transporting a person under the age of
8 16, a mandatory fine of \$25,000 and 25 days of community
9 service in a program benefiting children shall be imposed
10 in addition to any other criminal or administrative
11 sanction.

12 (F) For a violation of subparagraph (C) of paragraph
13 (1) of this subsection (d), the defendant, if sentenced to
14 a term of imprisonment, shall be sentenced to not less than
15 one year nor more than 12 years.

16 (G) A violation of subparagraph (F) of paragraph (1) of
17 this subsection (d) is a Class 2 felony, for which the
18 defendant, unless the court determines that extraordinary
19 circumstances exist and require probation, shall be
20 sentenced to: (i) a term of imprisonment of not less than 3
21 years and not more than 14 years if the violation resulted
22 in the death of one person; or (ii) a term of imprisonment
23 of not less than 6 years and not more than 28 years if the
24 violation resulted in the deaths of 2 or more persons.

25 (H) For a violation of subparagraph (J) of paragraph
26 (1) of this subsection (d), a mandatory fine of \$2,500, and

1 25 days of community service in a program benefiting
2 children shall be imposed in addition to any other criminal
3 or administrative sanction.

4 (I) A violation of subparagraph (K) of paragraph (1) of
5 this subsection (d), is a Class 2 felony and a mandatory
6 fine of \$2,500, and 25 days of community service in a
7 program benefiting children shall be imposed in addition to
8 any other criminal or administrative sanction. If the child
9 being transported suffered bodily harm, but not great
10 bodily harm, in a motor vehicle accident, and the violation
11 was the proximate cause of that injury, a mandatory fine of
12 \$5,000 and 25 days of community service in a program
13 benefiting children shall be imposed in addition to any
14 other criminal or administrative sanction.

15 (3) Any person sentenced under this subsection (d) who
16 receives a term of probation or conditional discharge must
17 serve a minimum term of either 480 hours of community
18 service or 10 days of imprisonment as a condition of the
19 probation or conditional discharge in addition to any other
20 criminal or administrative sanction.

21 (e) Any reference to a prior violation of subsection (a) or
22 a similar provision includes any violation of a provision of a
23 local ordinance or a provision of a law of another state or an
24 offense committed on a military installation that is similar to
25 a violation of subsection (a) of this Section.

26 (f) The imposition of a mandatory term of imprisonment or

1 assignment of community service for a violation of this Section
2 shall not be suspended or reduced by the court.

3 (g) Any penalty imposed for driving with a license that has
4 been revoked for a previous violation of subsection (a) of this
5 Section shall be in addition to the penalty imposed for any
6 subsequent violation of subsection (a).

7 (h) For any prosecution under this Section, a certified
8 copy of the driving abstract of the defendant shall be admitted
9 as proof of any prior conviction. ~~in subsection (m) of this~~
10 ~~Section~~

11 (Source: P.A. 94-110, eff. 1-1-06; 94-113, eff. 1-1-06; 94-114,
12 eff. 1-1-06; 94-116, eff. 1-1-06; 94-329, eff. 1-1-06; 94-609,
13 eff. 1-1-06; 94-963, eff. 6-28-06; 95-149, eff. 8-14-07;
14 95-355, eff. 1-1-08; 95-578, eff. 6-1-08; revised 11-28-07.)

15 (Text of Section after amendment by P.A. 95-400)

16 Sec. 11-501. Driving while under the influence of alcohol,
17 other drug or drugs, intoxicating compound or compounds or any
18 combination thereof.

19 (a) A person shall not drive or be in actual physical
20 control of any vehicle within this State while:

21 (1) the alcohol concentration in the person's blood or
22 breath is 0.08 or more based on the definition of blood and
23 breath units in Section 11-501.2;

24 (2) under the influence of alcohol;

25 (3) under the influence of any intoxicating compound or

1 combination of intoxicating compounds to a degree that
2 renders the person incapable of driving safely;

3 (4) under the influence of any other drug or
4 combination of drugs to a degree that renders the person
5 incapable of safely driving;

6 (5) under the combined influence of alcohol, other drug
7 or drugs, or intoxicating compound or compounds to a degree
8 that renders the person incapable of safely driving; or

9 (6) there is any amount of a drug, substance, or
10 compound in the person's breath, blood, or urine resulting
11 from the unlawful use or consumption of cannabis listed in
12 the Cannabis Control Act, a controlled substance listed in
13 the Illinois Controlled Substances Act, an intoxicating
14 compound listed in the Use of Intoxicating Compounds Act,
15 or methamphetamine as listed in the Methamphetamine
16 Control and Community Protection Act.

17 (b) The fact that any person charged with violating this
18 Section is or has been legally entitled to use alcohol, other
19 drug or drugs, or intoxicating compound or compounds, or any
20 combination thereof, shall not constitute a defense against any
21 charge of violating this Section.

22 (c) Penalties.

23 (1) Except as otherwise provided in this Section, any
24 person convicted of violating subsection (a) of this
25 Section is guilty of a Class A misdemeanor.

26 (2) A person who violates subsection (a) or a similar

1 provision a second time shall be sentenced to a mandatory
2 minimum term of either 5 days of imprisonment or 240 hours
3 of community service in addition to any other criminal or
4 administrative sanction.

5 (3) A person who violates subsection (a) is subject to
6 6 months of imprisonment, an additional mandatory minimum
7 fine of \$1,000, and 25 days of community service in a
8 program benefiting children if the person was transporting
9 a person under the age of 16 at the time of the violation.

10 (4) A person who violates subsection (a) a first time,
11 if the alcohol concentration in his or her blood, breath,
12 or urine was 0.16 or more based on the definition of blood,
13 breath, or urine units in Section 11-501.2, shall be
14 subject, in addition to any other penalty that may be
15 imposed, to a mandatory minimum of 100 hours of community
16 service and a mandatory minimum fine of \$500.

17 (5) A person who violates subsection (a) a second time,
18 if at the time of the second violation the alcohol
19 concentration in his or her blood, breath, or urine was
20 0.16 or more based on the definition of blood, breath, or
21 urine units in Section 11-501.2, shall be subject, in
22 addition to any other penalty that may be imposed, to a
23 mandatory minimum of 2 days of imprisonment and a mandatory
24 minimum fine of \$1,250.

25 (d) Aggravated driving under the influence of alcohol,
26 other drug or drugs, or intoxicating compound or compounds, or

1 any combination thereof.

2 (1) Every person convicted of committing a violation of
3 this Section shall be guilty of aggravated driving under
4 the influence of alcohol, other drug or drugs, or
5 intoxicating compound or compounds, or any combination
6 thereof if:

7 (A) the person committed a violation of subsection
8 (a) or a similar provision for the third or subsequent
9 time;

10 (B) the person committed a violation of subsection
11 (a) while driving a school bus with persons 18 years of
12 age or younger on board;

13 (C) the person in committing a violation of
14 subsection (a) was involved in a motor vehicle accident
15 that resulted in great bodily harm or permanent
16 disability or disfigurement to another, when the
17 violation was a proximate cause of the injuries;

18 (D) the person committed a violation of subsection
19 (a) for a second time and has been previously convicted
20 of violating Section 9-3 of the Criminal Code of 1961
21 or a similar provision of a law of another state
22 relating to reckless homicide in which the person was
23 determined to have been under the influence of alcohol,
24 other drug or drugs, or intoxicating compound or
25 compounds as an element of the offense or the person
26 has previously been convicted under subparagraph (C)

1 or subparagraph (F) of this paragraph (1);

2 (E) the person, in committing a violation of
3 subsection (a) while driving at any speed in a school
4 speed zone at a time when a speed limit of 20 miles per
5 hour was in effect under subsection (a) of Section
6 11-605 of this Code, was involved in a motor vehicle
7 accident that resulted in bodily harm, other than great
8 bodily harm or permanent disability or disfigurement,
9 to another person, when the violation of subsection (a)
10 was a proximate cause of the bodily harm;

11 (F) the person, in committing a violation of
12 subsection (a), was involved in a motor vehicle,
13 snowmobile, all-terrain vehicle, or watercraft
14 accident that resulted in the death of another person,
15 when the violation of subsection (a) was a proximate
16 cause of the death;

17 (G) the person committed a violation of subsection
18 (a) during a period in which the defendant's driving
19 privileges are revoked or suspended, where the
20 revocation or suspension was for a violation of
21 subsection (a), Section 11-501.1, paragraph (b) of
22 Section 11-401, or for reckless homicide as defined in
23 Section 9-3 of the Criminal Code of 1961;

24 (H) the person committed the violation while he or
25 she did not possess a driver's license or permit or a
26 restricted driving permit or a judicial driving permit

1 or a monitoring device driving permit;

2 (I) the person committed the violation while he or
3 she knew or should have known that the vehicle he or
4 she was driving was not covered by a liability
5 insurance policy;

6 (J) the person in committing a violation of
7 subsection (a) was involved in a motor vehicle accident
8 that resulted in bodily harm, but not great bodily
9 harm, to the child under the age of 16 being
10 transported by the person, if the violation was the
11 proximate cause of the injury; or

12 (K) the person in committing a second violation of
13 subsection (a) or a similar provision was transporting
14 a person under the age of 16.

15 (2) (A) Except as provided otherwise, a person
16 convicted of aggravated driving under the influence of
17 alcohol, other drug or drugs, or intoxicating compound or
18 compounds, or any combination thereof is guilty of a Class
19 4 felony.

20 (B) A third violation of this Section or a similar
21 provision is a Class 2 felony. If at the time of the third
22 violation the alcohol concentration in his or her blood,
23 breath, or urine was 0.16 or more based on the definition
24 of blood, breath, or urine units in Section 11-501.2, a
25 mandatory minimum of 90 days of imprisonment and a
26 mandatory minimum fine of \$2,500 shall be imposed in

1 addition to any other criminal or administrative sanction.
2 If at the time of the third violation, the defendant was
3 transporting a person under the age of 16, a mandatory fine
4 of \$25,000 and 25 days of community service in a program
5 benefiting children shall be imposed in addition to any
6 other criminal or administrative sanction.

7 (C) A fourth violation of this Section or a similar
8 provision is a Class 2 felony, for which a sentence of
9 probation or conditional discharge may not be imposed. If
10 at the time of the violation, the alcohol concentration in
11 the defendant's blood, breath, or urine was 0.16 or more
12 based on the definition of blood, breath, or urine units in
13 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
14 be imposed in addition to any other criminal or
15 administrative sanction. If at the time of the fourth
16 violation, the defendant was transporting a person under
17 the age of 16 a mandatory fine of \$25,000 and 25 days of
18 community service in a program benefiting children shall be
19 imposed in addition to any other criminal or administrative
20 sanction.

21 (D) A fifth violation of this Section or a similar
22 provision is a Class 1 felony, for which a sentence of
23 probation or conditional discharge may not be imposed. If
24 at the time of the violation, the alcohol concentration in
25 the defendant's blood, breath, or urine was 0.16 or more
26 based on the definition of blood, breath, or urine units in

1 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
2 be imposed in addition to any other criminal or
3 administrative sanction. If at the time of the fifth
4 violation, the defendant was transporting a person under
5 the age of 16, a mandatory fine of \$25,000, and 25 days of
6 community service in a program benefiting children shall be
7 imposed in addition to any other criminal or administrative
8 sanction.

9 (E) A sixth or subsequent violation of this Section or
10 similar provision is a Class X felony. If at the time of
11 the violation, the alcohol concentration in the
12 defendant's blood, breath, or urine was 0.16 or more based
13 on the definition of blood, breath, or urine units in
14 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
15 be imposed in addition to any other criminal or
16 administrative sanction. If at the time of the violation,
17 the defendant was transporting a person under the age of
18 16, a mandatory fine of \$25,000 and 25 days of community
19 service in a program benefiting children shall be imposed
20 in addition to any other criminal or administrative
21 sanction.

22 (F) For a violation of subparagraph (C) of paragraph
23 (1) of this subsection (d), the defendant, if sentenced to
24 a term of imprisonment, shall be sentenced to not less than
25 one year nor more than 12 years.

26 (G) A violation of subparagraph (F) of paragraph (1) of

1 this subsection (d) is a Class 2 felony, for which the
2 defendant, unless the court determines that extraordinary
3 circumstances exist and require probation, shall be
4 sentenced to: (i) a term of imprisonment of not less than 3
5 years and not more than 14 years if the violation resulted
6 in the death of one person; or (ii) a term of imprisonment
7 of not less than 6 years and not more than 28 years if the
8 violation resulted in the deaths of 2 or more persons.

9 (H) For a violation of subparagraph (J) of paragraph
10 (1) of this subsection (d), a mandatory fine of \$2,500, and
11 25 days of community service in a program benefiting
12 children shall be imposed in addition to any other criminal
13 or administrative sanction.

14 (I) A violation of subparagraph (K) of paragraph (1) of
15 this subsection (d), is a Class 2 felony and a mandatory
16 fine of \$2,500, and 25 days of community service in a
17 program benefiting children shall be imposed in addition to
18 any other criminal or administrative sanction. If the child
19 being transported suffered bodily harm, but not great
20 bodily harm, in a motor vehicle accident, and the violation
21 was the proximate cause of that injury, a mandatory fine of
22 \$5,000 and 25 days of community service in a program
23 benefiting children shall be imposed in addition to any
24 other criminal or administrative sanction.

25 (3) Any person sentenced under this subsection (d) who
26 receives a term of probation or conditional discharge must

1 serve a minimum term of either 480 hours of community
2 service or 10 days of imprisonment as a condition of the
3 probation or conditional discharge in addition to any other
4 criminal or administrative sanction.

5 (e) Any reference to a prior violation of subsection (a) or
6 a similar provision includes any violation of a provision of a
7 local ordinance or a provision of a law of another state or an
8 offense committed on a military installation that is similar to
9 a violation of subsection (a) of this Section.

10 (f) The imposition of a mandatory term of imprisonment or
11 assignment of community service for a violation of this Section
12 shall not be suspended or reduced by the court.

13 (g) Any penalty imposed for driving with a license that has
14 been revoked for a previous violation of subsection (a) of this
15 Section shall be in addition to the penalty imposed for any
16 subsequent violation of subsection (a).

17 (h) For any prosecution under this Section, a certified
18 copy of the driving abstract of the defendant shall be admitted
19 as proof of any prior conviction. ~~in subsection (m) of this~~
20 Section

21 (Source: P.A. 94-110, eff. 1-1-06; 94-113, eff. 1-1-06; 94-114,
22 eff. 1-1-06; 94-116, eff. 1-1-06; 94-329, eff. 1-1-06; 94-609,
23 eff. 1-1-06; 94-963, eff. 6-28-06; 95-149, eff. 8-14-07;
24 95-355, eff. 1-1-08; 95-400, eff. 1-1-09; 95-578, eff. 6-1-08;
25 revised 11-28-07.)

1 (625 ILCS 5/11-501.1) (from Ch. 95 1/2, par. 11-501.1)

2 Sec. 11-501.1. Suspension of drivers license; statutory
3 summary alcohol, other drug or drugs, or intoxicating compound
4 or compounds related suspension; implied consent.

5 (a) Any person who drives or is in actual physical control
6 of a motor vehicle upon the public highways of this State shall
7 be deemed to have given consent, subject to the provisions of
8 Section 11-501.2, to a chemical test or tests of blood, breath,
9 or urine for the purpose of determining the content of alcohol,
10 other drug or drugs, or intoxicating compound or compounds or
11 any combination thereof in the person's blood if arrested, as
12 evidenced by the issuance of a Uniform Traffic Ticket, for any
13 offense as defined in Section 11-501 or a similar provision of
14 a local ordinance, or if arrested for violating Section 11-401.
15 The test or tests shall be administered at the direction of the
16 arresting officer. The law enforcement agency employing the
17 officer shall designate which of the aforesaid tests shall be
18 administered. A urine test may be administered even after a
19 blood or breath test or both has been administered. For
20 purposes of this Section, an Illinois law enforcement officer
21 of this State who is investigating the person for any offense
22 defined in Section 11-501 may travel into an adjoining state,
23 where the person has been transported for medical care, to
24 complete an investigation and to request that the person submit
25 to the test or tests set forth in this Section. The
26 requirements of this Section that the person be arrested are

1 inapplicable, but the officer shall issue the person a Uniform
2 Traffic Ticket for an offense as defined in Section 11-501 or a
3 similar provision of a local ordinance prior to requesting that
4 the person submit to the test or tests. The issuance of the
5 Uniform Traffic Ticket shall not constitute an arrest, but
6 shall be for the purpose of notifying the person that he or she
7 is subject to the provisions of this Section and of the
8 officer's belief of the existence of probable cause to arrest.
9 Upon returning to this State, the officer shall file the
10 Uniform Traffic Ticket with the Circuit Clerk of the county
11 where the offense was committed, and shall seek the issuance of
12 an arrest warrant or a summons for the person.

13 (b) Any person who is dead, unconscious, or who is
14 otherwise in a condition rendering the person incapable of
15 refusal, shall be deemed not to have withdrawn the consent
16 provided by paragraph (a) of this Section and the test or tests
17 may be administered, subject to the provisions of Section
18 11-501.2.

19 (c) A person requested to submit to a test as provided
20 above shall be warned by the law enforcement officer requesting
21 the test that a refusal to submit to the test will result in
22 the statutory summary suspension of the person's privilege to
23 operate a motor vehicle, as provided in Section 6-208.1 of this
24 Code, and will also result in the disqualification of the
25 person's privilege to operate a commercial motor vehicle, as
26 provided in Section 6-514 of this Code, if the person is a CDL

1 holder. The person shall also be warned by the law enforcement
2 officer that if the person submits to the test or tests
3 provided in paragraph (a) of this Section and the alcohol
4 concentration in the person's blood or breath is 0.08 or
5 greater, or any amount of a drug, substance, or compound
6 resulting from the unlawful use or consumption of cannabis as
7 covered by the Cannabis Control Act, a controlled substance
8 listed in the Illinois Controlled Substances Act, an
9 intoxicating compound listed in the Use of Intoxicating
10 Compounds Act, or methamphetamine as listed in the
11 Methamphetamine Control and Community Protection Act is
12 detected in the person's blood or urine, a statutory summary
13 suspension of the person's privilege to operate a motor
14 vehicle, as provided in Sections 6-208.1 and 11-501.1 of this
15 Code, and a disqualification of the person's privilege to
16 operate a commercial motor vehicle, as provided in Section
17 6-514 of this Code, if the person is a CDL holder, will be
18 imposed.

19 A person who is under the age of 21 at the time the person
20 is requested to submit to a test as provided above shall, in
21 addition to the warnings provided for in this Section, be
22 further warned by the law enforcement officer requesting the
23 test that if the person submits to the test or tests provided
24 in paragraph (a) of this Section and the alcohol concentration
25 in the person's blood or breath is greater than 0.00 and less
26 than 0.08, a suspension of the person's privilege to operate a

1 motor vehicle, as provided under Sections 6-208.2 and 11-501.8
2 of this Code, will be imposed. The results of this test shall
3 be admissible in a civil or criminal action or proceeding
4 arising from an arrest for an offense as defined in Section
5 11-501 of this Code or a similar provision of a local ordinance
6 or pursuant to Section 11-501.4 in prosecutions for reckless
7 homicide brought under the Criminal Code of 1961. These test
8 results, however, shall be admissible only in actions or
9 proceedings directly related to the incident upon which the
10 test request was made.

11 (d) If the person refuses testing or submits to a test that
12 discloses an alcohol concentration of 0.08 or more, or any
13 amount of a drug, substance, or intoxicating compound in the
14 person's breath, blood, or urine resulting from the unlawful
15 use or consumption of cannabis listed in the Cannabis Control
16 Act, a controlled substance listed in the Illinois Controlled
17 Substances Act, an intoxicating compound listed in the Use of
18 Intoxicating Compounds Act, or methamphetamine as listed in the
19 Methamphetamine Control and Community Protection Act, the law
20 enforcement officer shall immediately submit a sworn report to
21 the circuit court of venue and the Secretary of State,
22 certifying that the test or tests was or were requested under
23 paragraph (a) and the person refused to submit to a test, or
24 tests, or submitted to testing that disclosed an alcohol
25 concentration of 0.08 or more.

26 (e) Upon receipt of the sworn report of a law enforcement

1 officer submitted under paragraph (d), the Secretary of State
2 shall enter the statutory summary suspension and
3 disqualification for the periods specified in Sections 6-208.1
4 and 6-514, respectively, and effective as provided in paragraph
5 (g).

6 If the person is a first offender as defined in Section
7 11-500 of this Code, and is not convicted of a violation of
8 Section 11-501 of this Code or a similar provision of a local
9 ordinance, then reports received by the Secretary of State
10 under this Section shall, except during the actual time the
11 Statutory Summary Suspension is in effect, be privileged
12 information and for use only by the courts, police officers,
13 prosecuting authorities or the Secretary of State. However,
14 beginning January 1, 2008, if the person is a CDL holder, the
15 statutory summary suspension shall also be made available to
16 the driver licensing administrator of any other state, the U.S.
17 Department of Transportation, and the affected driver or motor
18 carrier or prospective motor carrier upon request. Reports
19 received by the Secretary of State under this Section shall
20 also be made available to the parent or guardian of a person
21 under the age of 18 years that holds an instruction permit or a
22 graduated driver's license, regardless of whether the
23 statutory summary suspension is in effect.

24 (f) The law enforcement officer submitting the sworn report
25 under paragraph (d) shall serve immediate notice of the
26 statutory summary suspension on the person and the suspension

1 and disqualification shall be effective as provided in
2 paragraph (g). In cases where the blood alcohol concentration
3 of 0.08 or greater or any amount of a drug, substance, or
4 compound resulting from the unlawful use or consumption of
5 cannabis as covered by the Cannabis Control Act, a controlled
6 substance listed in the Illinois Controlled Substances Act, an
7 intoxicating compound listed in the Use of Intoxicating
8 Compounds Act, or methamphetamine as listed in the
9 Methamphetamine Control and Community Protection Act is
10 established by a subsequent analysis of blood or urine
11 collected at the time of arrest, the arresting officer or
12 arresting agency shall give notice as provided in this Section
13 or by deposit in the United States mail of the notice in an
14 envelope with postage prepaid and addressed to the person at
15 his address as shown on the Uniform Traffic Ticket and the
16 statutory summary suspension and disqualification shall begin
17 as provided in paragraph (g). The officer shall confiscate any
18 Illinois driver's license or permit on the person at the time
19 of arrest. If the person has a valid driver's license or
20 permit, the officer shall issue the person a receipt, in a form
21 prescribed by the Secretary of State, that will allow that
22 person to drive during the periods provided for in paragraph
23 (g). The officer shall immediately forward the driver's license
24 or permit to the circuit court of venue along with the sworn
25 report provided for in paragraph (d).

26 (g) The statutory summary suspension and disqualification

1 referred to in this Section shall take effect on the 46th day
2 following the date the notice of the statutory summary
3 suspension was given to the person.

4 (h) The following procedure shall apply whenever a person
5 is arrested for any offense as defined in Section 11-501 or a
6 similar provision of a local ordinance:

7 Upon receipt of the sworn report from the law enforcement
8 officer, the Secretary of State shall confirm the statutory
9 summary suspension by mailing a notice of the effective date of
10 the suspension to the person and the court of venue. The
11 Secretary of State shall also mail notice of the effective date
12 of the disqualification to the person. However, should the
13 sworn report be defective by not containing sufficient
14 information or be completed in error, the confirmation of the
15 statutory summary suspension shall not be mailed to the person
16 or entered to the record; instead, the sworn report shall be
17 forwarded to the court of venue with a copy returned to the
18 issuing agency identifying any defect.

19 (Source: P.A. 94-115, eff. 1-1-06; 95-201, eff. 1-1-08; 95-382,
20 eff. 8-23-07; revised 11-19-07.)

21 (625 ILCS 5/11-501.8)

22 (Text of Section before amendment by P.A. 95-627)

23 Sec. 11-501.8. Suspension of driver's license; persons
24 under age 21.

25 (a) A person who is less than 21 years of age and who

1 drives or is in actual physical control of a motor vehicle upon
2 the public highways of this State shall be deemed to have given
3 consent to a chemical test or tests of blood, breath, or urine
4 for the purpose of determining the alcohol content of the
5 person's blood if arrested, as evidenced by the issuance of a
6 Uniform Traffic Ticket for any violation of the Illinois
7 Vehicle Code or a similar provision of a local ordinance, if a
8 police officer has probable cause to believe that the driver
9 has consumed any amount of an alcoholic beverage based upon
10 evidence of the driver's physical condition or other first hand
11 knowledge of the police officer. The test or tests shall be
12 administered at the direction of the arresting officer. The law
13 enforcement agency employing the officer shall designate which
14 of the aforesaid tests shall be administered. A urine test may
15 be administered even after a blood or breath test or both has
16 been administered.

17 (b) A person who is dead, unconscious, or who is otherwise
18 in a condition rendering that person incapable of refusal,
19 shall be deemed not to have withdrawn the consent provided by
20 paragraph (a) of this Section and the test or tests may be
21 administered subject to the following provisions:

22 (i) Chemical analysis of the person's blood, urine,
23 breath, or other bodily substance, to be considered valid
24 under the provisions of this Section, shall have been
25 performed according to standards promulgated by the
26 Department of State Police by an individual possessing a

1 valid permit issued by that Department for this purpose.
2 The Director of State Police is authorized to approve
3 satisfactory techniques or methods, to ascertain the
4 qualifications and competence of individuals to conduct
5 analyses, to issue permits that shall be subject to
6 termination or revocation at the direction of that
7 Department, and to certify the accuracy of breath testing
8 equipment. The Department of State Police shall prescribe
9 regulations as necessary.

10 (ii) When a person submits to a blood test at the
11 request of a law enforcement officer under the provisions
12 of this Section, only a physician authorized to practice
13 medicine, a registered nurse, or other qualified person
14 trained in venipuncture and acting under the direction of a
15 licensed physician may withdraw blood for the purpose of
16 determining the alcohol content therein. This limitation
17 does not apply to the taking of breath or urine specimens.

18 (iii) The person tested may have a physician, qualified
19 technician, chemist, registered nurse, or other qualified
20 person of his or her own choosing administer a chemical
21 test or tests in addition to any test or tests administered
22 at the direction of a law enforcement officer. The failure
23 or inability to obtain an additional test by a person shall
24 not preclude the consideration of the previously performed
25 chemical test.

26 (iv) Upon a request of the person who submits to a

1 chemical test or tests at the request of a law enforcement
2 officer, full information concerning the test or tests
3 shall be made available to the person or that person's
4 attorney.

5 (v) Alcohol concentration means either grams of
6 alcohol per 100 milliliters of blood or grams of alcohol
7 per 210 liters of breath.

8 (vi) If a driver is receiving medical treatment as a
9 result of a motor vehicle accident, a physician licensed to
10 practice medicine, registered nurse, or other qualified
11 person trained in venipuncture and acting under the
12 direction of a licensed physician shall withdraw blood for
13 testing purposes to ascertain the presence of alcohol upon
14 the specific request of a law enforcement officer. However,
15 that testing shall not be performed until, in the opinion
16 of the medical personnel on scene, the withdrawal can be
17 made without interfering with or endangering the
18 well-being of the patient.

19 (c) A person requested to submit to a test as provided
20 above shall be warned by the law enforcement officer requesting
21 the test that a refusal to submit to the test, or submission to
22 the test resulting in an alcohol concentration of more than
23 0.00, may result in the loss of that person's privilege to
24 operate a motor vehicle and may result in the disqualification
25 of the person's privilege to operate a commercial motor
26 vehicle, as provided in Section 6-514 of this Code, if the

1 person is a CDL holder. The loss of driving privileges shall be
2 imposed in accordance with Section 6-208.2 of this Code.

3 (d) If the person refuses testing or submits to a test that
4 discloses an alcohol concentration of more than 0.00, the law
5 enforcement officer shall immediately submit a sworn report to
6 the Secretary of State on a form prescribed by the Secretary of
7 State, certifying that the test or tests were requested under
8 subsection (a) and the person refused to submit to a test or
9 tests or submitted to testing which disclosed an alcohol
10 concentration of more than 0.00. The law enforcement officer
11 shall submit the same sworn report when a person under the age
12 of 21 submits to testing under Section 11-501.1 of this Code
13 and the testing discloses an alcohol concentration of more than
14 0.00 and less than 0.08.

15 Upon receipt of the sworn report of a law enforcement
16 officer, the Secretary of State shall enter the suspension and
17 disqualification on the individual's driving record and the
18 suspension and disqualification shall be effective on the 46th
19 day following the date notice of the suspension was given to
20 the person. If this suspension is the individual's first
21 driver's license suspension under this Section, reports
22 received by the Secretary of State under this Section shall,
23 except during the time the suspension is in effect, be
24 privileged information and for use only by the courts, police
25 officers, prosecuting authorities, the Secretary of State, or
26 the individual personally. However, beginning January 1, 2008,

1 if the person is a CDL holder, the report of suspension shall
2 also be made available to the driver licensing administrator of
3 any other state, the U.S. Department of Transportation, and the
4 affected driver or motor carrier or prospective motor carrier
5 upon request. Reports received by the Secretary of State under
6 this Section shall also be made available to the parent or
7 guardian of a person under the age of 18 years that holds an
8 instruction permit or a graduated driver's license, regardless
9 of whether the suspension is in effect.

10 The law enforcement officer submitting the sworn report
11 shall serve immediate notice of this suspension on the person
12 and the suspension and disqualification shall be effective on
13 the 46th day following the date notice was given.

14 In cases where the blood alcohol concentration of more than
15 0.00 is established by a subsequent analysis of blood or urine,
16 the police officer or arresting agency shall give notice as
17 provided in this Section or by deposit in the United States
18 mail of that notice in an envelope with postage prepaid and
19 addressed to that person at his last known address and the loss
20 of driving privileges shall be effective on the 46th day
21 following the date notice was given.

22 Upon receipt of the sworn report of a law enforcement
23 officer, the Secretary of State shall also give notice of the
24 suspension and disqualification to the driver by mailing a
25 notice of the effective date of the suspension and
26 disqualification to the individual. However, should the sworn

1 report be defective by not containing sufficient information or
2 be completed in error, the notice of the suspension and
3 disqualification shall not be mailed to the person or entered
4 to the driving record, but rather the sworn report shall be
5 returned to the issuing law enforcement agency.

6 (e) A driver may contest this suspension and
7 disqualification by requesting an administrative hearing with
8 the Secretary of State in accordance with Section 2-118 of this
9 Code. An individual whose blood alcohol concentration is shown
10 to be more than 0.00 is not subject to this Section if he or she
11 consumed alcohol in the performance of a religious service or
12 ceremony. An individual whose blood alcohol concentration is
13 shown to be more than 0.00 shall not be subject to this Section
14 if the individual's blood alcohol concentration resulted only
15 from ingestion of the prescribed or recommended dosage of
16 medicine that contained alcohol. The petition for that hearing
17 shall not stay or delay the effective date of the impending
18 suspension. The scope of this hearing shall be limited to the
19 issues of:

20 (1) whether the police officer had probable cause to
21 believe that the person was driving or in actual physical
22 control of a motor vehicle upon the public highways of the
23 State and the police officer had reason to believe that the
24 person was in violation of any provision of the Illinois
25 Vehicle Code or a similar provision of a local ordinance;
26 and

1 (2) whether the person was issued a Uniform Traffic
2 Ticket for any violation of the Illinois Vehicle Code or a
3 similar provision of a local ordinance; and

4 (3) whether the police officer had probable cause to
5 believe that the driver had consumed any amount of an
6 alcoholic beverage based upon the driver's physical
7 actions or other first-hand knowledge of the police
8 officer; and

9 (4) whether the person, after being advised by the
10 officer that the privilege to operate a motor vehicle would
11 be suspended if the person refused to submit to and
12 complete the test or tests, did refuse to submit to or
13 complete the test or tests to determine the person's
14 alcohol concentration; and

15 (5) whether the person, after being advised by the
16 officer that the privileges to operate a motor vehicle
17 would be suspended if the person submits to a chemical test
18 or tests and the test or tests disclose an alcohol
19 concentration of more than 0.00, did submit to and complete
20 the test or tests that determined an alcohol concentration
21 of more than 0.00; and

22 (6) whether the test result of an alcohol concentration
23 of more than 0.00 was based upon the person's consumption
24 of alcohol in the performance of a religious service or
25 ceremony; and

26 (7) whether the test result of an alcohol concentration

1 of more than 0.00 was based upon the person's consumption
2 of alcohol through ingestion of the prescribed or
3 recommended dosage of medicine.

4 Provided that the petitioner may subpoena the officer, the
5 hearing may be conducted upon a review of the law enforcement
6 officer's own official reports. Failure of the officer to
7 answer the subpoena shall be grounds for a continuance if, in
8 the hearing officer's discretion, the continuance is
9 appropriate. At the conclusion of the hearing held under
10 Section 2-118 of this Code, the Secretary of State may rescind,
11 continue, or modify the suspension and disqualification. If the
12 Secretary of State does not rescind the suspension and
13 disqualification, a restricted driving permit may be granted by
14 the Secretary of State upon application being made and good
15 cause shown. A restricted driving permit may be granted to
16 relieve undue hardship by allowing driving for employment,
17 educational, and medical purposes as outlined in item (3) of
18 part (c) of Section 6-206 of this Code. The provisions of item
19 (3) of part (c) of Section 6-206 of this Code and of subsection
20 (f) of that Section shall apply. The Secretary of State shall
21 promulgate rules providing for participation in an alcohol
22 education and awareness program or activity, a drug education
23 and awareness program or activity, or both as a condition to
24 the issuance of a restricted driving permit for suspensions
25 imposed under this Section.

26 (f) The results of any chemical testing performed in

1 accordance with subsection (a) of this Section are not
2 admissible in any civil or criminal proceeding, except that the
3 results of the testing may be considered at a hearing held
4 under Section 2-118 of this Code. However, the results of the
5 testing may not be used to impose driver's license sanctions
6 under Section 11-501.1 of this Code. A law enforcement officer
7 may, however, pursue a statutory summary suspension of driving
8 privileges under Section 11-501.1 of this Code if other
9 physical evidence or first hand knowledge forms the basis of
10 that suspension.

11 (g) This Section applies only to drivers who are under age
12 21 at the time of the issuance of a Uniform Traffic Ticket for
13 a violation of the Illinois Vehicle Code or a similar provision
14 of a local ordinance, and a chemical test request is made under
15 this Section.

16 (h) The action of the Secretary of State in suspending,
17 revoking, cancelling, or disqualifying any license or permit
18 shall be subject to judicial review in the Circuit Court of
19 Sangamon County or in the Circuit Court of Cook County, and the
20 provisions of the Administrative Review Law and its rules are
21 hereby adopted and shall apply to and govern every action for
22 the judicial review of final acts or decisions of the Secretary
23 of State under this Section.

24 (Source: P.A. 94-307, eff. 9-30-05; 95-201, eff. 1-1-08;
25 95-382, eff. 8-23-07; revised 11-19-07.)

1 (Text of Section after amendment by P.A. 95-627)

2 Sec. 11-501.8. Suspension of driver's license; persons
3 under age 21.

4 (a) A person who is less than 21 years of age and who
5 drives or is in actual physical control of a motor vehicle upon
6 the public highways of this State shall be deemed to have given
7 consent to a chemical test or tests of blood, breath, or urine
8 for the purpose of determining the alcohol content of the
9 person's blood if arrested, as evidenced by the issuance of a
10 Uniform Traffic Ticket for any violation of the Illinois
11 Vehicle Code or a similar provision of a local ordinance, if a
12 police officer has probable cause to believe that the driver
13 has consumed any amount of an alcoholic beverage based upon
14 evidence of the driver's physical condition or other first hand
15 knowledge of the police officer. The test or tests shall be
16 administered at the direction of the arresting officer. The law
17 enforcement agency employing the officer shall designate which
18 of the aforesaid tests shall be administered. A urine test may
19 be administered even after a blood or breath test or both has
20 been administered.

21 (b) A person who is dead, unconscious, or who is otherwise
22 in a condition rendering that person incapable of refusal,
23 shall be deemed not to have withdrawn the consent provided by
24 paragraph (a) of this Section and the test or tests may be
25 administered subject to the following provisions:

26 (i) Chemical analysis of the person's blood, urine,

1 breath, or other bodily substance, to be considered valid
2 under the provisions of this Section, shall have been
3 performed according to standards promulgated by the
4 Department of State Police by an individual possessing a
5 valid permit issued by that Department for this purpose.
6 The Director of State Police is authorized to approve
7 satisfactory techniques or methods, to ascertain the
8 qualifications and competence of individuals to conduct
9 analyses, to issue permits that shall be subject to
10 termination or revocation at the direction of that
11 Department, and to certify the accuracy of breath testing
12 equipment. The Department of State Police shall prescribe
13 regulations as necessary.

14 (ii) When a person submits to a blood test at the
15 request of a law enforcement officer under the provisions
16 of this Section, only a physician authorized to practice
17 medicine, a registered nurse, or other qualified person
18 trained in venipuncture and acting under the direction of a
19 licensed physician may withdraw blood for the purpose of
20 determining the alcohol content therein. This limitation
21 does not apply to the taking of breath or urine specimens.

22 (iii) The person tested may have a physician, qualified
23 technician, chemist, registered nurse, or other qualified
24 person of his or her own choosing administer a chemical
25 test or tests in addition to any test or tests administered
26 at the direction of a law enforcement officer. The failure

1 or inability to obtain an additional test by a person shall
2 not preclude the consideration of the previously performed
3 chemical test.

4 (iv) Upon a request of the person who submits to a
5 chemical test or tests at the request of a law enforcement
6 officer, full information concerning the test or tests
7 shall be made available to the person or that person's
8 attorney.

9 (v) Alcohol concentration means either grams of
10 alcohol per 100 milliliters of blood or grams of alcohol
11 per 210 liters of breath.

12 (vi) If a driver is receiving medical treatment as a
13 result of a motor vehicle accident, a physician licensed to
14 practice medicine, registered nurse, or other qualified
15 person trained in venipuncture and acting under the
16 direction of a licensed physician shall withdraw blood for
17 testing purposes to ascertain the presence of alcohol upon
18 the specific request of a law enforcement officer. However,
19 that testing shall not be performed until, in the opinion
20 of the medical personnel on scene, the withdrawal can be
21 made without interfering with or endangering the
22 well-being of the patient.

23 (c) A person requested to submit to a test as provided
24 above shall be warned by the law enforcement officer requesting
25 the test that a refusal to submit to the test, or submission to
26 the test resulting in an alcohol concentration of more than

1 0.00, may result in the loss of that person's privilege to
2 operate a motor vehicle and may result in the disqualification
3 of the person's privilege to operate a commercial motor
4 vehicle, as provided in Section 6-514 of this Code, if the
5 person is a CDL holder. The loss of driving privileges shall be
6 imposed in accordance with Section 6-208.2 of this Code.

7 (d) If the person refuses testing or submits to a test that
8 discloses an alcohol concentration of more than 0.00, the law
9 enforcement officer shall immediately submit a sworn report to
10 the Secretary of State on a form prescribed by the Secretary of
11 State, certifying that the test or tests were requested under
12 subsection (a) and the person refused to submit to a test or
13 tests or submitted to testing which disclosed an alcohol
14 concentration of more than 0.00. The law enforcement officer
15 shall submit the same sworn report when a person under the age
16 of 21 submits to testing under Section 11-501.1 of this Code
17 and the testing discloses an alcohol concentration of more than
18 0.00 and less than 0.08.

19 Upon receipt of the sworn report of a law enforcement
20 officer, the Secretary of State shall enter the suspension and
21 disqualification on the individual's driving record and the
22 suspension and disqualification shall be effective on the 46th
23 day following the date notice of the suspension was given to
24 the person. If this suspension is the individual's first
25 driver's license suspension under this Section, reports
26 received by the Secretary of State under this Section shall,

1 except during the time the suspension is in effect, be
2 privileged information and for use only by the courts, police
3 officers, prosecuting authorities, the Secretary of State, or
4 the individual personally. However, beginning January 1, 2008,
5 if the person is a CDL holder, the report of suspension shall
6 also be made available to the driver licensing administrator of
7 any other state, the U.S. Department of Transportation, and the
8 affected driver or motor carrier or prospective motor carrier
9 upon request. Reports received by the Secretary of State under
10 this Section shall also be made available to the parent or
11 guardian of a person under the age of 18 years that holds an
12 instruction permit or a graduated driver's license, regardless
13 of whether the suspension is in effect.

14 The law enforcement officer submitting the sworn report
15 shall serve immediate notice of this suspension on the person
16 and the suspension and disqualification shall be effective on
17 the 46th day following the date notice was given.

18 In cases where the blood alcohol concentration of more than
19 0.00 is established by a subsequent analysis of blood or urine,
20 the police officer or arresting agency shall give notice as
21 provided in this Section or by deposit in the United States
22 mail of that notice in an envelope with postage prepaid and
23 addressed to that person at his last known address and the loss
24 of driving privileges shall be effective on the 46th day
25 following the date notice was given.

26 Upon receipt of the sworn report of a law enforcement

1 officer, the Secretary of State shall also give notice of the
2 suspension and disqualification to the driver by mailing a
3 notice of the effective date of the suspension and
4 disqualification to the individual. However, should the sworn
5 report be defective by not containing sufficient information or
6 be completed in error, the notice of the suspension and
7 disqualification shall not be mailed to the person or entered
8 to the driving record, but rather the sworn report shall be
9 returned to the issuing law enforcement agency.

10 (e) A driver may contest this suspension and
11 disqualification by requesting an administrative hearing with
12 the Secretary of State in accordance with Section 2-118 of this
13 Code. An individual whose blood alcohol concentration is shown
14 to be more than 0.00 is not subject to this Section if he or she
15 consumed alcohol in the performance of a religious service or
16 ceremony. An individual whose blood alcohol concentration is
17 shown to be more than 0.00 shall not be subject to this Section
18 if the individual's blood alcohol concentration resulted only
19 from ingestion of the prescribed or recommended dosage of
20 medicine that contained alcohol. The petition for that hearing
21 shall not stay or delay the effective date of the impending
22 suspension. The scope of this hearing shall be limited to the
23 issues of:

24 (1) whether the police officer had probable cause to
25 believe that the person was driving or in actual physical
26 control of a motor vehicle upon the public highways of the

1 State and the police officer had reason to believe that the
2 person was in violation of any provision of the Illinois
3 Vehicle Code or a similar provision of a local ordinance;
4 and

5 (2) whether the person was issued a Uniform Traffic
6 Ticket for any violation of the Illinois Vehicle Code or a
7 similar provision of a local ordinance; and

8 (3) whether the police officer had probable cause to
9 believe that the driver had consumed any amount of an
10 alcoholic beverage based upon the driver's physical
11 actions or other first-hand knowledge of the police
12 officer; and

13 (4) whether the person, after being advised by the
14 officer that the privilege to operate a motor vehicle would
15 be suspended if the person refused to submit to and
16 complete the test or tests, did refuse to submit to or
17 complete the test or tests to determine the person's
18 alcohol concentration; and

19 (5) whether the person, after being advised by the
20 officer that the privileges to operate a motor vehicle
21 would be suspended if the person submits to a chemical test
22 or tests and the test or tests disclose an alcohol
23 concentration of more than 0.00, did submit to and complete
24 the test or tests that determined an alcohol concentration
25 of more than 0.00; and

26 (6) whether the test result of an alcohol concentration

1 of more than 0.00 was based upon the person's consumption
2 of alcohol in the performance of a religious service or
3 ceremony; and

4 (7) whether the test result of an alcohol concentration
5 of more than 0.00 was based upon the person's consumption
6 of alcohol through ingestion of the prescribed or
7 recommended dosage of medicine.

8 At the conclusion of the hearing held under Section 2-118
9 of this Code, the Secretary of State may rescind, continue, or
10 modify the suspension and disqualification. If the Secretary of
11 State does not rescind the suspension and disqualification, a
12 restricted driving permit may be granted by the Secretary of
13 State upon application being made and good cause shown. A
14 restricted driving permit may be granted to relieve undue
15 hardship by allowing driving for employment, educational, and
16 medical purposes as outlined in item (3) of part (c) of Section
17 6-206 of this Code. The provisions of item (3) of part (c) of
18 Section 6-206 of this Code and of subsection (f) of that
19 Section shall apply. The Secretary of State shall promulgate
20 rules providing for participation in an alcohol education and
21 awareness program or activity, a drug education and awareness
22 program or activity, or both as a condition to the issuance of
23 a restricted driving permit for suspensions imposed under this
24 Section.

25 (f) The results of any chemical testing performed in
26 accordance with subsection (a) of this Section are not

1 admissible in any civil or criminal proceeding, except that the
2 results of the testing may be considered at a hearing held
3 under Section 2-118 of this Code. However, the results of the
4 testing may not be used to impose driver's license sanctions
5 under Section 11-501.1 of this Code. A law enforcement officer
6 may, however, pursue a statutory summary suspension of driving
7 privileges under Section 11-501.1 of this Code if other
8 physical evidence or first hand knowledge forms the basis of
9 that suspension.

10 (g) This Section applies only to drivers who are under age
11 21 at the time of the issuance of a Uniform Traffic Ticket for
12 a violation of the Illinois Vehicle Code or a similar provision
13 of a local ordinance, and a chemical test request is made under
14 this Section.

15 (h) The action of the Secretary of State in suspending,
16 revoking, cancelling, or disqualifying any license or permit
17 shall be subject to judicial review in the Circuit Court of
18 Sangamon County or in the Circuit Court of Cook County, and the
19 provisions of the Administrative Review Law and its rules are
20 hereby adopted and shall apply to and govern every action for
21 the judicial review of final acts or decisions of the Secretary
22 of State under this Section.

23 (Source: P.A. 94-307, eff. 9-30-05; 95-201, eff. 1-1-08;
24 95-382, eff. 8-23-07; 95-627, eff. 6-1-08; revised 11-19-07.)

25 (625 ILCS 5/11-1301.3) (from Ch. 95 1/2, par. 11-1301.3)

1 (Text of Section before amendment by P.A. 95-430)

2 Sec. 11-1301.3. Unauthorized use of parking places
3 reserved for persons with disabilities.

4 (a) It shall be prohibited to park any motor vehicle which
5 is not properly displaying registration plates or decals issued
6 to a person with disabilities, as defined by Section 1-159.1,
7 pursuant to Sections 3-616, 11-1301.1 or 11-1301.2, or to a
8 disabled veteran pursuant to Section 3-609 or 3-609.01 of this
9 Act, as evidence that the vehicle is operated by or for a
10 person with disabilities or disabled veteran, in any parking
11 place, including any private or public offstreet parking
12 facility, specifically reserved, by the posting of an official
13 sign as designated under Section 11-301, for motor vehicles
14 displaying such registration plates. It shall be prohibited to
15 park any motor vehicle in a designated access aisle adjacent to
16 any parking place specifically reserved for persons with
17 disabilities, by the posting of an official sign as designated
18 under Section 11-301, for motor vehicles displaying such
19 registration plates. When using the parking privileges for
20 persons with disabilities, the parking decal or device must be
21 displayed properly in the vehicle where it is clearly visible
22 to law enforcement personnel, either hanging from the rearview
23 mirror or placed on the dashboard of the vehicle in clear view.
24 Any motor vehicle properly displaying a disability license
25 plate or a parking decal or device containing the International
26 symbol of access issued to persons with disabilities by any

1 local authority, state, district, territory or foreign country
2 shall be recognized by State and local authorities as a valid
3 license plate or device and receive the same parking privileges
4 as residents of this State.

5 (a-1) An individual with a vehicle displaying disability
6 license plates or a parking decal or device issued to a
7 qualified person with a disability under Sections 3-616,
8 11-1301.1, or 11-1301.2 or to a disabled veteran under Section
9 3-609 or 3-609.01 is in violation of this Section if (i) the
10 person using the disability license plate or parking decal or
11 device is not the authorized holder of the disability license
12 plate or parking decal or device or is not transporting the
13 authorized holder of the disability license plate or parking
14 decal or device to or from the parking location and (ii) the
15 person uses the disability license plate or parking decal or
16 device to exercise any privileges granted through the
17 disability license plate or parking decals or devices under
18 this Code.

19 (b) Any person or local authority owning or operating any
20 public or private offstreet parking facility may, after
21 notifying the police or sheriff's department, remove or cause
22 to be removed to the nearest garage or other place of safety
23 any vehicle parked within a stall or space reserved for use by
24 a person with disabilities which does not display person with
25 disabilities registration plates or a special decal or device
26 as required under this Section.

1 (c) Any person found guilty of violating the provisions of
2 subsection (a) shall be fined \$250 in addition to any costs or
3 charges connected with the removal or storage of any motor
4 vehicle authorized under this Section; but municipalities by
5 ordinance may impose a fine up to \$350 and shall display signs
6 indicating the fine imposed. If the amount of the fine is
7 subsequently changed, the municipality shall change the sign to
8 indicate the current amount of the fine. It shall not be a
9 defense to a charge under this Section that either the sign
10 posted pursuant to this Section or the intended accessible
11 parking place does not comply with the technical requirements
12 of Section 11-301, Department regulations, or local ordinance
13 if a reasonable person would be made aware by the sign or
14 notice on or near the parking place that the place is reserved
15 for a person with disabilities.

16 (c-1) Any person found guilty of violating the provisions
17 of subsection (a-1) shall be fined \$500. The circuit clerk
18 shall distribute \$250 of the \$500 fine imposed on any person
19 who is found guilty of or pleads guilty to violating this
20 Section, including any person placed on court supervision for
21 violating this Section, to the law enforcement agency that
22 issued the citation or made the arrest. If more than one law
23 enforcement agency is responsible for issuing the citation or
24 making the arrest, the \$250 shall be shared equally.

25 (d) Local authorities shall impose fines as established in
26 subsections (c) and (c-1) for violations of this Section.

1 (e) As used in this Section, "authorized holder" means an
2 individual issued a disability license plate under Section
3 3-616 of this Code, an individual issued a parking decal or
4 device under Section 11-1301.2 of this Code, or an individual
5 issued a disabled veteran's license plate under Section 3-609
6 or 3-609.01 of this Code.

7 (f) Any person who commits a violation of subsection (a-1)
8 may have his or her driving privileges suspended or revoked by
9 the Secretary of State for a period of time determined by the
10 Secretary of State. The Secretary of State may also suspend or
11 revoke the disability license plates or parking decal or device
12 for a period of time determined by the Secretary of State.

13 (Source: P.A. 94-619, eff. 1-1-06; 94-930, eff. 6-26-06;
14 95-167, eff. 1-1-08.)

15 (Text of Section after amendment by P.A. 95-430)

16 Sec. 11-1301.3. Unauthorized use of parking places
17 reserved for persons with disabilities.

18 (a) It shall be prohibited to park any motor vehicle which
19 is not properly displaying registration plates or decals issued
20 to a person with disabilities, as defined by Section 1-159.1,
21 pursuant to Sections 3-616, 11-1301.1 or 11-1301.2, or to a
22 disabled veteran pursuant to Section 3-609 or 3-609.01 of this
23 Act, as evidence that the vehicle is operated by or for a
24 person with disabilities or disabled veteran, in any parking
25 place, including any private or public offstreet parking

1 facility, specifically reserved, by the posting of an official
2 sign as designated under Section 11-301, for motor vehicles
3 displaying such registration plates. It shall be prohibited to
4 park any motor vehicle in a designated access aisle adjacent to
5 any parking place specifically reserved for persons with
6 disabilities, by the posting of an official sign as designated
7 under Section 11-301, for motor vehicles displaying such
8 registration plates. When using the parking privileges for
9 persons with disabilities, the parking decal or device must be
10 displayed properly in the vehicle where it is clearly visible
11 to law enforcement personnel, either hanging from the rearview
12 mirror or placed on the dashboard of the vehicle in clear view.
13 Disability license plates and parking decals and devices are
14 not transferable from person to person. Proper usage of the
15 disability license plate or parking decal or device requires
16 the authorized holder to be present and enter or exit the
17 vehicle at the time the parking privileges are being used. It
18 is a violation of this Section to park in a space reserved for
19 a person with disabilities if the authorized holder of the
20 disability license plate or parking decal or device does not
21 enter or exit the vehicle at the time the parking privileges
22 are being used. Any motor vehicle properly displaying a
23 disability license plate or a parking decal or device
24 containing the International symbol of access issued to persons
25 with disabilities by any local authority, state, district,
26 territory or foreign country shall be recognized by State and

1 local authorities as a valid license plate or device and
2 receive the same parking privileges as residents of this State.

3 (a-1) An individual with a vehicle displaying disability
4 license plates or a parking decal or device issued to a
5 qualified person with a disability under Sections 3-616,
6 11-1301.1, or 11-1301.2 or to a disabled veteran under Section
7 3-609 or 3-609.01 is in violation of this Section if (i) the
8 person using the disability license plate or parking decal or
9 device is not the authorized holder of the disability license
10 plate or parking decal or device or is not transporting the
11 authorized holder of the disability license plate or parking
12 decal or device to or from the parking location and (ii) the
13 person uses the disability license plate or parking decal or
14 device to exercise any privileges granted through the
15 disability license plate or parking decals or devices under
16 this Code.

17 (b) Any person or local authority owning or operating any
18 public or private offstreet parking facility may, after
19 notifying the police or sheriff's department, remove or cause
20 to be removed to the nearest garage or other place of safety
21 any vehicle parked within a stall or space reserved for use by
22 a person with disabilities which does not display person with
23 disabilities registration plates or a special decal or device
24 as required under this Section.

25 (c) Any person found guilty of violating the provisions of
26 subsection (a) shall be fined \$250 in addition to any costs or

1 charges connected with the removal or storage of any motor
2 vehicle authorized under this Section; but municipalities by
3 ordinance may impose a fine up to \$350 and shall display signs
4 indicating the fine imposed. If the amount of the fine is
5 subsequently changed, the municipality shall change the sign to
6 indicate the current amount of the fine. It shall not be a
7 defense to a charge under this Section that either the sign
8 posted pursuant to this Section or the intended accessible
9 parking place does not comply with the technical requirements
10 of Section 11-301, Department regulations, or local ordinance
11 if a reasonable person would be made aware by the sign or
12 notice on or near the parking place that the place is reserved
13 for a person with disabilities.

14 (c-1) Any person found guilty of violating the provisions
15 of subsection (a-1) a first time shall be fined \$500. Any
16 person found guilty of violating subsection (a-1) a second time
17 shall be fined \$750, and the Secretary of State may revoke the
18 person's driving privileges or suspend those privileges for a
19 period of time to be determined by the Secretary. Any person
20 found guilty of violating subsection (a-1) a third or
21 subsequent time shall be fined \$1,000, and the Secretary of
22 State may revoke the person's driving privileges or suspend
23 those privileges for a period of time to be determined by the
24 Secretary. The Secretary of State may also revoke the
25 disability license plates or parking decal or device of a
26 person violating subsection (a-1) a third or subsequent time or

1 may suspend the person's disability license plates or parking
2 decal or device for a period of time to be determined by the
3 Secretary of State. The circuit clerk shall distribute 50% of
4 the fine imposed on any person who is found guilty of or pleads
5 guilty to violating this Section, including any person placed
6 on court supervision for violating this Section, to the law
7 enforcement agency that issued the citation or made the arrest.
8 If more than one law enforcement agency is responsible for
9 issuing the citation or making the arrest, the 50% of the fine
10 imposed shall be shared equally. If an officer of the Secretary
11 of State Department of Police arrested a person for a violation
12 of this Section, 50% of the fine imposed shall be deposited
13 into the Secretary of State Police Services Fund.

14 (d) Local authorities shall impose fines as established in
15 subsections (c) and (c-1) for violations of this Section.

16 (e) As used in this Section, "authorized holder" means an
17 individual issued a disability license plate under Section
18 3-616 of this Code, an individual issued a parking decal or
19 device under Section 11-1301.2 of this Code, or an individual
20 issued a disabled veteran's license plate under Section 3-609
21 or 3-609.01 of this Code.

22 (f) Any person who commits a violation of subsection (a-1)
23 may have his or her driving privileges suspended or revoked by
24 the Secretary of State for a period of time determined by the
25 Secretary of State. The Secretary of State may also suspend or
26 revoke the disability license plates or parking decal or device

1 for a period of time determined by the Secretary of State.

2 (Source: P.A. 94-619, eff. 1-1-06; 94-930, eff. 6-26-06;
3 95-167, eff. 1-1-08; 95-430, eff. 6-1-08; revised 11-19-07.)

4 (625 ILCS 5/11-1426.1)

5 Sec. 11-1426.1. Operation of neighborhood vehicles on
6 streets, roads, and highways.

7 (a) As used in this Section, "neighborhood vehicle" means a
8 self-propelled, electronically powered four-wheeled motor
9 vehicle (or a self-propelled, gasoline-powered four-wheeled
10 motor vehicle with an engine displacement under 1,200 cubic
11 centimeters) which is capable of attaining in one mile a speed
12 of more than 20 miles per hour, but not more than 25 miles per
13 hour, and which conforms to federal regulations under Title 49
14 C.F.R. Part 571.500.

15 (b) Except as otherwise provided in this Section, it is
16 unlawful for any person to drive or operate a neighborhood
17 vehicle upon any street, highway, or roadway in this State. If
18 the operation of a neighborhood vehicle is authorized under
19 subsection (d), the neighborhood vehicle may be operated only
20 on streets where the posted speed limit is 35 miles per hour or
21 less. This subsection (b) does not prohibit a neighborhood
22 vehicle from crossing a road or street at an intersection where
23 the road or street has a posted speed limit of more than 35
24 miles per hour.

25 (b-5) A person may not operate a neighborhood vehicle upon

1 any street, highway, or roadway in this State unless he or she
2 has a valid Illinois driver's license issued in his or her name
3 by the Secretary of State.

4 (c) Except as otherwise provided in subsection (c-5), no
5 person operating a neighborhood vehicle shall make a direct
6 crossing upon or across any highway under the jurisdiction of
7 the State, tollroad, interstate highway, or controlled access
8 highway in this State.

9 (c-5) A person may make a direct crossing at an
10 intersection controlled by a traffic light or 4-way stop sign
11 upon or across a highway under the jurisdiction of the State if
12 the speed limit on the highway is 35 miles per hour or less at
13 the place of crossing.

14 (d) A municipality, township, county, or other unit of
15 local government may authorize, by ordinance or resolution, the
16 operation of neighborhood vehicles on roadways under its
17 jurisdiction if the unit of local government determines that
18 the public safety will not be jeopardized. The Department may
19 authorize the operation of neighborhood vehicles on the
20 roadways under its jurisdiction if the Department determines
21 that the public safety will not be jeopardized.

22 Before permitting the operation of neighborhood vehicles
23 on its roadways, a municipality, township, county, other unit
24 of local government, or the Department must consider the
25 volume, speed, and character of traffic on the roadway and
26 determine whether neighborhood vehicles may safely travel on or

1 cross the roadway. Upon determining that neighborhood vehicles
2 may safely operate on a roadway and the adoption of an
3 ordinance or resolution by a municipality, township, county, or
4 other unit of local government, or authorization by the
5 Department, appropriate signs shall be posted.

6 If a roadway is under the jurisdiction of more than one
7 unit of government, neighborhood vehicles may not be operated
8 on the roadway unless each unit of government agrees and takes
9 action as provided in this subsection.

10 (e) No neighborhood vehicle may be operated on a roadway
11 unless, at a minimum, it has the following: brakes, a steering
12 apparatus, tires, a rearview mirror, red reflectorized warning
13 devices in the front and rear, a slow moving emblem (as
14 required of other vehicles in Section 12-709 of this Code) on
15 the rear of the neighborhood vehicle, a headlight that emits a
16 white light visible from a distance of 500 feet to the front, a
17 tail lamp that emits a red light visible from at least 100 feet
18 from the rear, brake lights, and turn signals. When operated on
19 a roadway, a neighborhood vehicle shall have its headlight and
20 tail lamps lighted as required by Section 12-201 of this Code.

21 (f) A person who drives or is in actual physical control of
22 a neighborhood vehicle on a roadway while under the influence
23 is subject to Sections 11-500 through 11-502 of this Code.

24 (Source: P.A. 94-298, eff. 1-1-06; 95-150, 8-14-07; 95-414,
25 eff. 8-24-07; 95-575, eff. 8-31-07; revised 11-19-07.)

1 (625 ILCS 5/12-610.1)

2 Sec. 12-610.1. Wireless telephones.

3 (a) As used in this Section, "wireless telephone" means a
4 device that is capable of transmitting or receiving telephonic
5 communications without a wire connecting the device to the
6 telephone network.

7 (b) A person under the age of 19 years who holds an
8 instruction permit issued under Section 6-105 or 6-107.1, or a
9 person under the age of 19 years who holds a graduated license
10 issued under Section 6-107, may not drive a vehicle on a
11 roadway while using a wireless phone.

12 (c) This Section does not apply to a person under the age
13 of 19 years using a wireless telephone for emergency purposes,
14 including, but not limited to, an emergency call to a law
15 enforcement agency, health care provider, fire department, or
16 other emergency services agency or entity.

17 (d) If a graduated driver's license holder over the age of
18 18 committed an offense against traffic regulations governing
19 the movement of vehicles or any violation of Section 6-107 or
20 Section 12-603.1 of this Code in the 6 months prior to the
21 graduated driver's license holder's 18th birthday, and was
22 subsequently convicted of the violation, the provisions of
23 paragraph (b) shall continue to apply until such time as a
24 period of 6 consecutive months has elapsed without an
25 additional violation and subsequent conviction of an offense
26 against traffic regulations governing the movement of vehicles

1 or any violation of Section 6-107 or Section 12-603.1 of this
2 Code.

3 (Source: P.A. 94-240, eff. 7-15-05; 95-310, eff. 1-1-08;
4 95-338, eff. 1-1-08; revised 11-19-07.)

5 Section 305. The Clerks of Courts Act is amended by
6 changing Sections 27.5 and 27.6 as follows:

7 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

8 Sec. 27.5. (a) All fees, fines, costs, additional
9 penalties, bail balances assessed or forfeited, and any other
10 amount paid by a person to the circuit clerk that equals an
11 amount less than \$55, except restitution under Section 5-5-6 of
12 the Unified Code of Corrections, reimbursement for the costs of
13 an emergency response as provided under Section 11-501 of the
14 Illinois Vehicle Code, any fees collected for attending a
15 traffic safety program under paragraph (c) of Supreme Court
16 Rule 529, any fee collected on behalf of a State's Attorney
17 under Section 4-2002 of the Counties Code or a sheriff under
18 Section 4-5001 of the Counties Code, or any cost imposed under
19 Section 124A-5 of the Code of Criminal Procedure of 1963, for
20 convictions, orders of supervision, or any other disposition
21 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois
22 Vehicle Code, or a similar provision of a local ordinance, and
23 any violation of the Child Passenger Protection Act, or a
24 similar provision of a local ordinance, and except as provided

1 in subsection (b) shall be disbursed within 60 days after
2 receipt by the circuit clerk as follows: 47% shall be disbursed
3 to the entity authorized by law to receive the fine imposed in
4 the case; 12% shall be disbursed to the State Treasurer; and
5 41% shall be disbursed to the county's general corporate fund.
6 Of the 12% disbursed to the State Treasurer, 1/6 shall be
7 deposited by the State Treasurer into the Violent Crime Victims
8 Assistance Fund, 1/2 shall be deposited into the Traffic and
9 Criminal Conviction Surcharge Fund, and 1/3 shall be deposited
10 into the Drivers Education Fund. For fiscal years 1992 and
11 1993, amounts deposited into the Violent Crime Victims
12 Assistance Fund, the Traffic and Criminal Conviction Surcharge
13 Fund, or the Drivers Education Fund shall not exceed 110% of
14 the amounts deposited into those funds in fiscal year 1991. Any
15 amount that exceeds the 110% limit shall be distributed as
16 follows: 50% shall be disbursed to the county's general
17 corporate fund and 50% shall be disbursed to the entity
18 authorized by law to receive the fine imposed in the case. Not
19 later than March 1 of each year the circuit clerk shall submit
20 a report of the amount of funds remitted to the State Treasurer
21 under this Section during the preceding year based upon
22 independent verification of fines and fees. All counties shall
23 be subject to this Section, except that counties with a
24 population under 2,000,000 may, by ordinance, elect not to be
25 subject to this Section. For offenses subject to this Section,
26 judges shall impose one total sum of money payable for

1 violations. The circuit clerk may add on no additional amounts
2 except for amounts that are required by Sections 27.3a and
3 27.3c of this Act, unless those amounts are specifically waived
4 by the judge. With respect to money collected by the circuit
5 clerk as a result of forfeiture of bail, ex parte judgment or
6 guilty plea pursuant to Supreme Court Rule 529, the circuit
7 clerk shall first deduct and pay amounts required by Sections
8 27.3a and 27.3c of this Act. This Section is a denial and
9 limitation of home rule powers and functions under subsection
10 (h) of Section 6 of Article VII of the Illinois Constitution.

11 (b) The following amounts must be remitted to the State
12 Treasurer for deposit into the Illinois Animal Abuse Fund:

13 (1) 50% of the amounts collected for felony offenses
14 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
15 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
16 Animals Act and Section 26-5 of the Criminal Code of 1961;

17 (2) 20% of the amounts collected for Class A and Class
18 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
19 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
20 for Animals Act and Section 26-5 of the Criminal Code of
21 1961; and

22 (3) 50% of the amounts collected for Class C
23 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
24 for Animals Act and Section 26-5 of the Criminal Code of
25 1961.

26 (c) Any person who receives a disposition of court

1 supervision for a violation of the Illinois Vehicle Code or a
2 similar provision of a local ordinance shall, in addition to
3 any other fines, fees, and court costs, pay an additional fee
4 of \$20, to be disbursed as provided in Section 16-104c of the
5 Illinois Vehicle Code. In addition to the fee of \$20, the
6 person shall also pay a fee of \$5, if not waived by the court.
7 If this \$5 fee is collected, \$4.50 of the fee shall be
8 deposited into the Circuit Court Clerk Operation and
9 Administrative Fund created by the Clerk of the Circuit Court
10 and 50 cents of the fee shall be deposited into the Prisoner
11 Review Board Vehicle and Equipment Fund in the State treasury.

12 (d) Any person convicted of or pleading guilty to a serious
13 traffic violation, as defined in Section 1-187.001 of the
14 Illinois Vehicle Code, shall pay an additional fee of \$20, to
15 be disbursed as provided in Section 16-104d of that Code.

16 This subsection (d) becomes inoperative 7 years after the
17 effective date of Public Act 95-154 ~~this amendatory Act of the~~
18 ~~95th General Assembly.~~

19 (Source: P.A. 94-1009, eff. 1-1-07; 95-154, eff. 10-13-07;
20 95-428, eff. 8-24-07; revised 11-19-07.)

21 (705 ILCS 105/27.6)

22 (Text of Section before amendment by P.A. 95-600)

23 Sec. 27.6. (a) All fees, fines, costs, additional
24 penalties, bail balances assessed or forfeited, and any other
25 amount paid by a person to the circuit clerk equalling an

1 amount of \$55 or more, except the additional fee required by
2 subsections (b) and (c), restitution under Section 5-5-6 of the
3 Unified Code of Corrections, reimbursement for the costs of an
4 emergency response as provided under Section 11-501 of the
5 Illinois Vehicle Code, any fees collected for attending a
6 traffic safety program under paragraph (c) of Supreme Court
7 Rule 529, any fee collected on behalf of a State's Attorney
8 under Section 4-2002 of the Counties Code or a sheriff under
9 Section 4-5001 of the Counties Code, or any cost imposed under
10 Section 124A-5 of the Code of Criminal Procedure of 1963, for
11 convictions, orders of supervision, or any other disposition
12 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois
13 Vehicle Code, or a similar provision of a local ordinance, and
14 any violation of the Child Passenger Protection Act, or a
15 similar provision of a local ordinance, and except as provided
16 in subsections (d) and (g) ~~(f)~~ shall be disbursed within 60
17 days after receipt by the circuit clerk as follows: 44.5% shall
18 be disbursed to the entity authorized by law to receive the
19 fine imposed in the case; 16.825% shall be disbursed to the
20 State Treasurer; and 38.675% shall be disbursed to the county's
21 general corporate fund. Of the 16.825% disbursed to the State
22 Treasurer, 2/17 shall be deposited by the State Treasurer into
23 the Violent Crime Victims Assistance Fund, 5.052/17 shall be
24 deposited into the Traffic and Criminal Conviction Surcharge
25 Fund, 3/17 shall be deposited into the Drivers Education Fund,
26 and 6.948/17 shall be deposited into the Trauma Center Fund. Of

1 the 6.948/17 deposited into the Trauma Center Fund from the
2 16.825% disbursed to the State Treasurer, 50% shall be
3 disbursed to the Department of Public Health and 50% shall be
4 disbursed to the Department of Healthcare and Family Services.
5 For fiscal year 1993, amounts deposited into the Violent Crime
6 Victims Assistance Fund, the Traffic and Criminal Conviction
7 Surcharge Fund, or the Drivers Education Fund shall not exceed
8 110% of the amounts deposited into those funds in fiscal year
9 1991. Any amount that exceeds the 110% limit shall be
10 distributed as follows: 50% shall be disbursed to the county's
11 general corporate fund and 50% shall be disbursed to the entity
12 authorized by law to receive the fine imposed in the case. Not
13 later than March 1 of each year the circuit clerk shall submit
14 a report of the amount of funds remitted to the State Treasurer
15 under this Section during the preceding year based upon
16 independent verification of fines and fees. All counties shall
17 be subject to this Section, except that counties with a
18 population under 2,000,000 may, by ordinance, elect not to be
19 subject to this Section. For offenses subject to this Section,
20 judges shall impose one total sum of money payable for
21 violations. The circuit clerk may add on no additional amounts
22 except for amounts that are required by Sections 27.3a and
23 27.3c of this Act, unless those amounts are specifically waived
24 by the judge. With respect to money collected by the circuit
25 clerk as a result of forfeiture of bail, ex parte judgment or
26 guilty plea pursuant to Supreme Court Rule 529, the circuit

1 clerk shall first deduct and pay amounts required by Sections
2 27.3a and 27.3c of this Act. This Section is a denial and
3 limitation of home rule powers and functions under subsection
4 (h) of Section 6 of Article VII of the Illinois Constitution.

5 (b) In addition to any other fines and court costs assessed
6 by the courts, any person convicted or receiving an order of
7 supervision for driving under the influence of alcohol or drugs
8 shall pay an additional fee of \$100 to the clerk of the circuit
9 court. This amount, less 2 1/2% that shall be used to defray
10 administrative costs incurred by the clerk, shall be remitted
11 by the clerk to the Treasurer within 60 days after receipt for
12 deposit into the Trauma Center Fund. This additional fee of
13 \$100 shall not be considered a part of the fine for purposes of
14 any reduction in the fine for time served either before or
15 after sentencing. Not later than March 1 of each year the
16 Circuit Clerk shall submit a report of the amount of funds
17 remitted to the State Treasurer under this subsection during
18 the preceding calendar year.

19 (b-1) In addition to any other fines and court costs
20 assessed by the courts, any person convicted or receiving an
21 order of supervision for driving under the influence of alcohol
22 or drugs shall pay an additional fee of \$5 to the clerk of the
23 circuit court. This amount, less 2 1/2% that shall be used to
24 defray administrative costs incurred by the clerk, shall be
25 remitted by the clerk to the Treasurer within 60 days after
26 receipt for deposit into the Spinal Cord Injury Paralysis Cure

1 Research Trust Fund. This additional fee of \$5 shall not be
2 considered a part of the fine for purposes of any reduction in
3 the fine for time served either before or after sentencing. Not
4 later than March 1 of each year the Circuit Clerk shall submit
5 a report of the amount of funds remitted to the State Treasurer
6 under this subsection during the preceding calendar year.

7 (c) In addition to any other fines and court costs assessed
8 by the courts, any person convicted for a violation of Sections
9 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a
10 person sentenced for a violation of the Cannabis Control Act,
11 the Illinois Controlled Substances Act, or the Methamphetamine
12 Control and Community Protection Act shall pay an additional
13 fee of \$100 to the clerk of the circuit court. This amount,
14 less 2 1/2% that shall be used to defray administrative costs
15 incurred by the clerk, shall be remitted by the clerk to the
16 Treasurer within 60 days after receipt for deposit into the
17 Trauma Center Fund. This additional fee of \$100 shall not be
18 considered a part of the fine for purposes of any reduction in
19 the fine for time served either before or after sentencing. Not
20 later than March 1 of each year the Circuit Clerk shall submit
21 a report of the amount of funds remitted to the State Treasurer
22 under this subsection during the preceding calendar year.

23 (c-1) In addition to any other fines and court costs
24 assessed by the courts, any person sentenced for a violation of
25 the Cannabis Control Act, the Illinois Controlled Substances
26 Act, or the Methamphetamine Control and Community Protection

1 Act shall pay an additional fee of \$5 to the clerk of the
2 circuit court. This amount, less 2 1/2% that shall be used to
3 defray administrative costs incurred by the clerk, shall be
4 remitted by the clerk to the Treasurer within 60 days after
5 receipt for deposit into the Spinal Cord Injury Paralysis Cure
6 Research Trust Fund. This additional fee of \$5 shall not be
7 considered a part of the fine for purposes of any reduction in
8 the fine for time served either before or after sentencing. Not
9 later than March 1 of each year the Circuit Clerk shall submit
10 a report of the amount of funds remitted to the State Treasurer
11 under this subsection during the preceding calendar year.

12 (d) The following amounts must be remitted to the State
13 Treasurer for deposit into the Illinois Animal Abuse Fund:

14 (1) 50% of the amounts collected for felony offenses
15 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
16 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
17 Animals Act and Section 26-5 of the Criminal Code of 1961;

18 (2) 20% of the amounts collected for Class A and Class
19 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
20 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
21 for Animals Act and Section 26-5 of the Criminal Code of
22 1961; and

23 (3) 50% of the amounts collected for Class C
24 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
25 for Animals Act and Section 26-5 of the Criminal Code of
26 1961.

1 (e) Any person who receives a disposition of court
2 supervision for a violation of the Illinois Vehicle Code or a
3 similar provision of a local ordinance shall, in addition to
4 any other fines, fees, and court costs, pay an additional fee
5 of \$20, to be disbursed as provided in Section 16-104c of the
6 Illinois Vehicle Code. In addition to the fee of \$20, the
7 person shall also pay a fee of \$5, if not waived by the court.
8 If this \$5 fee is collected, \$4.50 of the fee shall be
9 deposited into the Circuit Court Clerk Operation and
10 Administrative Fund created by the Clerk of the Circuit Court
11 and 50 cents of the fee shall be deposited into the Prisoner
12 Review Board Vehicle and Equipment Fund in the State treasury.

13 (f) This Section does not apply to the additional child
14 pornography fines assessed and collected under Section
15 5-9-1.14 of the Unified Code of Corrections.

16 (g) ~~(f)~~ Of the amounts collected as fines under subsection
17 (b) of Section 3-712 of the Illinois Vehicle Code, 99% shall be
18 deposited into the Illinois Military Family Relief Fund and 1%
19 shall be deposited into the Circuit Court Clerk Operation and
20 Administrative Fund created by the Clerk of the Circuit Court
21 to be used to offset the costs incurred by the Circuit Court
22 Clerk in performing the additional duties required to collect
23 and disburse funds to entities of State and local government as
24 provided by law.

25 (Source: P.A. 94-556, eff. 9-11-05; 94-1009, eff. 1-1-07;
26 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428, eff. 8-24-07;

1 revised 11-19-07.)

2 (Text of Section after amendment by P.A. 95-600)

3 Sec. 27.6. (a) All fees, fines, costs, additional
4 penalties, bail balances assessed or forfeited, and any other
5 amount paid by a person to the circuit clerk equalling an
6 amount of \$55 or more, except the fine imposed by Section
7 5-9-1.15 ~~5-9-1.14~~ of the Unified Code of Corrections, the
8 additional fee required by subsections (b) and (c), restitution
9 under Section 5-5-6 of the Unified Code of Corrections,
10 reimbursement for the costs of an emergency response as
11 provided under Section 11-501 of the Illinois Vehicle Code, any
12 fees collected for attending a traffic safety program under
13 paragraph (c) of Supreme Court Rule 529, any fee collected on
14 behalf of a State's Attorney under Section 4-2002 of the
15 Counties Code or a sheriff under Section 4-5001 of the Counties
16 Code, or any cost imposed under Section 124A-5 of the Code of
17 Criminal Procedure of 1963, for convictions, orders of
18 supervision, or any other disposition for a violation of
19 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
20 similar provision of a local ordinance, and any violation of
21 the Child Passenger Protection Act, or a similar provision of a
22 local ordinance, and except as provided in subsections (d) and
23 (g) ~~(f)~~ shall be disbursed within 60 days after receipt by the
24 circuit clerk as follows: 44.5% shall be disbursed to the
25 entity authorized by law to receive the fine imposed in the

1 case; 16.825% shall be disbursed to the State Treasurer; and
2 38.675% shall be disbursed to the county's general corporate
3 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
4 shall be deposited by the State Treasurer into the Violent
5 Crime Victims Assistance Fund, 5.052/17 shall be deposited into
6 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall
7 be deposited into the Drivers Education Fund, and 6.948/17
8 shall be deposited into the Trauma Center Fund. Of the 6.948/17
9 deposited into the Trauma Center Fund from the 16.825%
10 disbursed to the State Treasurer, 50% shall be disbursed to the
11 Department of Public Health and 50% shall be disbursed to the
12 Department of Healthcare and Family Services. For fiscal year
13 1993, amounts deposited into the Violent Crime Victims
14 Assistance Fund, the Traffic and Criminal Conviction Surcharge
15 Fund, or the Drivers Education Fund shall not exceed 110% of
16 the amounts deposited into those funds in fiscal year 1991. Any
17 amount that exceeds the 110% limit shall be distributed as
18 follows: 50% shall be disbursed to the county's general
19 corporate fund and 50% shall be disbursed to the entity
20 authorized by law to receive the fine imposed in the case. Not
21 later than March 1 of each year the circuit clerk shall submit
22 a report of the amount of funds remitted to the State Treasurer
23 under this Section during the preceding year based upon
24 independent verification of fines and fees. All counties shall
25 be subject to this Section, except that counties with a
26 population under 2,000,000 may, by ordinance, elect not to be

1 subject to this Section. For offenses subject to this Section,
2 judges shall impose one total sum of money payable for
3 violations. The circuit clerk may add on no additional amounts
4 except for amounts that are required by Sections 27.3a and
5 27.3c of this Act, unless those amounts are specifically waived
6 by the judge. With respect to money collected by the circuit
7 clerk as a result of forfeiture of bail, ex parte judgment or
8 guilty plea pursuant to Supreme Court Rule 529, the circuit
9 clerk shall first deduct and pay amounts required by Sections
10 27.3a and 27.3c of this Act. This Section is a denial and
11 limitation of home rule powers and functions under subsection
12 (h) of Section 6 of Article VII of the Illinois Constitution.

13 (b) In addition to any other fines and court costs assessed
14 by the courts, any person convicted or receiving an order of
15 supervision for driving under the influence of alcohol or drugs
16 shall pay an additional fee of \$100 to the clerk of the circuit
17 court. This amount, less 2 1/2% that shall be used to defray
18 administrative costs incurred by the clerk, shall be remitted
19 by the clerk to the Treasurer within 60 days after receipt for
20 deposit into the Trauma Center Fund. This additional fee of
21 \$100 shall not be considered a part of the fine for purposes of
22 any reduction in the fine for time served either before or
23 after sentencing. Not later than March 1 of each year the
24 Circuit Clerk shall submit a report of the amount of funds
25 remitted to the State Treasurer under this subsection during
26 the preceding calendar year.

1 (b-1) In addition to any other fines and court costs
2 assessed by the courts, any person convicted or receiving an
3 order of supervision for driving under the influence of alcohol
4 or drugs shall pay an additional fee of \$5 to the clerk of the
5 circuit court. This amount, less 2 1/2% that shall be used to
6 defray administrative costs incurred by the clerk, shall be
7 remitted by the clerk to the Treasurer within 60 days after
8 receipt for deposit into the Spinal Cord Injury Paralysis Cure
9 Research Trust Fund. This additional fee of \$5 shall not be
10 considered a part of the fine for purposes of any reduction in
11 the fine for time served either before or after sentencing. Not
12 later than March 1 of each year the Circuit Clerk shall submit
13 a report of the amount of funds remitted to the State Treasurer
14 under this subsection during the preceding calendar year.

15 (c) In addition to any other fines and court costs assessed
16 by the courts, any person convicted for a violation of Sections
17 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a
18 person sentenced for a violation of the Cannabis Control Act,
19 the Illinois Controlled Substances Act, or the Methamphetamine
20 Control and Community Protection Act shall pay an additional
21 fee of \$100 to the clerk of the circuit court. This amount,
22 less 2 1/2% that shall be used to defray administrative costs
23 incurred by the clerk, shall be remitted by the clerk to the
24 Treasurer within 60 days after receipt for deposit into the
25 Trauma Center Fund. This additional fee of \$100 shall not be
26 considered a part of the fine for purposes of any reduction in

1 the fine for time served either before or after sentencing. Not
2 later than March 1 of each year the Circuit Clerk shall submit
3 a report of the amount of funds remitted to the State Treasurer
4 under this subsection during the preceding calendar year.

5 (c-1) In addition to any other fines and court costs
6 assessed by the courts, any person sentenced for a violation of
7 the Cannabis Control Act, the Illinois Controlled Substances
8 Act, or the Methamphetamine Control and Community Protection
9 Act shall pay an additional fee of \$5 to the clerk of the
10 circuit court. This amount, less 2 1/2% that shall be used to
11 defray administrative costs incurred by the clerk, shall be
12 remitted by the clerk to the Treasurer within 60 days after
13 receipt for deposit into the Spinal Cord Injury Paralysis Cure
14 Research Trust Fund. This additional fee of \$5 shall not be
15 considered a part of the fine for purposes of any reduction in
16 the fine for time served either before or after sentencing. Not
17 later than March 1 of each year the Circuit Clerk shall submit
18 a report of the amount of funds remitted to the State Treasurer
19 under this subsection during the preceding calendar year.

20 (d) The following amounts must be remitted to the State
21 Treasurer for deposit into the Illinois Animal Abuse Fund:

22 (1) 50% of the amounts collected for felony offenses
23 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
24 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
25 Animals Act and Section 26-5 of the Criminal Code of 1961;

26 (2) 20% of the amounts collected for Class A and Class

1 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
2 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
3 for Animals Act and Section 26-5 of the Criminal Code of
4 1961; and

5 (3) 50% of the amounts collected for Class C
6 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
7 for Animals Act and Section 26-5 of the Criminal Code of
8 1961.

9 (e) Any person who receives a disposition of court
10 supervision for a violation of the Illinois Vehicle Code or a
11 similar provision of a local ordinance shall, in addition to
12 any other fines, fees, and court costs, pay an additional fee
13 of \$20, to be disbursed as provided in Section 16-104c of the
14 Illinois Vehicle Code. In addition to the fee of \$20, the
15 person shall also pay a fee of \$5, if not waived by the court.
16 If this \$5 fee is collected, \$4.50 of the fee shall be
17 deposited into the Circuit Court Clerk Operation and
18 Administrative Fund created by the Clerk of the Circuit Court
19 and 50 cents of the fee shall be deposited into the Prisoner
20 Review Board Vehicle and Equipment Fund in the State treasury.

21 (f) This Section does not apply to the additional child
22 pornography fines assessed and collected under Section
23 5-9-1.14 of the Unified Code of Corrections.

24 (g) ~~(f)~~ Of the amounts collected as fines under subsection
25 (b) of Section 3-712 of the Illinois Vehicle Code, 99% shall be
26 deposited into the Illinois Military Family Relief Fund and 1%

1 shall be deposited into the Circuit Court Clerk Operation and
2 Administrative Fund created by the Clerk of the Circuit Court
3 to be used to offset the costs incurred by the Circuit Court
4 Clerk in performing the additional duties required to collect
5 and disburse funds to entities of State and local government as
6 provided by law.

7 (Source: P.A. 94-556, eff. 9-11-05; 94-1009, eff. 1-1-07;
8 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428, eff. 8-24-07;
9 95-600, eff. 6-1-08; revised 11-19-07.)

10 Section 310. The Juvenile Court Act of 1987 is amended by
11 changing Sections 2-10, 2-28, and 5-710 as follows:

12 (705 ILCS 405/2-10) (from Ch. 37, par. 802-10)

13 (Text of Section before amendment by P.A. 95-405 and
14 95-642)

15 Sec. 2-10. Temporary custody hearing. At the appearance of
16 the minor before the court at the temporary custody hearing,
17 all witnesses present shall be examined before the court in
18 relation to any matter connected with the allegations made in
19 the petition.

20 (1) If the court finds that there is not probable cause to
21 believe that the minor is abused, neglected or dependent it
22 shall release the minor and dismiss the petition.

23 (2) If the court finds that there is probable cause to
24 believe that the minor is abused, neglected or dependent, the

1 court shall state in writing the factual basis supporting its
2 finding and the minor, his or her parent, guardian, custodian
3 and other persons able to give relevant testimony shall be
4 examined before the court. The Department of Children and
5 Family Services shall give testimony concerning indicated
6 reports of abuse and neglect, of which they are aware of
7 through the central registry, involving the minor's parent,
8 guardian or custodian. After such testimony, the court may,
9 consistent with the health, safety and best interests of the
10 minor, enter an order that the minor shall be released upon the
11 request of parent, guardian or custodian if the parent,
12 guardian or custodian appears to take custody. Custodian shall
13 include any agency of the State which has been given custody or
14 wardship of the child. If it is consistent with the health,
15 safety and best interests of the minor, the court may also
16 prescribe shelter care and order that the minor be kept in a
17 suitable place designated by the court or in a shelter care
18 facility designated by the Department of Children and Family
19 Services or a licensed child welfare agency; however, a minor
20 charged with a criminal offense under the Criminal Code of 1961
21 or adjudicated delinquent shall not be placed in the custody of
22 or committed to the Department of Children and Family Services
23 by any court, except a minor less than 13 years of age and
24 committed to the Department of Children and Family Services
25 under Section 5-710 of this Act or a minor for whom an
26 independent basis of abuse, neglect, or dependency exists,

1 which must be defined by departmental rule. In placing the
2 minor, the Department or other agency shall, to the extent
3 compatible with the court's order, comply with Section 7 of the
4 Children and Family Services Act. In determining the health,
5 safety and best interests of the minor to prescribe shelter
6 care, the court must find that it is a matter of immediate and
7 urgent necessity for the safety and protection of the minor or
8 of the person or property of another that the minor be placed
9 in a shelter care facility or that he or she is likely to flee
10 the jurisdiction of the court, and must further find that
11 reasonable efforts have been made or that, consistent with the
12 health, safety and best interests of the minor, no efforts
13 reasonably can be made to prevent or eliminate the necessity of
14 removal of the minor from his or her home. The court shall
15 require documentation from the Department of Children and
16 Family Services as to the reasonable efforts that were made to
17 prevent or eliminate the necessity of removal of the minor from
18 his or her home or the reasons why no efforts reasonably could
19 be made to prevent or eliminate the necessity of removal. When
20 a minor is placed in the home of a relative, the Department of
21 Children and Family Services shall complete a preliminary
22 background review of the members of the minor's custodian's
23 household in accordance with Section 4.3 of the Child Care Act
24 of 1969 within 90 days of that placement. If the minor is
25 ordered placed in a shelter care facility of the Department of
26 Children and Family Services or a licensed child welfare

1 agency, the court shall, upon request of the appropriate
2 Department or other agency, appoint the Department of Children
3 and Family Services Guardianship Administrator or other
4 appropriate agency executive temporary custodian of the minor
5 and the court may enter such other orders related to the
6 temporary custody as it deems fit and proper, including the
7 provision of services to the minor or his family to ameliorate
8 the causes contributing to the finding of probable cause or to
9 the finding of the existence of immediate and urgent necessity.

10 Where the Department of Children and Family Services
11 Guardianship Administrator is appointed as the executive
12 temporary custodian, the Department of Children and Family
13 Services shall file with the court and serve on the parties a
14 parent-child visiting plan, within 10 days, excluding weekends
15 and holidays, after the appointment. The parent-child visiting
16 plan shall set out the time and place of visits, the frequency
17 of visits, the length of visits, who shall be present at the
18 visits, and where appropriate, the minor's opportunities to
19 have telephone and mail communication with the parents. For
20 good cause, the court may waive the requirement to file the
21 parent-child visiting plan or extend the time for filing the
22 parent-child visiting plan. Any party may, by motion, request
23 the court to review the parent-child visiting plan to determine
24 whether it is reasonably calculated to expeditiously
25 facilitate the achievement of the permanency goal and is
26 consistent with the minor's best interest. The frequency,

1 duration, and locations of visitation shall be measured by the
2 needs of the child and family, and not by the convenience of
3 Department personnel. Child development principles shall be
4 considered by the court in its analysis of how frequent
5 visitation should be, how long it should last, where it should
6 take place, and who should be present. If upon motion of the
7 party to review the plan and after receiving evidence, the
8 court determines that the parent-child visiting plan is not
9 reasonably calculated to expeditiously facilitate the
10 achievement of the permanency goal or that the restrictions
11 placed on parent-child contact are contrary to the child's best
12 interests, the court shall put in writing the factual basis
13 supporting the determination and enter specific findings based
14 on the evidence. The court shall enter an order for the
15 Department to implement changes to the parent-child visiting
16 plan, consistent with the court's findings. At any stage of
17 proceeding, any party may by motion request the court to enter
18 any orders necessary to implement the parent-child visiting
19 plan. Nothing under this subsection (2) shall restrict the
20 court from granting discretionary authority to the Department
21 to increase opportunities for additional parent-child
22 contacts, without further court orders. Nothing in this
23 subsection (2) shall restrict the Department from immediately
24 restricting or terminating parent-child contact, without
25 either amending the parent-child visiting plan or obtaining a
26 court order, where the Department or its assigns reasonably

1 believe that continuation of parent-child contact, as set out
2 in the parent-child visiting plan, would be contrary to the
3 child's health, safety, and welfare. The Department shall file
4 with the court and serve on the parties any amendments to the
5 visitation plan within 10 days, excluding weekends and
6 holidays, of the change of the visitation. Any party may, by
7 motion, request the court to review the parent-child visiting
8 plan to determine whether the parent-child visiting plan is
9 reasonably calculated to expeditiously facilitate the
10 achievement of the permanency goal, and is consistent with the
11 minor's health, safety, and best interest.

12 Acceptance of services shall not be considered an admission
13 of any allegation in a petition made pursuant to this Act, nor
14 may a referral of services be considered as evidence in any
15 proceeding pursuant to this Act, except where the issue is
16 whether the Department has made reasonable efforts to reunite
17 the family. In making its findings that it is consistent with
18 the health, safety and best interests of the minor to prescribe
19 shelter care, the court shall state in writing (i) the factual
20 basis supporting its findings concerning the immediate and
21 urgent necessity for the protection of the minor or of the
22 person or property of another and (ii) the factual basis
23 supporting its findings that reasonable efforts were made to
24 prevent or eliminate the removal of the minor from his or her
25 home or that no efforts reasonably could be made to prevent or
26 eliminate the removal of the minor from his or her home. The

1 parents, guardian, custodian, temporary custodian and minor
2 shall each be furnished a copy of such written findings. The
3 temporary custodian shall maintain a copy of the court order
4 and written findings in the case record for the child. The
5 order together with the court's findings of fact in support
6 thereof shall be entered of record in the court.

7 Once the court finds that it is a matter of immediate and
8 urgent necessity for the protection of the minor that the minor
9 be placed in a shelter care facility, the minor shall not be
10 returned to the parent, custodian or guardian until the court
11 finds that such placement is no longer necessary for the
12 protection of the minor.

13 If the child is placed in the temporary custody of the
14 Department of Children and Family Services for his or her
15 protection, the court shall admonish the parents, guardian,
16 custodian or responsible relative that the parents must
17 cooperate with the Department of Children and Family Services,
18 comply with the terms of the service plans, and correct the
19 conditions which require the child to be in care, or risk
20 termination of their parental rights.

21 (3) If prior to the shelter care hearing for a minor
22 described in Sections 2-3, 2-4, 3-3 and 4-3 the moving party is
23 unable to serve notice on the party respondent, the shelter
24 care hearing may proceed ex-parte. A shelter care order from an
25 ex-parte hearing shall be endorsed with the date and hour of
26 issuance and shall be filed with the clerk's office and entered

1 of record. The order shall expire after 10 days from the time
 2 it is issued unless before its expiration it is renewed, at a
 3 hearing upon appearance of the party respondent, or upon an
 4 affidavit of the moving party as to all diligent efforts to
 5 notify the party respondent by notice as herein prescribed. The
 6 notice prescribed shall be in writing and shall be personally
 7 delivered to the minor or the minor's attorney and to the last
 8 known address of the other person or persons entitled to
 9 notice. The notice shall also state the nature of the
 10 allegations, the nature of the order sought by the State,
 11 including whether temporary custody is sought, and the
 12 consequences of failure to appear and shall contain a notice
 13 that the parties will not be entitled to further written
 14 notices or publication notices of proceedings in this case,
 15 including the filing of an amended petition or a motion to
 16 terminate parental rights, except as required by Supreme Court
 17 Rule 11; and shall explain the right of the parties and the
 18 procedures to vacate or modify a shelter care order as provided
 19 in this Section. The notice for a shelter care hearing shall be
 20 substantially as follows:

21 NOTICE TO PARENTS AND CHILDREN
 22 OF SHELTER CARE HEARING

23 On at, before the Honorable
 24, (address:), the State
 25 of Illinois will present evidence (1) that (name of child
 26 or children) are abused, neglected

1 or dependent for the following reasons:

2 and (2)
3 that there is "immediate and urgent necessity" to remove
4 the child or children from the responsible relative.

5 YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN
6 PLACEMENT of the child or children in foster care until a
7 trial can be held. A trial may not be held for up to 90
8 days. You will not be entitled to further notices of
9 proceedings in this case, including the filing of an
10 amended petition or a motion to terminate parental rights.

11 At the shelter care hearing, parents have the following
12 rights:

13 1. To ask the court to appoint a lawyer if they
14 cannot afford one.

15 2. To ask the court to continue the hearing to
16 allow them time to prepare.

17 3. To present evidence concerning:

18 a. Whether or not the child or children were
19 abused, neglected or dependent.

20 b. Whether or not there is "immediate and
21 urgent necessity" to remove the child from home
22 (including: their ability to care for the child,
23 conditions in the home, alternative means of
24 protecting the child other than removal).

25 c. The best interests of the child.

26 4. To cross examine the State's witnesses.

1 The Notice for rehearings shall be substantially as
2 follows:

3 NOTICE OF PARENT'S AND CHILDREN'S RIGHTS
4 TO REHEARING ON TEMPORARY CUSTODY

5 If you were not present at and did not have adequate
6 notice of the Shelter Care Hearing at which temporary
7 custody of was awarded to
8, you have the right to request a full
9 rehearing on whether the State should have temporary
10 custody of To request this rehearing,
11 you must file with the Clerk of the Juvenile Court
12 (address):, in person or by
13 mailing a statement (affidavit) setting forth the
14 following:

- 15 1. That you were not present at the shelter care
- 16 hearing.
- 17 2. That you did not get adequate notice (explaining
- 18 how the notice was inadequate).
- 19 3. Your signature.
- 20 4. Signature must be notarized.

21 The rehearing should be scheduled within 48 hours of
22 your filing this affidavit.

23 At the rehearing, your rights are the same as at the
24 initial shelter care hearing. The enclosed notice explains
25 those rights.

1 At the Shelter Care Hearing, children have the
2 following rights:

3 1. To have a guardian ad litem appointed.

4 2. To be declared competent as a witness and to
5 present testimony concerning:

6 a. Whether they are abused, neglected or
7 dependent.

8 b. Whether there is "immediate and urgent
9 necessity" to be removed from home.

10 c. Their best interests.

11 3. To cross examine witnesses for other parties.

12 4. To obtain an explanation of any proceedings and
13 orders of the court.

14 (4) If the parent, guardian, legal custodian, responsible
15 relative, minor age 8 or over, or counsel of the minor did not
16 have actual notice of or was not present at the shelter care
17 hearing, he or she may file an affidavit setting forth these
18 facts, and the clerk shall set the matter for rehearing not
19 later than 48 hours, excluding Sundays and legal holidays,
20 after the filing of the affidavit. At the rehearing, the court
21 shall proceed in the same manner as upon the original hearing.

22 (5) Only when there is reasonable cause to believe that the
23 minor taken into custody is a person described in subsection
24 (3) of Section 5-105 may the minor be kept or detained in a
25 detention home or county or municipal jail. This Section shall
26 in no way be construed to limit subsection (6).

1 (6) No minor under 16 years of age may be confined in a
2 jail or place ordinarily used for the confinement of prisoners
3 in a police station. Minors under 17 years of age must be kept
4 separate from confined adults and may not at any time be kept
5 in the same cell, room, or yard with adults confined pursuant
6 to the criminal law.

7 (7) If the minor is not brought before a judicial officer
8 within the time period as specified in Section 2-9, the minor
9 must immediately be released from custody.

10 (8) If neither the parent, guardian or custodian appears
11 within 24 hours to take custody of a minor released upon
12 request pursuant to subsection (2) of this Section, then the
13 clerk of the court shall set the matter for rehearing not later
14 than 7 days after the original order and shall issue a summons
15 directed to the parent, guardian or custodian to appear. At the
16 same time the probation department shall prepare a report on
17 the minor. If a parent, guardian or custodian does not appear
18 at such rehearing, the judge may enter an order prescribing
19 that the minor be kept in a suitable place designated by the
20 Department of Children and Family Services or a licensed child
21 welfare agency.

22 (9) Notwithstanding any other provision of this Section any
23 interested party, including the State, the temporary
24 custodian, an agency providing services to the minor or family
25 under a service plan pursuant to Section 8.2 of the Abused and
26 Neglected Child Reporting Act, foster parent, or any of their

1 representatives, on notice to all parties entitled to notice,
2 may file a motion that it is in the best interests of the minor
3 to modify or vacate a temporary custody order on any of the
4 following grounds:

5 (a) It is no longer a matter of immediate and urgent
6 necessity that the minor remain in shelter care; or

7 (b) There is a material change in the circumstances of
8 the natural family from which the minor was removed and the
9 child can be cared for at home without endangering the
10 child's health or safety; or

11 (c) A person not a party to the alleged abuse, neglect
12 or dependency, including a parent, relative or legal
13 guardian, is capable of assuming temporary custody of the
14 minor; or

15 (d) Services provided by the Department of Children and
16 Family Services or a child welfare agency or other service
17 provider have been successful in eliminating the need for
18 temporary custody and the child can be cared for at home
19 without endangering the child's health or safety.

20 In ruling on the motion, the court shall determine whether
21 it is consistent with the health, safety and best interests of
22 the minor to modify or vacate a temporary custody order.

23 The clerk shall set the matter for hearing not later than
24 14 days after such motion is filed. In the event that the court
25 modifies or vacates a temporary custody order but does not
26 vacate its finding of probable cause, the court may order that

1 appropriate services be continued or initiated in behalf of the
2 minor and his or her family.

3 (10) When the court finds or has found that there is
4 probable cause to believe a minor is an abused minor as
5 described in subsection (2) of Section 2-3 and that there is an
6 immediate and urgent necessity for the abused minor to be
7 placed in shelter care, immediate and urgent necessity shall be
8 presumed for any other minor residing in the same household as
9 the abused minor provided:

10 (a) Such other minor is the subject of an abuse or
11 neglect petition pending before the court; and

12 (b) A party to the petition is seeking shelter care for
13 such other minor.

14 Once the presumption of immediate and urgent necessity has
15 been raised, the burden of demonstrating the lack of immediate
16 and urgent necessity shall be on any party that is opposing
17 shelter care for the other minor.

18 (Source: P.A. 94-604, eff. 1-1-06.)

19 (Text of Section after amendment by P.A. 95-405 and 95-642)

20 Sec. 2-10. Temporary custody hearing. At the appearance of
21 the minor before the court at the temporary custody hearing,
22 all witnesses present shall be examined before the court in
23 relation to any matter connected with the allegations made in
24 the petition.

25 (1) If the court finds that there is not probable cause to

1 believe that the minor is abused, neglected or dependent it
2 shall release the minor and dismiss the petition.

3 (2) If the court finds that there is probable cause to
4 believe that the minor is abused, neglected or dependent, the
5 court shall state in writing the factual basis supporting its
6 finding and the minor, his or her parent, guardian, custodian
7 and other persons able to give relevant testimony shall be
8 examined before the court. The Department of Children and
9 Family Services shall give testimony concerning indicated
10 reports of abuse and neglect, of which they are aware of
11 through the central registry, involving the minor's parent,
12 guardian or custodian. After such testimony, the court may,
13 consistent with the health, safety and best interests of the
14 minor, enter an order that the minor shall be released upon the
15 request of parent, guardian or custodian if the parent,
16 guardian or custodian appears to take custody. If it is
17 determined that a parent's, guardian's, or custodian's
18 compliance with critical services mitigates the necessity for
19 removal of the minor from his or her home, the court may enter
20 an Order of Protection setting forth reasonable conditions of
21 behavior that a parent, guardian, or custodian must observe for
22 a specified period of time, not to exceed 12 months, without a
23 violation; provided, however, that the 12-month period shall
24 begin anew after any violation. Custodian shall include any
25 agency of the State which has been given custody or wardship of
26 the child. If it is consistent with the health, safety and best

1 interests of the minor, the court may also prescribe shelter
2 care and order that the minor be kept in a suitable place
3 designated by the court or in a shelter care facility
4 designated by the Department of Children and Family Services or
5 a licensed child welfare agency; however, a minor charged with
6 a criminal offense under the Criminal Code of 1961 or
7 adjudicated delinquent shall not be placed in the custody of or
8 committed to the Department of Children and Family Services by
9 any court, except a minor less than 15 years of age and
10 committed to the Department of Children and Family Services
11 under Section 5-710 of this Act or a minor for whom an
12 independent basis of abuse, neglect, or dependency exists. An
13 independent basis exists when the allegations or adjudication
14 of abuse, neglect, or dependency do not arise from the same
15 facts, incident, or circumstances which give rise to a charge
16 or adjudication of delinquency.

17 In placing the minor, the Department or other agency shall,
18 to the extent compatible with the court's order, comply with
19 Section 7 of the Children and Family Services Act. In
20 determining the health, safety and best interests of the minor
21 to prescribe shelter care, the court must find that it is a
22 matter of immediate and urgent necessity for the safety and
23 protection of the minor or of the person or property of another
24 that the minor be placed in a shelter care facility or that he
25 or she is likely to flee the jurisdiction of the court, and
26 must further find that reasonable efforts have been made or

1 that, consistent with the health, safety and best interests of
2 the minor, no efforts reasonably can be made to prevent or
3 eliminate the necessity of removal of the minor from his or her
4 home. The court shall require documentation from the Department
5 of Children and Family Services as to the reasonable efforts
6 that were made to prevent or eliminate the necessity of removal
7 of the minor from his or her home or the reasons why no efforts
8 reasonably could be made to prevent or eliminate the necessity
9 of removal. When a minor is placed in the home of a relative,
10 the Department of Children and Family Services shall complete a
11 preliminary background review of the members of the minor's
12 custodian's household in accordance with Section 4.3 of the
13 Child Care Act of 1969 within 90 days of that placement. If the
14 minor is ordered placed in a shelter care facility of the
15 Department of Children and Family Services or a licensed child
16 welfare agency, the court shall, upon request of the
17 appropriate Department or other agency, appoint the Department
18 of Children and Family Services Guardianship Administrator or
19 other appropriate agency executive temporary custodian of the
20 minor and the court may enter such other orders related to the
21 temporary custody as it deems fit and proper, including the
22 provision of services to the minor or his family to ameliorate
23 the causes contributing to the finding of probable cause or to
24 the finding of the existence of immediate and urgent necessity.

25 Where the Department of Children and Family Services
26 Guardianship Administrator is appointed as the executive

1 temporary custodian, the Department of Children and Family
2 Services shall file with the court and serve on the parties a
3 parent-child visiting plan, within 10 days, excluding weekends
4 and holidays, after the appointment. The parent-child visiting
5 plan shall set out the time and place of visits, the frequency
6 of visits, the length of visits, who shall be present at the
7 visits, and where appropriate, the minor's opportunities to
8 have telephone and mail communication with the parents. For
9 good cause, the court may waive the requirement to file the
10 parent-child visiting plan or extend the time for filing the
11 parent-child visiting plan. Any party may, by motion, request
12 the court to review the parent-child visiting plan to determine
13 whether it is reasonably calculated to expeditiously
14 facilitate the achievement of the permanency goal and is
15 consistent with the minor's best interest. The frequency,
16 duration, and locations of visitation shall be measured by the
17 needs of the child and family, and not by the convenience of
18 Department personnel. Child development principles shall be
19 considered by the court in its analysis of how frequent
20 visitation should be, how long it should last, where it should
21 take place, and who should be present. If upon motion of the
22 party to review the plan and after receiving evidence, the
23 court determines that the parent-child visiting plan is not
24 reasonably calculated to expeditiously facilitate the
25 achievement of the permanency goal or that the restrictions
26 placed on parent-child contact are contrary to the child's best

1 interests, the court shall put in writing the factual basis
2 supporting the determination and enter specific findings based
3 on the evidence. The court shall enter an order for the
4 Department to implement changes to the parent-child visiting
5 plan, consistent with the court's findings. At any stage of
6 proceeding, any party may by motion request the court to enter
7 any orders necessary to implement the parent-child visiting
8 plan. Nothing under this subsection (2) shall restrict the
9 court from granting discretionary authority to the Department
10 to increase opportunities for additional parent-child
11 contacts, without further court orders. Nothing in this
12 subsection (2) shall restrict the Department from immediately
13 restricting or terminating parent-child contact, without
14 either amending the parent-child visiting plan or obtaining a
15 court order, where the Department or its assigns reasonably
16 believe that continuation of parent-child contact, as set out
17 in the parent-child visiting plan, would be contrary to the
18 child's health, safety, and welfare. The Department shall file
19 with the court and serve on the parties any amendments to the
20 visitation plan within 10 days, excluding weekends and
21 holidays, of the change of the visitation. Any party may, by
22 motion, request the court to review the parent-child visiting
23 plan to determine whether the parent-child visiting plan is
24 reasonably calculated to expeditiously facilitate the
25 achievement of the permanency goal, and is consistent with the
26 minor's health, safety, and best interest.

1 Acceptance of services shall not be considered an admission
2 of any allegation in a petition made pursuant to this Act, nor
3 may a referral of services be considered as evidence in any
4 proceeding pursuant to this Act, except where the issue is
5 whether the Department has made reasonable efforts to reunite
6 the family. In making its findings that it is consistent with
7 the health, safety and best interests of the minor to prescribe
8 shelter care, the court shall state in writing (i) the factual
9 basis supporting its findings concerning the immediate and
10 urgent necessity for the protection of the minor or of the
11 person or property of another and (ii) the factual basis
12 supporting its findings that reasonable efforts were made to
13 prevent or eliminate the removal of the minor from his or her
14 home or that no efforts reasonably could be made to prevent or
15 eliminate the removal of the minor from his or her home. The
16 parents, guardian, custodian, temporary custodian and minor
17 shall each be furnished a copy of such written findings. The
18 temporary custodian shall maintain a copy of the court order
19 and written findings in the case record for the child. The
20 order together with the court's findings of fact in support
21 thereof shall be entered of record in the court.

22 Once the court finds that it is a matter of immediate and
23 urgent necessity for the protection of the minor that the minor
24 be placed in a shelter care facility, the minor shall not be
25 returned to the parent, custodian or guardian until the court
26 finds that such placement is no longer necessary for the

1 protection of the minor.

2 If the child is placed in the temporary custody of the
3 Department of Children and Family Services for his or her
4 protection, the court shall admonish the parents, guardian,
5 custodian or responsible relative that the parents must
6 cooperate with the Department of Children and Family Services,
7 comply with the terms of the service plans, and correct the
8 conditions which require the child to be in care, or risk
9 termination of their parental rights.

10 (3) If prior to the shelter care hearing for a minor
11 described in Sections 2-3, 2-4, 3-3 and 4-3 the moving party is
12 unable to serve notice on the party respondent, the shelter
13 care hearing may proceed ex-parte. A shelter care order from an
14 ex-parte hearing shall be endorsed with the date and hour of
15 issuance and shall be filed with the clerk's office and entered
16 of record. The order shall expire after 10 days from the time
17 it is issued unless before its expiration it is renewed, at a
18 hearing upon appearance of the party respondent, or upon an
19 affidavit of the moving party as to all diligent efforts to
20 notify the party respondent by notice as herein prescribed. The
21 notice prescribed shall be in writing and shall be personally
22 delivered to the minor or the minor's attorney and to the last
23 known address of the other person or persons entitled to
24 notice. The notice shall also state the nature of the
25 allegations, the nature of the order sought by the State,
26 including whether temporary custody is sought, and the

1 consequences of failure to appear and shall contain a notice
 2 that the parties will not be entitled to further written
 3 notices or publication notices of proceedings in this case,
 4 including the filing of an amended petition or a motion to
 5 terminate parental rights, except as required by Supreme Court
 6 Rule 11; and shall explain the right of the parties and the
 7 procedures to vacate or modify a shelter care order as provided
 8 in this Section. The notice for a shelter care hearing shall be
 9 substantially as follows:

10 NOTICE TO PARENTS AND CHILDREN
 11 OF SHELTER CARE HEARING

12 On at, before the Honorable
 13, (address:), the State
 14 of Illinois will present evidence (1) that (name of child
 15 or children) are abused, neglected
 16 or dependent for the following reasons:
 17 and (2)
 18 whether there is "immediate and urgent necessity" to remove
 19 the child or children from the responsible relative.

20 YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN
 21 PLACEMENT of the child or children in foster care until a
 22 trial can be held. A trial may not be held for up to 90
 23 days. You will not be entitled to further notices of
 24 proceedings in this case, including the filing of an
 25 amended petition or a motion to terminate parental rights.

26 At the shelter care hearing, parents have the following

1 rights:

2 1. To ask the court to appoint a lawyer if they
3 cannot afford one.

4 2. To ask the court to continue the hearing to
5 allow them time to prepare.

6 3. To present evidence concerning:

7 a. Whether or not the child or children were
8 abused, neglected or dependent.

9 b. Whether or not there is "immediate and
10 urgent necessity" to remove the child from home
11 (including: their ability to care for the child,
12 conditions in the home, alternative means of
13 protecting the child other than removal).

14 c. The best interests of the child.

15 4. To cross examine the State's witnesses.

16 The Notice for rehearings shall be substantially as
17 follows:

18 NOTICE OF PARENT'S AND CHILDREN'S RIGHTS

19 TO REHEARING ON TEMPORARY CUSTODY

20 If you were not present at and did not have adequate
21 notice of the Shelter Care Hearing at which temporary
22 custody of was awarded to
23, you have the right to request a full
24 rehearing on whether the State should have temporary
25 custody of To request this rehearing,

1 you must file with the Clerk of the Juvenile Court
2 (address):, in person or by
3 mailing a statement (affidavit) setting forth the
4 following:

- 5 1. That you were not present at the shelter care
6 hearing.
- 7 2. That you did not get adequate notice (explaining
8 how the notice was inadequate).
- 9 3. Your signature.
- 10 4. Signature must be notarized.

11 The rehearing should be scheduled within 48 hours of
12 your filing this affidavit.

13 At the rehearing, your rights are the same as at the
14 initial shelter care hearing. The enclosed notice explains
15 those rights.

16 At the Shelter Care Hearing, children have the
17 following rights:

- 18 1. To have a guardian ad litem appointed.
- 19 2. To be declared competent as a witness and to
20 present testimony concerning:
 - 21 a. Whether they are abused, neglected or
22 dependent.
 - 23 b. Whether there is "immediate and urgent
24 necessity" to be removed from home.
 - 25 c. Their best interests.
- 26 3. To cross examine witnesses for other parties.

1 4. To obtain an explanation of any proceedings and
2 orders of the court.

3 (4) If the parent, guardian, legal custodian, responsible
4 relative, minor age 8 or over, or counsel of the minor did not
5 have actual notice of or was not present at the shelter care
6 hearing, he or she may file an affidavit setting forth these
7 facts, and the clerk shall set the matter for rehearing not
8 later than 48 hours, excluding Sundays and legal holidays,
9 after the filing of the affidavit. At the rehearing, the court
10 shall proceed in the same manner as upon the original hearing.

11 (5) Only when there is reasonable cause to believe that the
12 minor taken into custody is a person described in subsection
13 (3) of Section 5-105 may the minor be kept or detained in a
14 detention home or county or municipal jail. This Section shall
15 in no way be construed to limit subsection (6).

16 (6) No minor under 16 years of age may be confined in a
17 jail or place ordinarily used for the confinement of prisoners
18 in a police station. Minors under 17 years of age must be kept
19 separate from confined adults and may not at any time be kept
20 in the same cell, room, or yard with adults confined pursuant
21 to the criminal law.

22 (7) If the minor is not brought before a judicial officer
23 within the time period as specified in Section 2-9, the minor
24 must immediately be released from custody.

25 (8) If neither the parent, guardian or custodian appears
26 within 24 hours to take custody of a minor released upon

1 request pursuant to subsection (2) of this Section, then the
2 clerk of the court shall set the matter for rehearing not later
3 than 7 days after the original order and shall issue a summons
4 directed to the parent, guardian or custodian to appear. At the
5 same time the probation department shall prepare a report on
6 the minor. If a parent, guardian or custodian does not appear
7 at such rehearing, the judge may enter an order prescribing
8 that the minor be kept in a suitable place designated by the
9 Department of Children and Family Services or a licensed child
10 welfare agency.

11 (9) Notwithstanding any other provision of this Section any
12 interested party, including the State, the temporary
13 custodian, an agency providing services to the minor or family
14 under a service plan pursuant to Section 8.2 of the Abused and
15 Neglected Child Reporting Act, foster parent, or any of their
16 representatives, on notice to all parties entitled to notice,
17 may file a motion that it is in the best interests of the minor
18 to modify or vacate a temporary custody order on any of the
19 following grounds:

20 (a) It is no longer a matter of immediate and urgent
21 necessity that the minor remain in shelter care; or

22 (b) There is a material change in the circumstances of
23 the natural family from which the minor was removed and the
24 child can be cared for at home without endangering the
25 child's health or safety; or

26 (c) A person not a party to the alleged abuse, neglect

1 or dependency, including a parent, relative or legal
2 guardian, is capable of assuming temporary custody of the
3 minor; or

4 (d) Services provided by the Department of Children and
5 Family Services or a child welfare agency or other service
6 provider have been successful in eliminating the need for
7 temporary custody and the child can be cared for at home
8 without endangering the child's health or safety.

9 In ruling on the motion, the court shall determine whether
10 it is consistent with the health, safety and best interests of
11 the minor to modify or vacate a temporary custody order.

12 The clerk shall set the matter for hearing not later than
13 14 days after such motion is filed. In the event that the court
14 modifies or vacates a temporary custody order but does not
15 vacate its finding of probable cause, the court may order that
16 appropriate services be continued or initiated in behalf of the
17 minor and his or her family.

18 (10) When the court finds or has found that there is
19 probable cause to believe a minor is an abused minor as
20 described in subsection (2) of Section 2-3 and that there is an
21 immediate and urgent necessity for the abused minor to be
22 placed in shelter care, immediate and urgent necessity shall be
23 presumed for any other minor residing in the same household as
24 the abused minor provided:

25 (a) Such other minor is the subject of an abuse or
26 neglect petition pending before the court; and

1 (b) A party to the petition is seeking shelter care for
2 such other minor.

3 Once the presumption of immediate and urgent necessity has
4 been raised, the burden of demonstrating the lack of immediate
5 and urgent necessity shall be on any party that is opposing
6 shelter care for the other minor.

7 (Source: P.A. 94-604, eff. 1-1-06; 95-405, eff. 6-1-08; 95-642,
8 eff. 6-1-08; revised 11-19-07.)

9 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

10 Sec. 2-28. Court review.

11 (1) The court may require any legal custodian or guardian
12 of the person appointed under this Act to report periodically
13 to the court or may cite him into court and require him or his
14 agency, to make a full and accurate report of his or its doings
15 in behalf of the minor. The custodian or guardian, within 10
16 days after such citation, shall make the report, either in
17 writing verified by affidavit or orally under oath in open
18 court, or otherwise as the court directs. Upon the hearing of
19 the report the court may remove the custodian or guardian and
20 appoint another in his stead or restore the minor to the
21 custody of his parents or former guardian or custodian.
22 However, custody of the minor shall not be restored to any
23 parent, guardian or legal custodian in any case in which the
24 minor is found to be neglected or abused under Section 2-3 or
25 dependent under Section 2-4 of this Act, unless the minor can

1 be cared for at home without endangering the minor's health or
2 safety and it is in the best interests of the minor, and if
3 such neglect, abuse, or dependency is found by the court under
4 paragraph (1) of Section 2-21 of this Act to have come about
5 due to the acts or omissions or both of such parent, guardian
6 or legal custodian, until such time as an investigation is made
7 as provided in paragraph (5) and a hearing is held on the issue
8 of the fitness of such parent, guardian or legal custodian to
9 care for the minor and the court enters an order that such
10 parent, guardian or legal custodian is fit to care for the
11 minor.

12 (2) The first permanency hearing shall be conducted by the
13 judge. Subsequent permanency hearings may be heard by a judge
14 or by hearing officers appointed or approved by the court in
15 the manner set forth in Section 2-28.1 of this Act. The initial
16 hearing shall be held (a) within 12 months from the date
17 temporary custody was taken, (b) if the parental rights of both
18 parents have been terminated in accordance with the procedure
19 described in subsection (5) of Section 2-21, within 30 days of
20 the order for termination of parental rights and appointment of
21 a guardian with power to consent to adoption, or (c) in
22 accordance with subsection (2) of Section 2-13.1. Subsequent
23 permanency hearings shall be held every 6 months or more
24 frequently if necessary in the court's determination following
25 the initial permanency hearing, in accordance with the
26 standards set forth in this Section, until the court determines

1 that the plan and goal have been achieved. Once the plan and
2 goal have been achieved, if the minor remains in substitute
3 care, the case shall be reviewed at least every 6 months
4 thereafter, subject to the provisions of this Section, unless
5 the minor is placed in the guardianship of a suitable relative
6 or other person and the court determines that further
7 monitoring by the court does not further the health, safety or
8 best interest of the child and that this is a stable permanent
9 placement. The permanency hearings must occur within the time
10 frames set forth in this subsection and may not be delayed in
11 anticipation of a report from any source or due to the agency's
12 failure to timely file its written report (this written report
13 means the one required under the next paragraph and does not
14 mean the service plan also referred to in that paragraph).

15 The public agency that is the custodian or guardian of the
16 minor, or another agency responsible for the minor's care,
17 shall ensure that all parties to the permanency hearings are
18 provided a copy of the most recent service plan prepared within
19 the prior 6 months at least 14 days in advance of the hearing.
20 If not contained in the plan, the agency shall also include a
21 report setting forth (i) any special physical, psychological,
22 educational, medical, emotional, or other needs of the minor or
23 his or her family that are relevant to a permanency or
24 placement determination and (ii) for any minor age 16 or over,
25 a written description of the programs and services that will
26 enable the minor to prepare for independent living. The

1 agency's written report must detail what progress or lack of
2 progress the parent has made in correcting the conditions
3 requiring the child to be in care; whether the child can be
4 returned home without jeopardizing the child's health, safety,
5 and welfare, and if not, what permanency goal is recommended to
6 be in the best interests of the child, and why the other
7 permanency goals are not appropriate. The caseworker must
8 appear and testify at the permanency hearing. If a permanency
9 hearing has not previously been scheduled by the court, the
10 moving party shall move for the setting of a permanency hearing
11 and the entry of an order within the time frames set forth in
12 this subsection.

13 At the permanency hearing, the court shall determine the
14 future status of the child. The court shall set one of the
15 following permanency goals:

16 (A) The minor will be returned home by a specific date
17 within 5 months.

18 (B) The minor will be in short-term care with a
19 continued goal to return home within a period not to exceed
20 one year, where the progress of the parent or parents is
21 substantial giving particular consideration to the age and
22 individual needs of the minor.

23 (B-1) The minor will be in short-term care with a
24 continued goal to return home pending a status hearing.
25 When the court finds that a parent has not made reasonable
26 efforts or reasonable progress to date, the court shall

1 identify what actions the parent and the Department must
2 take in order to justify a finding of reasonable efforts or
3 reasonable progress and shall set a status hearing to be
4 held not earlier than 9 months from the date of
5 adjudication nor later than 11 months from the date of
6 adjudication during which the parent's progress will again
7 be reviewed.

8 (C) The minor will be in substitute care pending court
9 determination on termination of parental rights.

10 (D) Adoption, provided that parental rights have been
11 terminated or relinquished.

12 (E) The guardianship of the minor will be transferred
13 to an individual or couple on a permanent basis provided
14 that goals (A) through (D) have been ruled out.

15 (F) The minor over age 15 will be in substitute care
16 pending independence.

17 (G) The minor will be in substitute care because he or
18 she cannot be provided for in a home environment due to
19 developmental disabilities or mental illness or because he
20 or she is a danger to self or others, provided that goals
21 (A) through (D) have been ruled out.

22 In selecting any permanency goal, the court shall indicate
23 in writing the reasons the goal was selected and why the
24 preceding goals were ruled out. Where the court has selected a
25 permanency goal other than (A), (B), or (B-1), the Department
26 of Children and Family Services shall not provide further

1 reunification services, but shall provide services consistent
2 with the goal selected.

3 The court shall set a permanency goal that is in the best
4 interest of the child. In determining that goal, the court
5 shall consult with the minor in an age-appropriate manner
6 regarding the proposed permanency or transition plan for the
7 minor. The court's determination shall include the following
8 factors:

9 (1) Age of the child.

10 (2) Options available for permanence, including both
11 out-of-State and in-State placement options.

12 (3) Current placement of the child and the intent of
13 the family regarding adoption.

14 (4) Emotional, physical, and mental status or
15 condition of the child.

16 (5) Types of services previously offered and whether or
17 not the services were successful and, if not successful,
18 the reasons the services failed.

19 (6) Availability of services currently needed and
20 whether the services exist.

21 (7) Status of siblings of the minor.

22 The court shall consider (i) the permanency goal contained
23 in the service plan, (ii) the appropriateness of the services
24 contained in the plan and whether those services have been
25 provided, (iii) whether reasonable efforts have been made by
26 all the parties to the service plan to achieve the goal, and

1 (iv) whether the plan and goal have been achieved. All evidence
2 relevant to determining these questions, including oral and
3 written reports, may be admitted and may be relied on to the
4 extent of their probative value.

5 If the goal has been achieved, the court shall enter orders
6 that are necessary to conform the minor's legal custody and
7 status to those findings.

8 If, after receiving evidence, the court determines that the
9 services contained in the plan are not reasonably calculated to
10 facilitate achievement of the permanency goal, the court shall
11 put in writing the factual basis supporting the determination
12 and enter specific findings based on the evidence. The court
13 also shall enter an order for the Department to develop and
14 implement a new service plan or to implement changes to the
15 current service plan consistent with the court's findings. The
16 new service plan shall be filed with the court and served on
17 all parties within 45 days of the date of the order. The court
18 shall continue the matter until the new service plan is filed.
19 Unless otherwise specifically authorized by law, the court is
20 not empowered under this subsection (2) or under subsection (3)
21 to order specific placements, specific services, or specific
22 service providers to be included in the plan.

23 A guardian or custodian appointed by the court pursuant to
24 this Act shall file updated case plans with the court every 6
25 months.

26 Rights of wards of the court under this Act are enforceable

1 against any public agency by complaints for relief by mandamus
2 filed in any proceedings brought under this Act.

3 (3) Following the permanency hearing, the court shall enter
4 a written order that includes the determinations required under
5 subsection (2) of this Section and sets forth the following:

6 (a) The future status of the minor, including the
7 permanency goal, and any order necessary to conform the
8 minor's legal custody and status to such determination; or

9 (b) If the permanency goal of the minor cannot be
10 achieved immediately, the specific reasons for continuing
11 the minor in the care of the Department of Children and
12 Family Services or other agency for short term placement,
13 and the following determinations:

14 (i) (Blank).

15 (ii) Whether the services required by the court and
16 by any service plan prepared within the prior 6 months
17 have been provided and (A) if so, whether the services
18 were reasonably calculated to facilitate the
19 achievement of the permanency goal or (B) if not
20 provided, why the services were not provided.

21 (iii) Whether the minor's placement is necessary,
22 and appropriate to the plan and goal, recognizing the
23 right of minors to the least restrictive (most
24 family-like) setting available and in close proximity
25 to the parents' home consistent with the health,
26 safety, best interest and special needs of the minor

1 and, if the minor is placed out-of-State, whether the
2 out-of-State placement continues to be appropriate and
3 consistent with the health, safety, and best interest
4 of the minor.

5 (iv) (Blank).

6 (v) (Blank).

7 (4) The minor or any person interested in the minor may
8 apply to the court for a change in custody of the minor and the
9 appointment of a new custodian or guardian of the person or for
10 the restoration of the minor to the custody of his parents or
11 former guardian or custodian.

12 When return home is not selected as the permanency goal:

13 (a) The Department, the minor, or the current foster
14 parent or relative caregiver seeking private guardianship
15 may file a motion for private guardianship of the minor.
16 Appointment of a guardian under this Section requires
17 approval of the court.

18 (b) The State's Attorney may file a motion to terminate
19 parental rights of any parent who has failed to make
20 reasonable efforts to correct the conditions which led to
21 the removal of the child or reasonable progress toward the
22 return of the child, as defined in subdivision (D)(m) of
23 Section 1 of the Adoption Act or for whom any other
24 unfitness ground for terminating parental rights as
25 defined in subdivision (D) of Section 1 of the Adoption Act
26 exists.

1 Custody of the minor shall not be restored to any parent,
2 guardian or legal custodian in any case in which the minor is
3 found to be neglected or abused under Section 2-3 or dependent
4 under Section 2-4 of this Act, unless the minor can be cared
5 for at home without endangering his or her health or safety and
6 it is in the best interest of the minor, and if such neglect,
7 abuse, or dependency is found by the court under paragraph (1)
8 of Section 2-21 of this Act to have come about due to the acts
9 or omissions or both of such parent, guardian or legal
10 custodian, until such time as an investigation is made as
11 provided in paragraph (5) and a hearing is held on the issue of
12 the health, safety and best interest of the minor and the
13 fitness of such parent, guardian or legal custodian to care for
14 the minor and the court enters an order that such parent,
15 guardian or legal custodian is fit to care for the minor. In
16 the event that the minor has attained 18 years of age and the
17 guardian or custodian petitions the court for an order
18 terminating his guardianship or custody, guardianship or
19 custody shall terminate automatically 30 days after the receipt
20 of the petition unless the court orders otherwise. No legal
21 custodian or guardian of the person may be removed without his
22 consent until given notice and an opportunity to be heard by
23 the court.

24 When the court orders a child restored to the custody of
25 the parent or parents, the court shall order the parent or
26 parents to cooperate with the Department of Children and Family

1 Services and comply with the terms of an after-care plan, or
2 risk the loss of custody of the child and possible termination
3 of their parental rights. The court may also enter an order of
4 protective supervision in accordance with Section 2-24.

5 (5) Whenever a parent, guardian, or legal custodian files a
6 motion for restoration of custody of the minor, and the minor
7 was adjudicated neglected, abused, or dependent as a result of
8 physical abuse, the court shall cause to be made an
9 investigation as to whether the movant has ever been charged
10 with or convicted of any criminal offense which would indicate
11 the likelihood of any further physical abuse to the minor.
12 Evidence of such criminal convictions shall be taken into
13 account in determining whether the minor can be cared for at
14 home without endangering his or her health or safety and
15 fitness of the parent, guardian, or legal custodian.

16 (a) Any agency of this State or any subdivision thereof
17 shall co-operate with the agent of the court in providing
18 any information sought in the investigation.

19 (b) The information derived from the investigation and
20 any conclusions or recommendations derived from the
21 information shall be provided to the parent, guardian, or
22 legal custodian seeking restoration of custody prior to the
23 hearing on fitness and the movant shall have an opportunity
24 at the hearing to refute the information or contest its
25 significance.

26 (c) All information obtained from any investigation

1 shall be confidential as provided in Section 5-150 of this
2 Act.

3 (Source: P.A. 95-10, eff. 6-30-07; 95-182, eff. 8-14-07;
4 revised 11-19-07.)

5 (705 ILCS 405/5-710)

6 (Text of Section before amendment by P.A. 95-337 and
7 95-642)

8 Sec. 5-710. Kinds of sentencing orders.

9 (1) The following kinds of sentencing orders may be made in
10 respect of wards of the court:

11 (a) Except as provided in Sections 5-805, 5-810, 5-815,
12 a minor who is found guilty under Section 5-620 may be:

13 (i) put on probation or conditional discharge and
14 released to his or her parents, guardian or legal
15 custodian, provided, however, that any such minor who
16 is not committed to the Department of Juvenile Justice
17 under this subsection and who is found to be a
18 delinquent for an offense which is first degree murder,
19 a Class X felony, or a forcible felony shall be placed
20 on probation;

21 (ii) placed in accordance with Section 5-740, with
22 or without also being put on probation or conditional
23 discharge;

24 (iii) required to undergo a substance abuse
25 assessment conducted by a licensed provider and

1 participate in the indicated clinical level of care;

2 (iv) placed in the guardianship of the Department
3 of Children and Family Services, but only if the
4 delinquent minor is under 13 years of age;

5 (v) placed in detention for a period not to exceed
6 30 days, either as the exclusive order of disposition
7 or, where appropriate, in conjunction with any other
8 order of disposition issued under this paragraph,
9 provided that any such detention shall be in a juvenile
10 detention home and the minor so detained shall be 10
11 years of age or older. However, the 30-day limitation
12 may be extended by further order of the court for a
13 minor under age 13 committed to the Department of
14 Children and Family Services if the court finds that
15 the minor is a danger to himself or others. The minor
16 shall be given credit on the sentencing order of
17 detention for time spent in detention under Sections
18 5-501, 5-601, 5-710, or 5-720 of this Article as a
19 result of the offense for which the sentencing order
20 was imposed. The court may grant credit on a sentencing
21 order of detention entered under a violation of
22 probation or violation of conditional discharge under
23 Section 5-720 of this Article for time spent in
24 detention before the filing of the petition alleging
25 the violation. A minor shall not be deprived of credit
26 for time spent in detention before the filing of a

1 violation of probation or conditional discharge
2 alleging the same or related act or acts;

3 (vi) ordered partially or completely emancipated
4 in accordance with the provisions of the Emancipation
5 of Minors Act;

6 (vii) subject to having his or her driver's license
7 or driving privileges suspended for such time as
8 determined by the court but only until he or she
9 attains 18 years of age;

10 (viii) put on probation or conditional discharge
11 and placed in detention under Section 3-6039 of the
12 Counties Code for a period not to exceed the period of
13 incarceration permitted by law for adults found guilty
14 of the same offense or offenses for which the minor was
15 adjudicated delinquent, and in any event no longer than
16 upon attainment of age 21; this subdivision (viii)
17 notwithstanding any contrary provision of the law; or

18 (ix) ordered to undergo a medical or other
19 procedure to have a tattoo symbolizing allegiance to a
20 street gang removed from his or her body.

21 (b) A minor found to be guilty may be committed to the
22 Department of Juvenile Justice under Section 5-750 if the
23 minor is 13 years of age or older, provided that the
24 commitment to the Department of Juvenile Justice shall be
25 made only if a term of incarceration is permitted by law
26 for adults found guilty of the offense for which the minor

1 was adjudicated delinquent. The time during which a minor
2 is in custody before being released upon the request of a
3 parent, guardian or legal custodian shall be considered as
4 time spent in detention.

5 (c) When a minor is found to be guilty for an offense
6 which is a violation of the Illinois Controlled Substances
7 Act, the Cannabis Control Act, or the Methamphetamine
8 Control and Community Protection Act and made a ward of the
9 court, the court may enter a disposition order requiring
10 the minor to undergo assessment, counseling or treatment in
11 a substance abuse program approved by the Department of
12 Human Services.

13 (2) Any sentencing order other than commitment to the
14 Department of Juvenile Justice may provide for protective
15 supervision under Section 5-725 and may include an order of
16 protection under Section 5-730.

17 (3) Unless the sentencing order expressly so provides, it
18 does not operate to close proceedings on the pending petition,
19 but is subject to modification until final closing and
20 discharge of the proceedings under Section 5-750.

21 (4) In addition to any other sentence, the court may order
22 any minor found to be delinquent to make restitution, in
23 monetary or non-monetary form, under the terms and conditions
24 of Section 5-5-6 of the Unified Code of Corrections, except
25 that the "presentencing hearing" referred to in that Section
26 shall be the sentencing hearing for purposes of this Section.

1 The parent, guardian or legal custodian of the minor may be
2 ordered by the court to pay some or all of the restitution on
3 the minor's behalf, pursuant to the Parental Responsibility
4 Law. The State's Attorney is authorized to act on behalf of any
5 victim in seeking restitution in proceedings under this
6 Section, up to the maximum amount allowed in Section 5 of the
7 Parental Responsibility Law.

8 (5) Any sentencing order where the minor is committed or
9 placed in accordance with Section 5-740 shall provide for the
10 parents or guardian of the estate of the minor to pay to the
11 legal custodian or guardian of the person of the minor such
12 sums as are determined by the custodian or guardian of the
13 person of the minor as necessary for the minor's needs. The
14 payments may not exceed the maximum amounts provided for by
15 Section 9.1 of the Children and Family Services Act.

16 (6) Whenever the sentencing order requires the minor to
17 attend school or participate in a program of training, the
18 truant officer or designated school official shall regularly
19 report to the court if the minor is a chronic or habitual
20 truant under Section 26-2a of the School Code.

21 (7) In no event shall a guilty minor be committed to the
22 Department of Juvenile Justice for a period of time in excess
23 of that period for which an adult could be committed for the
24 same act.

25 (8) A minor found to be guilty for reasons that include a
26 violation of Section 21-1.3 of the Criminal Code of 1961 shall

1 be ordered to perform community service for not less than 30
2 and not more than 120 hours, if community service is available
3 in the jurisdiction. The community service shall include, but
4 need not be limited to, the cleanup and repair of the damage
5 that was caused by the violation or similar damage to property
6 located in the municipality or county in which the violation
7 occurred. The order may be in addition to any other order
8 authorized by this Section.

9 (8.5) A minor found to be guilty for reasons that include a
10 violation of Section 3.02 or Section 3.03 of the Humane Care
11 for Animals Act or paragraph (d) of subsection (1) of Section
12 21-1 of the Criminal Code of 1961 shall be ordered to undergo
13 medical or psychiatric treatment rendered by a psychiatrist or
14 psychological treatment rendered by a clinical psychologist.
15 The order may be in addition to any other order authorized by
16 this Section.

17 (9) In addition to any other sentencing order, the court
18 shall order any minor found to be guilty for an act which would
19 constitute, predatory criminal sexual assault of a child,
20 aggravated criminal sexual assault, criminal sexual assault,
21 aggravated criminal sexual abuse, or criminal sexual abuse if
22 committed by an adult to undergo medical testing to determine
23 whether the defendant has any sexually transmissible disease
24 including a test for infection with human immunodeficiency
25 virus (HIV) or any other identified causative agency of
26 acquired immunodeficiency syndrome (AIDS). Any medical test

1 shall be performed only by appropriately licensed medical
2 practitioners and may include an analysis of any bodily fluids
3 as well as an examination of the minor's person. Except as
4 otherwise provided by law, the results of the test shall be
5 kept strictly confidential by all medical personnel involved in
6 the testing and must be personally delivered in a sealed
7 envelope to the judge of the court in which the sentencing
8 order was entered for the judge's inspection in camera. Acting
9 in accordance with the best interests of the victim and the
10 public, the judge shall have the discretion to determine to
11 whom the results of the testing may be revealed. The court
12 shall notify the minor of the results of the test for infection
13 with the human immunodeficiency virus (HIV). The court shall
14 also notify the victim if requested by the victim, and if the
15 victim is under the age of 15 and if requested by the victim's
16 parents or legal guardian, the court shall notify the victim's
17 parents or the legal guardian, of the results of the test for
18 infection with the human immunodeficiency virus (HIV). The
19 court shall provide information on the availability of HIV
20 testing and counseling at the Department of Public Health
21 facilities to all parties to whom the results of the testing
22 are revealed. The court shall order that the cost of any test
23 shall be paid by the county and may be taxed as costs against
24 the minor.

25 (10) When a court finds a minor to be guilty the court
26 shall, before entering a sentencing order under this Section,

1 make a finding whether the offense committed either: (a) was
2 related to or in furtherance of the criminal activities of an
3 organized gang or was motivated by the minor's membership in or
4 allegiance to an organized gang, or (b) involved a violation of
5 subsection (a) of Section 12-7.1 of the Criminal Code of 1961,
6 a violation of any Section of Article 24 of the Criminal Code
7 of 1961, or a violation of any statute that involved the
8 wrongful use of a firearm. If the court determines the question
9 in the affirmative, and the court does not commit the minor to
10 the Department of Juvenile Justice, the court shall order the
11 minor to perform community service for not less than 30 hours
12 nor more than 120 hours, provided that community service is
13 available in the jurisdiction and is funded and approved by the
14 county board of the county where the offense was committed. The
15 community service shall include, but need not be limited to,
16 the cleanup and repair of any damage caused by a violation of
17 Section 21-1.3 of the Criminal Code of 1961 and similar damage
18 to property located in the municipality or county in which the
19 violation occurred. When possible and reasonable, the
20 community service shall be performed in the minor's
21 neighborhood. This order shall be in addition to any other
22 order authorized by this Section except for an order to place
23 the minor in the custody of the Department of Juvenile Justice.
24 For the purposes of this Section, "organized gang" has the
25 meaning ascribed to it in Section 10 of the Illinois Streetgang
26 Terrorism Omnibus Prevention Act.

1 (Source: P.A. 94-556, eff. 9-11-05; 94-696, eff. 6-1-06.)

2 (Text of Section after amendment by P.A. 95-337 and 95-642)
3 Sec. 5-710. Kinds of sentencing orders.

4 (1) The following kinds of sentencing orders may be made in
5 respect of wards of the court:

6 (a) Except as provided in Sections 5-805, 5-810, 5-815,
7 a minor who is found guilty under Section 5-620 may be:

8 (i) put on probation or conditional discharge and
9 released to his or her parents, guardian or legal
10 custodian, provided, however, that any such minor who
11 is not committed to the Department of Juvenile Justice
12 under this subsection and who is found to be a
13 delinquent for an offense which is first degree murder,
14 a Class X felony, or a forcible felony shall be placed
15 on probation;

16 (ii) placed in accordance with Section 5-740, with
17 or without also being put on probation or conditional
18 discharge;

19 (iii) required to undergo a substance abuse
20 assessment conducted by a licensed provider and
21 participate in the indicated clinical level of care;

22 (iv) placed in the guardianship of the Department
23 of Children and Family Services, but only if the
24 delinquent minor is under 15 years of age or, pursuant
25 to Article II of this Act, a minor for whom an

1 independent basis of abuse, neglect, or dependency
2 exists. An independent basis exists when the
3 allegations or adjudication of abuse, neglect, or
4 dependency do not arise from the same facts, incident,
5 or circumstances which give rise to a charge or
6 adjudication of delinquency;

7 (v) placed in detention for a period not to exceed
8 30 days, either as the exclusive order of disposition
9 or, where appropriate, in conjunction with any other
10 order of disposition issued under this paragraph,
11 provided that any such detention shall be in a juvenile
12 detention home and the minor so detained shall be 10
13 years of age or older. However, the 30-day limitation
14 may be extended by further order of the court for a
15 minor under age 15 committed to the Department of
16 Children and Family Services if the court finds that
17 the minor is a danger to himself or others. The minor
18 shall be given credit on the sentencing order of
19 detention for time spent in detention under Sections
20 5-501, 5-601, 5-710, or 5-720 of this Article as a
21 result of the offense for which the sentencing order
22 was imposed. The court may grant credit on a sentencing
23 order of detention entered under a violation of
24 probation or violation of conditional discharge under
25 Section 5-720 of this Article for time spent in
26 detention before the filing of the petition alleging

1 the violation. A minor shall not be deprived of credit
2 for time spent in detention before the filing of a
3 violation of probation or conditional discharge
4 alleging the same or related act or acts;

5 (vi) ordered partially or completely emancipated
6 in accordance with the provisions of the Emancipation
7 of Minors Act;

8 (vii) subject to having his or her driver's license
9 or driving privileges suspended for such time as
10 determined by the court but only until he or she
11 attains 18 years of age;

12 (viii) put on probation or conditional discharge
13 and placed in detention under Section 3-6039 of the
14 Counties Code for a period not to exceed the period of
15 incarceration permitted by law for adults found guilty
16 of the same offense or offenses for which the minor was
17 adjudicated delinquent, and in any event no longer than
18 upon attainment of age 21; this subdivision (viii)
19 notwithstanding any contrary provision of the law; or

20 (ix) ordered to undergo a medical or other
21 procedure to have a tattoo symbolizing allegiance to a
22 street gang removed from his or her body.

23 (b) A minor found to be guilty may be committed to the
24 Department of Juvenile Justice under Section 5-750 if the
25 minor is 13 years of age or older, provided that the
26 commitment to the Department of Juvenile Justice shall be

1 made only if a term of incarceration is permitted by law
2 for adults found guilty of the offense for which the minor
3 was adjudicated delinquent. The time during which a minor
4 is in custody before being released upon the request of a
5 parent, guardian or legal custodian shall be considered as
6 time spent in detention.

7 (c) When a minor is found to be guilty for an offense
8 which is a violation of the Illinois Controlled Substances
9 Act, the Cannabis Control Act, or the Methamphetamine
10 Control and Community Protection Act and made a ward of the
11 court, the court may enter a disposition order requiring
12 the minor to undergo assessment, counseling or treatment in
13 a substance abuse program approved by the Department of
14 Human Services.

15 (2) Any sentencing order other than commitment to the
16 Department of Juvenile Justice may provide for protective
17 supervision under Section 5-725 and may include an order of
18 protection under Section 5-730.

19 (3) Unless the sentencing order expressly so provides, it
20 does not operate to close proceedings on the pending petition,
21 but is subject to modification until final closing and
22 discharge of the proceedings under Section 5-750.

23 (4) In addition to any other sentence, the court may order
24 any minor found to be delinquent to make restitution, in
25 monetary or non-monetary form, under the terms and conditions
26 of Section 5-5-6 of the Unified Code of Corrections, except

1 that the "presentencing hearing" referred to in that Section
2 shall be the sentencing hearing for purposes of this Section.
3 The parent, guardian or legal custodian of the minor may be
4 ordered by the court to pay some or all of the restitution on
5 the minor's behalf, pursuant to the Parental Responsibility
6 Law. The State's Attorney is authorized to act on behalf of any
7 victim in seeking restitution in proceedings under this
8 Section, up to the maximum amount allowed in Section 5 of the
9 Parental Responsibility Law.

10 (5) Any sentencing order where the minor is committed or
11 placed in accordance with Section 5-740 shall provide for the
12 parents or guardian of the estate of the minor to pay to the
13 legal custodian or guardian of the person of the minor such
14 sums as are determined by the custodian or guardian of the
15 person of the minor as necessary for the minor's needs. The
16 payments may not exceed the maximum amounts provided for by
17 Section 9.1 of the Children and Family Services Act.

18 (6) Whenever the sentencing order requires the minor to
19 attend school or participate in a program of training, the
20 truant officer or designated school official shall regularly
21 report to the court if the minor is a chronic or habitual
22 truant under Section 26-2a of the School Code.

23 (7) In no event shall a guilty minor be committed to the
24 Department of Juvenile Justice for a period of time in excess
25 of that period for which an adult could be committed for the
26 same act.

1 (8) A minor found to be guilty for reasons that include a
2 violation of Section 21-1.3 of the Criminal Code of 1961 shall
3 be ordered to perform community service for not less than 30
4 and not more than 120 hours, if community service is available
5 in the jurisdiction. The community service shall include, but
6 need not be limited to, the cleanup and repair of the damage
7 that was caused by the violation or similar damage to property
8 located in the municipality or county in which the violation
9 occurred. The order may be in addition to any other order
10 authorized by this Section.

11 (8.5) A minor found to be guilty for reasons that include a
12 violation of Section 3.02 or Section 3.03 of the Humane Care
13 for Animals Act or paragraph (d) of subsection (1) of Section
14 21-1 of the Criminal Code of 1961 shall be ordered to undergo
15 medical or psychiatric treatment rendered by a psychiatrist or
16 psychological treatment rendered by a clinical psychologist.
17 The order may be in addition to any other order authorized by
18 this Section.

19 (9) In addition to any other sentencing order, the court
20 shall order any minor found to be guilty for an act which would
21 constitute, predatory criminal sexual assault of a child,
22 aggravated criminal sexual assault, criminal sexual assault,
23 aggravated criminal sexual abuse, or criminal sexual abuse if
24 committed by an adult to undergo medical testing to determine
25 whether the defendant has any sexually transmissible disease
26 including a test for infection with human immunodeficiency

1 virus (HIV) or any other identified causative agency of
2 acquired immunodeficiency syndrome (AIDS). Any medical test
3 shall be performed only by appropriately licensed medical
4 practitioners and may include an analysis of any bodily fluids
5 as well as an examination of the minor's person. Except as
6 otherwise provided by law, the results of the test shall be
7 kept strictly confidential by all medical personnel involved in
8 the testing and must be personally delivered in a sealed
9 envelope to the judge of the court in which the sentencing
10 order was entered for the judge's inspection in camera. Acting
11 in accordance with the best interests of the victim and the
12 public, the judge shall have the discretion to determine to
13 whom the results of the testing may be revealed. The court
14 shall notify the minor of the results of the test for infection
15 with the human immunodeficiency virus (HIV). The court shall
16 also notify the victim if requested by the victim, and if the
17 victim is under the age of 15 and if requested by the victim's
18 parents or legal guardian, the court shall notify the victim's
19 parents or the legal guardian, of the results of the test for
20 infection with the human immunodeficiency virus (HIV). The
21 court shall provide information on the availability of HIV
22 testing and counseling at the Department of Public Health
23 facilities to all parties to whom the results of the testing
24 are revealed. The court shall order that the cost of any test
25 shall be paid by the county and may be taxed as costs against
26 the minor.

1 (10) When a court finds a minor to be guilty the court
2 shall, before entering a sentencing order under this Section,
3 make a finding whether the offense committed either: (a) was
4 related to or in furtherance of the criminal activities of an
5 organized gang or was motivated by the minor's membership in or
6 allegiance to an organized gang, or (b) involved a violation of
7 subsection (a) of Section 12-7.1 of the Criminal Code of 1961,
8 a violation of any Section of Article 24 of the Criminal Code
9 of 1961, or a violation of any statute that involved the
10 wrongful use of a firearm. If the court determines the question
11 in the affirmative, and the court does not commit the minor to
12 the Department of Juvenile Justice, the court shall order the
13 minor to perform community service for not less than 30 hours
14 nor more than 120 hours, provided that community service is
15 available in the jurisdiction and is funded and approved by the
16 county board of the county where the offense was committed. The
17 community service shall include, but need not be limited to,
18 the cleanup and repair of any damage caused by a violation of
19 Section 21-1.3 of the Criminal Code of 1961 and similar damage
20 to property located in the municipality or county in which the
21 violation occurred. When possible and reasonable, the
22 community service shall be performed in the minor's
23 neighborhood. This order shall be in addition to any other
24 order authorized by this Section except for an order to place
25 the minor in the custody of the Department of Juvenile Justice.
26 For the purposes of this Section, "organized gang" has the

1 meaning ascribed to it in Section 10 of the Illinois Streetgang
2 Terrorism Omnibus Prevention Act.

3 (11) If the court determines that the offense was committed
4 in furtherance of the criminal activities of an organized gang,
5 as provided in subsection (10), and that the offense involved
6 the operation or use of a motor vehicle or the use of a
7 driver's license or permit, the court shall notify the
8 Secretary of State of that determination and of the period for
9 which the minor shall be denied driving privileges. If, at the
10 time of the determination, the minor does not hold a driver's
11 license or permit, the court shall provide that the minor shall
12 not be issued a driver's license or permit until his or her
13 18th birthday. If the minor holds a driver's license or permit
14 at the time of the determination, the court shall provide that
15 the minor's driver's license or permit shall be revoked until
16 his or her 21st birthday, or until a later date or occurrence
17 determined by the court. If the minor holds a driver's license
18 at the time of the determination, the court may direct the
19 Secretary of State to issue the minor a judicial driving
20 permit, also known as a JDP. The JDP shall be subject to the
21 same terms as a JDP issued under Section 6-206.1 of the
22 Illinois Vehicle Code, except that the court may direct that
23 the JDP be effective immediately.

24 (Source: P.A. 94-556, eff. 9-11-05; 94-696, eff. 6-1-06;
25 95-337, eff. 6-1-08; 95-642, eff. 6-1-08; revised 11-19-07.)

1 Section 315. The Criminal Code of 1961 is amended by
2 changing Sections 9-3, 11-9.3, 11-9.4, 12-2, 12-4, 14-3, 26-4,
3 and 32-5 as follows:

4 (720 ILCS 5/9-3) (from Ch. 38, par. 9-3)

5 (Text of Section before amendment by P.A. 95-467, 95-551,
6 and 95-587)

7 Sec. 9-3. Involuntary Manslaughter and Reckless Homicide.

8 (a) A person who unintentionally kills an individual
9 without lawful justification commits involuntary manslaughter
10 if his acts whether lawful or unlawful which cause the death
11 are such as are likely to cause death or great bodily harm to
12 some individual, and he performs them recklessly, except in
13 cases in which the cause of the death consists of the driving
14 of a motor vehicle or operating a snowmobile, all-terrain
15 vehicle, or watercraft, in which case the person commits
16 reckless homicide. A person commits reckless homicide if he or
17 she unintentionally kills an individual while driving a vehicle
18 and using an incline in a roadway, such as a railroad crossing,
19 bridge approach, or hill, to cause the vehicle to become
20 airborne.

21 (b) (Blank).

22 (c) (Blank).

23 (d) Sentence.

24 (1) Involuntary manslaughter is a Class 3 felony.

25 (2) Reckless homicide is a Class 3 felony.

1 (e) (Blank).

2 (e-5) (Blank).

3 (e-7) Except as otherwise provided in subsection (e-8), in
4 cases involving reckless homicide in which the defendant: (1)
5 was driving in a construction or maintenance zone, as defined
6 in Section 11-605 of the Illinois Vehicle Code, or (2) was
7 operating a vehicle while failing or refusing to comply with
8 any lawful order or direction of any authorized police officer
9 or traffic control aide engaged in traffic control, the penalty
10 is a Class 2 felony, for which a person, if sentenced to a term
11 of imprisonment, shall be sentenced to a term of not less than
12 3 years and not more than 14 years.

13 (e-8) In cases involving reckless homicide in which the
14 defendant caused the deaths of 2 or more persons as part of a
15 single course of conduct and: (1) was driving in a construction
16 or maintenance zone, as defined in Section 11-605 of the
17 Illinois Vehicle Code, or (2) was operating a vehicle while
18 failing or refusing to comply with any lawful order or
19 direction of any authorized police officer or traffic control
20 aide engaged in traffic control, the penalty is a Class 2
21 felony, for which a person, if sentenced to a term of
22 imprisonment, shall be sentenced to a term of not less than 6
23 years and not more than 28 years.

24 (e-9) In cases involving reckless homicide in which the
25 defendant drove a vehicle and used an incline in a roadway,
26 such as a railroad crossing, bridge approach, or hill, to cause

1 the vehicle to become airborne, and caused the deaths of 2 or
2 more persons as part of a single course of conduct, the penalty
3 is a Class 2 felony.

4 (f) In cases involving involuntary manslaughter in which
5 the victim was a family or household member as defined in
6 paragraph (3) of Section 112A-3 of the Code of Criminal
7 Procedure of 1963, the penalty shall be a Class 2 felony, for
8 which a person if sentenced to a term of imprisonment, shall be
9 sentenced to a term of not less than 3 years and not more than
10 14 years.

11 (Source: P.A. 95-591, eff. 9-10-07.)

12 (Text of Section after amendment by P.A. 95-467, 95-551,
13 and 95-587)

14 Sec. 9-3. Involuntary Manslaughter and Reckless Homicide.

15 (a) A person who unintentionally kills an individual
16 without lawful justification commits involuntary manslaughter
17 if his acts whether lawful or unlawful which cause the death
18 are such as are likely to cause death or great bodily harm to
19 some individual, and he performs them recklessly, except in
20 cases in which the cause of the death consists of the driving
21 of a motor vehicle or operating a snowmobile, all-terrain
22 vehicle, or watercraft, in which case the person commits
23 reckless homicide. A person commits reckless homicide if he or
24 she unintentionally kills an individual while driving a vehicle
25 and using an incline in a roadway, such as a railroad crossing,

1 bridge approach, or hill, to cause the vehicle to become
2 airborne.

3 (b) (Blank).

4 (c) (Blank).

5 (d) Sentence.

6 (1) Involuntary manslaughter is a Class 3 felony.

7 (2) Reckless homicide is a Class 3 felony.

8 (e) (Blank).

9 (e-2) Except as provided in subsection (e-3), in cases
10 involving reckless homicide in which the offense is committed
11 upon a public thoroughfare where children pass going to and
12 from school when a school crossing guard is performing official
13 duties, the penalty is a Class 2 felony, for which a person, if
14 sentenced to a term of imprisonment, shall be sentenced to a
15 term of not less than 3 years and not more than 14 years.

16 (e-3) In cases involving reckless homicide in which (i) the
17 offense is committed upon a public thoroughfare where children
18 pass going to and from school when a school crossing guard is
19 performing official duties and (ii) the defendant causes the
20 deaths of 2 or more persons as part of a single course of
21 conduct, the penalty is a Class 2 felony, for which a person,
22 if sentenced to a term of imprisonment, shall be sentenced to a
23 term of not less than 6 years and not more than 28 years.

24 (e-5) (Blank).

25 (e-7) Except as otherwise provided in subsection (e-8), in
26 cases involving reckless homicide in which the defendant: (1)

1 was driving in a construction or maintenance zone, as defined
2 in Section 11-605.1 of the Illinois Vehicle Code, or (2) was
3 operating a vehicle while failing or refusing to comply with
4 any lawful order or direction of any authorized police officer
5 or traffic control aide engaged in traffic control, the penalty
6 is a Class 2 felony, for which a person, if sentenced to a term
7 of imprisonment, shall be sentenced to a term of not less than
8 3 years and not more than 14 years.

9 (e-8) In cases involving reckless homicide in which the
10 defendant caused the deaths of 2 or more persons as part of a
11 single course of conduct and: (1) was driving in a construction
12 or maintenance zone, as defined in Section 11-605.1 of the
13 Illinois Vehicle Code, or (2) was operating a vehicle while
14 failing or refusing to comply with any lawful order or
15 direction of any authorized police officer or traffic control
16 aide engaged in traffic control, the penalty is a Class 2
17 felony, for which a person, if sentenced to a term of
18 imprisonment, shall be sentenced to a term of not less than 6
19 years and not more than 28 years.

20 (e-9) In cases involving reckless homicide in which the
21 defendant drove a vehicle and used an incline in a roadway,
22 such as a railroad crossing, bridge approach, or hill, to cause
23 the vehicle to become airborne, and caused the deaths of 2 or
24 more persons as part of a single course of conduct, the penalty
25 is a Class 2 felony.

26 (e-10) In cases involving involuntary manslaughter or

1 reckless homicide resulting in the death of a peace officer
2 killed in the performance of his or her duties as a peace
3 officer, the penalty is a Class 2 felony.

4 (e-11) ~~(e-10)~~ In cases involving reckless homicide in which
5 the defendant unintentionally kills an individual while
6 driving in a posted school zone, as defined in Section 11-605
7 of the Illinois Vehicle Code, while children are present or in
8 a construction or maintenance zone, as defined in Section
9 11-605.1 of the Illinois Vehicle Code, when construction or
10 maintenance workers are present the trier of fact may infer
11 that the defendant's actions were performed recklessly where he
12 or she was also either driving at a speed of more than 20 miles
13 per hour in excess of the posted speed limit or violating
14 Section 11-501 of the Illinois Vehicle Code.

15 (f) In cases involving involuntary manslaughter in which
16 the victim was a family or household member as defined in
17 paragraph (3) of Section 112A-3 of the Code of Criminal
18 Procedure of 1963, the penalty shall be a Class 2 felony, for
19 which a person if sentenced to a term of imprisonment, shall be
20 sentenced to a term of not less than 3 years and not more than
21 14 years.

22 (Source: P.A. 95-467, eff. 6-1-08; 95-551, eff. 6-1-08; 95-587,
23 eff. 6-1-08; 95-591, eff. 9-10-07; revised 10-30-07.)

24 (720 ILCS 5/11-9.3)

25 (Text of Section before amendment by P.A. 95-640)

1 Sec. 11-9.3. Presence within school zone by child sex
2 offenders prohibited.

3 (a) It is unlawful for a child sex offender to knowingly be
4 present in any school building, on real property comprising any
5 school, or in any conveyance owned, leased, or contracted by a
6 school to transport students to or from school or a school
7 related activity when persons under the age of 18 are present
8 in the building, on the grounds or in the conveyance, unless
9 the offender is a parent or guardian of a student attending the
10 school and the parent or guardian is: (i) attending a
11 conference at the school with school personnel to discuss the
12 progress of his or her child academically or socially, (ii)
13 participating in child review conferences in which evaluation
14 and placement decisions may be made with respect to his or her
15 child regarding special education services, or (iii) attending
16 conferences to discuss other student issues concerning his or
17 her child such as retention and promotion and notifies the
18 principal of the school of his or her presence at the school or
19 unless the offender has permission to be present from the
20 superintendent or the school board or in the case of a private
21 school from the principal. In the case of a public school, if
22 permission is granted, the superintendent or school board
23 president must inform the principal of the school where the sex
24 offender will be present. Notification includes the nature of
25 the sex offender's visit and the hours in which the sex
26 offender will be present in the school. The sex offender is

1 responsible for notifying the principal's office when he or she
2 arrives on school property and when he or she departs from
3 school property. If the sex offender is to be present in the
4 vicinity of children, the sex offender has the duty to remain
5 under the direct supervision of a school official. A child sex
6 offender who violates this provision is guilty of a Class 4
7 felony.

8 (a-5) It is unlawful for a child sex offender to knowingly
9 be present within 100 feet of a site posted as a pick-up or
10 discharge stop for a conveyance owned, leased, or contracted by
11 a school to transport students to or from school or a school
12 related activity when one or more persons under the age of 18
13 are present at the site.

14 (b) It is unlawful for a child sex offender to knowingly
15 loiter within 500 feet of a school building or real property
16 comprising any school while persons under the age of 18 are
17 present in the building or on the grounds, unless the offender
18 is a parent or guardian of a student attending the school and
19 the parent or guardian is: (i) attending a conference at the
20 school with school personnel to discuss the progress of his or
21 her child academically or socially, (ii) participating in child
22 review conferences in which evaluation and placement decisions
23 may be made with respect to his or her child regarding special
24 education services, or (iii) attending conferences to discuss
25 other student issues concerning his or her child such as
26 retention and promotion and notifies the principal of the

1 school of his or her presence at the school or has permission
2 to be present from the superintendent or the school board or in
3 the case of a private school from the principal. In the case of
4 a public school, if permission is granted, the superintendent
5 or school board president must inform the principal of the
6 school where the sex offender will be present. Notification
7 includes the nature of the sex offender's visit and the hours
8 in which the sex offender will be present in the school. The
9 sex offender is responsible for notifying the principal's
10 office when he or she arrives on school property and when he or
11 she departs from school property. If the sex offender is to be
12 present in the vicinity of children, the sex offender has the
13 duty to remain under the direct supervision of a school
14 official. A child sex offender who violates this provision is
15 guilty of a Class 4 felony.

16 (b-5) It is unlawful for a child sex offender to knowingly
17 reside within 500 feet of a school building or the real
18 property comprising any school that persons under the age of 18
19 attend. Nothing in this subsection (b-5) prohibits a child sex
20 offender from residing within 500 feet of a school building or
21 the real property comprising any school that persons under 18
22 attend if the property is owned by the child sex offender and
23 was purchased before the effective date of this amendatory Act
24 of the 91st General Assembly.

25 (c) Definitions. In this Section:

26 (1) "Child sex offender" means any person who:

1 (i) has been charged under Illinois law, or any
2 substantially similar federal law or law of another
3 state, with a sex offense set forth in paragraph (2) of
4 this subsection (c) or the attempt to commit an
5 included sex offense, and:

6 (A) is convicted of such offense or an attempt
7 to commit such offense; or

8 (B) is found not guilty by reason of insanity
9 of such offense or an attempt to commit such
10 offense; or

11 (C) is found not guilty by reason of insanity
12 pursuant to subsection (c) of Section 104-25 of the
13 Code of Criminal Procedure of 1963 of such offense
14 or an attempt to commit such offense; or

15 (D) is the subject of a finding not resulting
16 in an acquittal at a hearing conducted pursuant to
17 subsection (a) of Section 104-25 of the Code of
18 Criminal Procedure of 1963 for the alleged
19 commission or attempted commission of such
20 offense; or

21 (E) is found not guilty by reason of insanity
22 following a hearing conducted pursuant to a
23 federal law or the law of another state
24 substantially similar to subsection (c) of Section
25 104-25 of the Code of Criminal Procedure of 1963 of
26 such offense or of the attempted commission of such

1 offense; or

2 (F) is the subject of a finding not resulting
3 in an acquittal at a hearing conducted pursuant to
4 a federal law or the law of another state
5 substantially similar to subsection (a) of Section
6 104-25 of the Code of Criminal Procedure of 1963
7 for the alleged violation or attempted commission
8 of such offense; or

9 (ii) is certified as a sexually dangerous person
10 pursuant to the Illinois Sexually Dangerous Persons
11 Act, or any substantially similar federal law or the
12 law of another state, when any conduct giving rise to
13 such certification is committed or attempted against a
14 person less than 18 years of age; or

15 (iii) is subject to the provisions of Section 2 of
16 the Interstate Agreements on Sexually Dangerous
17 Persons Act.

18 Convictions that result from or are connected with the
19 same act, or result from offenses committed at the same
20 time, shall be counted for the purpose of this Section as
21 one conviction. Any conviction set aside pursuant to law is
22 not a conviction for purposes of this Section.

23 (2) Except as otherwise provided in paragraph (2.5),
24 "sex offense" means:

25 (i) A violation of any of the following Sections of
26 the Criminal Code of 1961: 10-7 (aiding and abetting

1 child abduction under Section 10-5(b)(10)),
2 10-5(b)(10) (child luring), 11-6 (indecent
3 solicitation of a child), 11-6.5 (indecent
4 solicitation of an adult), 11-9 (public indecency when
5 committed in a school, on the real property comprising
6 a school, or on a conveyance, owned, leased, or
7 contracted by a school to transport students to or from
8 school or a school related activity), 11-9.1 (sexual
9 exploitation of a child), 11-15.1 (soliciting for a
10 juvenile prostitute), 11-17.1 (keeping a place of
11 juvenile prostitution), 11-18.1 (patronizing a
12 juvenile prostitute), 11-19.1 (juvenile pimping),
13 11-19.2 (exploitation of a child), 11-20.1 (child
14 pornography), 11-21 (harmful material), 12-14.1
15 (predatory criminal sexual assault of a child), 12-33
16 (ritualized abuse of a child), 11-20 (obscenity) (when
17 that offense was committed in any school, on real
18 property comprising any school, in any conveyance
19 owned, leased, or contracted by a school to transport
20 students to or from school or a school related
21 activity). An attempt to commit any of these offenses.

22 (ii) A violation of any of the following Sections
23 of the Criminal Code of 1961, when the victim is a
24 person under 18 years of age: 12-13 (criminal sexual
25 assault), 12-14 (aggravated criminal sexual assault),
26 12-15 (criminal sexual abuse), 12-16 (aggravated

1 criminal sexual abuse). An attempt to commit any of
2 these offenses.

3 (iii) A violation of any of the following Sections
4 of the Criminal Code of 1961, when the victim is a
5 person under 18 years of age and the defendant is not a
6 parent of the victim:

7 10-1 (kidnapping),

8 10-2 (aggravated kidnapping),

9 10-3 (unlawful restraint),

10 10-3.1 (aggravated unlawful restraint).

11 An attempt to commit any of these offenses.

12 (iv) A violation of any former law of this State
13 substantially equivalent to any offense listed in
14 clause (2) (i) of subsection (c) of this Section.

15 (2.5) For the purposes of subsection (b-5) only, a sex
16 offense means:

17 (i) A violation of any of the following Sections of
18 the Criminal Code of 1961:

19 10-5(b)(10) (child luring), 10-7 (aiding and
20 abetting child abduction under Section
21 10-5(b)(10)), 11-6 (indecent solicitation of a
22 child), 11-6.5 (indecent solicitation of an
23 adult), 11-15.1 (soliciting for a juvenile
24 prostitute), 11-17.1 (keeping a place of juvenile
25 prostitution), 11-18.1 (patronizing a juvenile
26 prostitute), 11-19.1 (juvenile pimping), 11-19.2

1 (exploitation of a child), 11-20.1 (child
2 pornography), 12-14.1 (predatory criminal sexual
3 assault of a child), or 12-33 (ritualized abuse of
4 a child). An attempt to commit any of these
5 offenses.

6 (ii) A violation of any of the following Sections
7 of the Criminal Code of 1961, when the victim is a
8 person under 18 years of age: 12-13 (criminal sexual
9 assault), 12-14 (aggravated criminal sexual assault),
10 12-16 (aggravated criminal sexual abuse), and
11 subsection (a) of Section 12-15 (criminal sexual
12 abuse). An attempt to commit any of these offenses.

13 (iii) A violation of any of the following Sections
14 of the Criminal Code of 1961, when the victim is a
15 person under 18 years of age and the defendant is not a
16 parent of the victim:

17 10-1 (kidnapping),
18 10-2 (aggravated kidnapping),
19 10-3 (unlawful restraint),
20 10-3.1 (aggravated unlawful restraint).

21 An attempt to commit any of these offenses.

22 (iv) A violation of any former law of this State
23 substantially equivalent to any offense listed in this
24 paragraph (2.5) of this subsection.

25 (3) A conviction for an offense of federal law or the
26 law of another state that is substantially equivalent to

1 any offense listed in paragraph (2) of subsection (c) of
2 this Section shall constitute a conviction for the purpose
3 of this Article. A finding or adjudication as a sexually
4 dangerous person under any federal law or law of another
5 state that is substantially equivalent to the Sexually
6 Dangerous Persons Act shall constitute an adjudication for
7 the purposes of this Section.

8 (4) "School" means a public or private pre-school,
9 elementary, or secondary school.

10 (5) "Loiter" means:

11 (i) Standing, sitting idly, whether or not the
12 person is in a vehicle or remaining in or around school
13 property.

14 (ii) Standing, sitting idly, whether or not the
15 person is in a vehicle or remaining in or around school
16 property, for the purpose of committing or attempting
17 to commit a sex offense.

18 (iii) Entering or remaining in a building in or
19 around school property, other than the offender's
20 residence.

21 (6) "School official" means the principal, a teacher,
22 or any other certified employee of the school, the
23 superintendent of schools or a member of the school board.

24 (d) Sentence. A person who violates this Section is guilty
25 of a Class 4 felony.

26 (Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06;

1 94-170, eff. 7-11-05; 95-331, eff. 8-21-07; 95-440, eff.
2 8-27-07.)

3 (Text of Section after amendment by P.A. 95-640)

4 Sec. 11-9.3. Presence within school zone by child sex
5 offenders prohibited.

6 (a) It is unlawful for a child sex offender to knowingly be
7 present in any school building, on real property comprising any
8 school, or in any conveyance owned, leased, or contracted by a
9 school to transport students to or from school or a school
10 related activity when persons under the age of 18 are present
11 in the building, on the grounds or in the conveyance, unless
12 the offender is a parent or guardian of a student attending the
13 school and the parent or guardian is: (i) attending a
14 conference at the school with school personnel to discuss the
15 progress of his or her child academically or socially, (ii)
16 participating in child review conferences in which evaluation
17 and placement decisions may be made with respect to his or her
18 child regarding special education services, or (iii) attending
19 conferences to discuss other student issues concerning his or
20 her child such as retention and promotion and notifies the
21 principal of the school of his or her presence at the school or
22 unless the offender has permission to be present from the
23 superintendent or the school board or in the case of a private
24 school from the principal. In the case of a public school, if
25 permission is granted, the superintendent or school board

1 president must inform the principal of the school where the sex
2 offender will be present. Notification includes the nature of
3 the sex offender's visit and the hours in which the sex
4 offender will be present in the school. The sex offender is
5 responsible for notifying the principal's office when he or she
6 arrives on school property and when he or she departs from
7 school property. If the sex offender is to be present in the
8 vicinity of children, the sex offender has the duty to remain
9 under the direct supervision of a school official. A child sex
10 offender who violates this provision is guilty of a Class 4
11 felony.

12 (a-5) It is unlawful for a child sex offender to knowingly
13 be present within 100 feet of a site posted as a pick-up or
14 discharge stop for a conveyance owned, leased, or contracted by
15 a school to transport students to or from school or a school
16 related activity when one or more persons under the age of 18
17 are present at the site.

18 (b) It is unlawful for a child sex offender to knowingly
19 loiter within 500 feet of a school building or real property
20 comprising any school while persons under the age of 18 are
21 present in the building or on the grounds, unless the offender
22 is a parent or guardian of a student attending the school and
23 the parent or guardian is: (i) attending a conference at the
24 school with school personnel to discuss the progress of his or
25 her child academically or socially, (ii) participating in child
26 review conferences in which evaluation and placement decisions

1 may be made with respect to his or her child regarding special
2 education services, or (iii) attending conferences to discuss
3 other student issues concerning his or her child such as
4 retention and promotion and notifies the principal of the
5 school of his or her presence at the school or has permission
6 to be present from the superintendent or the school board or in
7 the case of a private school from the principal. In the case of
8 a public school, if permission is granted, the superintendent
9 or school board president must inform the principal of the
10 school where the sex offender will be present. Notification
11 includes the nature of the sex offender's visit and the hours
12 in which the sex offender will be present in the school. The
13 sex offender is responsible for notifying the principal's
14 office when he or she arrives on school property and when he or
15 she departs from school property. If the sex offender is to be
16 present in the vicinity of children, the sex offender has the
17 duty to remain under the direct supervision of a school
18 official. A child sex offender who violates this provision is
19 guilty of a Class 4 felony.

20 (b-5) It is unlawful for a child sex offender to knowingly
21 reside within 500 feet of a school building or the real
22 property comprising any school that persons under the age of 18
23 attend. Nothing in this subsection (b-5) prohibits a child sex
24 offender from residing within 500 feet of a school building or
25 the real property comprising any school that persons under 18
26 attend if the property is owned by the child sex offender and

1 was purchased before the effective date of this amendatory Act
2 of the 91st General Assembly.

3 (c) Definitions. In this Section:

4 (1) "Child sex offender" means any person who:

5 (i) has been charged under Illinois law, or any
6 substantially similar federal law or law of another
7 state, with a sex offense set forth in paragraph (2) of
8 this subsection (c) or the attempt to commit an
9 included sex offense, and:

10 (A) is convicted of such offense or an attempt
11 to commit such offense; or

12 (B) is found not guilty by reason of insanity
13 of such offense or an attempt to commit such
14 offense; or

15 (C) is found not guilty by reason of insanity
16 pursuant to subsection (c) of Section 104-25 of the
17 Code of Criminal Procedure of 1963 of such offense
18 or an attempt to commit such offense; or

19 (D) is the subject of a finding not resulting
20 in an acquittal at a hearing conducted pursuant to
21 subsection (a) of Section 104-25 of the Code of
22 Criminal Procedure of 1963 for the alleged
23 commission or attempted commission of such
24 offense; or

25 (E) is found not guilty by reason of insanity
26 following a hearing conducted pursuant to a

1 federal law or the law of another state
2 substantially similar to subsection (c) of Section
3 104-25 of the Code of Criminal Procedure of 1963 of
4 such offense or of the attempted commission of such
5 offense; or

6 (F) is the subject of a finding not resulting
7 in an acquittal at a hearing conducted pursuant to
8 a federal law or the law of another state
9 substantially similar to subsection (a) of Section
10 104-25 of the Code of Criminal Procedure of 1963
11 for the alleged violation or attempted commission
12 of such offense; or

13 (ii) is certified as a sexually dangerous person
14 pursuant to the Illinois Sexually Dangerous Persons
15 Act, or any substantially similar federal law or the
16 law of another state, when any conduct giving rise to
17 such certification is committed or attempted against a
18 person less than 18 years of age; or

19 (iii) is subject to the provisions of Section 2 of
20 the Interstate Agreements on Sexually Dangerous
21 Persons Act.

22 Convictions that result from or are connected with the
23 same act, or result from offenses committed at the same
24 time, shall be counted for the purpose of this Section as
25 one conviction. Any conviction set aside pursuant to law is
26 not a conviction for purposes of this Section.

1 (2) Except as otherwise provided in paragraph (2.5),
2 "sex offense" means:

3 (i) A violation of any of the following Sections of
4 the Criminal Code of 1961: 10-7 (aiding and abetting
5 child abduction under Section 10-5(b)(10)),
6 10-5(b)(10) (child luring), 11-6 (indecent
7 solicitation of a child), 11-6.5 (indecent
8 solicitation of an adult), 11-9 (public indecency when
9 committed in a school, on the real property comprising
10 a school, or on a conveyance, owned, leased, or
11 contracted by a school to transport students to or from
12 school or a school related activity), 11-9.1 (sexual
13 exploitation of a child), 11-15.1 (soliciting for a
14 juvenile prostitute), 11-17.1 (keeping a place of
15 juvenile prostitution), 11-18.1 (patronizing a
16 juvenile prostitute), 11-19.1 (juvenile pimping),
17 11-19.2 (exploitation of a child), 11-20.1 (child
18 pornography), 11-20.3 (aggravated child pornography),
19 11-21 (harmful material), 12-14.1 (predatory criminal
20 sexual assault of a child), 12-33 (ritualized abuse of
21 a child), 11-20 (obscenity) (when that offense was
22 committed in any school, on real property comprising
23 any school, in any conveyance owned, leased, or
24 contracted by a school to transport students to or from
25 school or a school related activity). An attempt to
26 commit any of these offenses.

1 (ii) A violation of any of the following Sections
2 of the Criminal Code of 1961, when the victim is a
3 person under 18 years of age: 12-13 (criminal sexual
4 assault), 12-14 (aggravated criminal sexual assault),
5 12-15 (criminal sexual abuse), 12-16 (aggravated
6 criminal sexual abuse). An attempt to commit any of
7 these offenses.

8 (iii) A violation of any of the following Sections
9 of the Criminal Code of 1961, when the victim is a
10 person under 18 years of age and the defendant is not a
11 parent of the victim:

12 10-1 (kidnapping),

13 10-2 (aggravated kidnapping),

14 10-3 (unlawful restraint),

15 10-3.1 (aggravated unlawful restraint).

16 An attempt to commit any of these offenses.

17 (iv) A violation of any former law of this State
18 substantially equivalent to any offense listed in
19 clause (2) (i) of subsection (c) of this Section.

20 (2.5) For the purposes of subsection (b-5) only, a sex
21 offense means:

22 (i) A violation of any of the following Sections of
23 the Criminal Code of 1961:

24 10-5(b)(10) (child luring), 10-7 (aiding and
25 abetting child abduction under Section
26 10-5(b)(10)), 11-6 (indecent solicitation of a

1 child), 11-6.5 (indecent solicitation of an
2 adult), 11-15.1 (soliciting for a juvenile
3 prostitute), 11-17.1 (keeping a place of juvenile
4 prostitution), 11-18.1 (patronizing a juvenile
5 prostitute), 11-19.1 (juvenile pimping), 11-19.2
6 (exploitation of a child), 11-20.1 (child
7 pornography), 11-20.3 (aggravated child
8 pornography), 12-14.1 (predatory criminal sexual
9 assault of a child), or 12-33 (ritualized abuse of
10 a child). An attempt to commit any of these
11 offenses.

12 (ii) A violation of any of the following Sections
13 of the Criminal Code of 1961, when the victim is a
14 person under 18 years of age: 12-13 (criminal sexual
15 assault), 12-14 (aggravated criminal sexual assault),
16 12-16 (aggravated criminal sexual abuse), and
17 subsection (a) of Section 12-15 (criminal sexual
18 abuse). An attempt to commit any of these offenses.

19 (iii) A violation of any of the following Sections
20 of the Criminal Code of 1961, when the victim is a
21 person under 18 years of age and the defendant is not a
22 parent of the victim:

23 10-1 (kidnapping),
24 10-2 (aggravated kidnapping),
25 10-3 (unlawful restraint),
26 10-3.1 (aggravated unlawful restraint).

1 An attempt to commit any of these offenses.

2 (iv) A violation of any former law of this State
3 substantially equivalent to any offense listed in this
4 paragraph (2.5) of this subsection.

5 (3) A conviction for an offense of federal law or the
6 law of another state that is substantially equivalent to
7 any offense listed in paragraph (2) of subsection (c) of
8 this Section shall constitute a conviction for the purpose
9 of this Article. A finding or adjudication as a sexually
10 dangerous person under any federal law or law of another
11 state that is substantially equivalent to the Sexually
12 Dangerous Persons Act shall constitute an adjudication for
13 the purposes of this Section.

14 (4) "School" means a public or private pre-school,
15 elementary, or secondary school.

16 (5) "Loiter" means:

17 (i) Standing, sitting idly, whether or not the
18 person is in a vehicle or remaining in or around school
19 property.

20 (ii) Standing, sitting idly, whether or not the
21 person is in a vehicle or remaining in or around school
22 property, for the purpose of committing or attempting
23 to commit a sex offense.

24 (iii) Entering or remaining in a building in or
25 around school property, other than the offender's
26 residence.

1 (6) "School official" means the principal, a teacher,
2 or any other certified employee of the school, the
3 superintendent of schools or a member of the school board.

4 (d) Sentence. A person who violates this Section is guilty
5 of a Class 4 felony.

6 (Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06;
7 94-170, eff. 7-11-05; 95-331, eff. 8-21-07; 95-440, eff.
8 8-27-07; 95-640, eff. 6-1-08; revised 11-19-07 .)

9 (720 ILCS 5/11-9.4)

10 (Text of Section before amendment by P.A. 95-640)

11 Sec. 11-9.4. Approaching, contacting, residing, or
12 communicating with a child within certain places by child sex
13 offenders prohibited.

14 (a) It is unlawful for a child sex offender to knowingly be
15 present in any public park building or on real property
16 comprising any public park when persons under the age of 18 are
17 present in the building or on the grounds and to approach,
18 contact, or communicate with a child under 18 years of age,
19 unless the offender is a parent or guardian of a person under
20 18 years of age present in the building or on the grounds.

21 (b) It is unlawful for a child sex offender to knowingly
22 loiter on a public way within 500 feet of a public park
23 building or real property comprising any public park while
24 persons under the age of 18 are present in the building or on
25 the grounds and to approach, contact, or communicate with a

1 child under 18 years of age, unless the offender is a parent or
2 guardian of a person under 18 years of age present in the
3 building or on the grounds.

4 (b-5) It is unlawful for a child sex offender to knowingly
5 reside within 500 feet of a playground, child care institution,
6 day care center, part day child care facility, or a facility
7 providing programs or services exclusively directed toward
8 persons under 18 years of age. Nothing in this subsection (b-5)
9 prohibits a child sex offender from residing within 500 feet of
10 a playground or a facility providing programs or services
11 exclusively directed toward persons under 18 years of age if
12 the property is owned by the child sex offender and was
13 purchased before the effective date of this amendatory Act of
14 the 91st General Assembly. Nothing in this subsection (b-5)
15 prohibits a child sex offender from residing within 500 feet of
16 a child care institution, day care center, or part day child
17 care facility if the property is owned by the child sex
18 offender and was purchased before the effective date of this
19 amendatory Act of the 94th General Assembly.

20 (b-6) It is unlawful for a child sex offender to knowingly
21 reside within 500 feet of the victim of the sex offense.
22 Nothing in this subsection (b-6) prohibits a child sex offender
23 from residing within 500 feet of the victim if the property in
24 which the child sex offender resides is owned by the child sex
25 offender and was purchased before the effective date of this
26 amendatory Act of the 92nd General Assembly.

1 This subsection (b-6) does not apply if the victim of the
2 sex offense is 21 years of age or older.

3 (c) It is unlawful for a child sex offender to knowingly
4 operate, manage, be employed by, volunteer at, be associated
5 with, or knowingly be present at any: (i) facility providing
6 programs or services exclusively directed towards persons
7 under the age of 18; (ii) day care center; (iii) part day child
8 care facility; (iv) child care institution, or (v) school
9 providing before and after school programs for children under
10 18 years of age. This does not prohibit a child sex offender
11 from owning the real property upon which the programs or
12 services are offered or upon which the day care center, part
13 day child care facility, child care institution, or school
14 providing before and after school programs for children under
15 18 years of age is located, provided the child sex offender
16 refrains from being present on the premises for the hours
17 during which: (1) the programs or services are being offered or
18 (2) the day care center, part day child care facility, child
19 care institution, or school providing before and after school
20 programs for children under 18 years of age is operated.

21 (c-5) It is unlawful for a child sex offender to knowingly
22 operate, manage, be employed by, or be associated with any
23 county fair when persons under the age of 18 are present.

24 (d) Definitions. In this Section:

25 (1) "Child sex offender" means any person who:

26 (i) has been charged under Illinois law, or any

1 substantially similar federal law or law of another
2 state, with a sex offense set forth in paragraph (2) of
3 this subsection (d) or the attempt to commit an
4 included sex offense, and:

5 (A) is convicted of such offense or an attempt
6 to commit such offense; or

7 (B) is found not guilty by reason of insanity
8 of such offense or an attempt to commit such
9 offense; or

10 (C) is found not guilty by reason of insanity
11 pursuant to subsection (c) of Section 104-25 of the
12 Code of Criminal Procedure of 1963 of such offense
13 or an attempt to commit such offense; or

14 (D) is the subject of a finding not resulting
15 in an acquittal at a hearing conducted pursuant to
16 subsection (a) of Section 104-25 of the Code of
17 Criminal Procedure of 1963 for the alleged
18 commission or attempted commission of such
19 offense; or

20 (E) is found not guilty by reason of insanity
21 following a hearing conducted pursuant to a
22 federal law or the law of another state
23 substantially similar to subsection (c) of Section
24 104-25 of the Code of Criminal Procedure of 1963 of
25 such offense or of the attempted commission of such
26 offense; or

1 (F) is the subject of a finding not resulting
2 in an acquittal at a hearing conducted pursuant to
3 a federal law or the law of another state
4 substantially similar to subsection (a) of Section
5 104-25 of the Code of Criminal Procedure of 1963
6 for the alleged violation or attempted commission
7 of such offense; or

8 (ii) is certified as a sexually dangerous person
9 pursuant to the Illinois Sexually Dangerous Persons
10 Act, or any substantially similar federal law or the
11 law of another state, when any conduct giving rise to
12 such certification is committed or attempted against a
13 person less than 18 years of age; or

14 (iii) is subject to the provisions of Section 2 of
15 the Interstate Agreements on Sexually Dangerous
16 Persons Act.

17 Convictions that result from or are connected with the
18 same act, or result from offenses committed at the same
19 time, shall be counted for the purpose of this Section as
20 one conviction. Any conviction set aside pursuant to law is
21 not a conviction for purposes of this Section.

22 (2) Except as otherwise provided in paragraph (2.5),
23 "sex offense" means:

24 (i) A violation of any of the following Sections of
25 the Criminal Code of 1961: 10-7 (aiding and abetting
26 child abduction under Section 10-5(b)(10)),

1 10-5(b)(10) (child luring), 11-6 (indecent
2 solicitation of a child), 11-6.5 (indecent
3 solicitation of an adult), 11-9 (public indecency when
4 committed in a school, on the real property comprising
5 a school, on a conveyance owned, leased, or contracted
6 by a school to transport students to or from school or
7 a school related activity, or in a public park), 11-9.1
8 (sexual exploitation of a child), 11-15.1 (soliciting
9 for a juvenile prostitute), 11-17.1 (keeping a place of
10 juvenile prostitution), 11-18.1 (patronizing a
11 juvenile prostitute), 11-19.1 (juvenile pimping),
12 11-19.2 (exploitation of a child), 11-20.1 (child
13 pornography), 11-21 (harmful material), 12-14.1
14 (predatory criminal sexual assault of a child), 12-33
15 (ritualized abuse of a child), 11-20 (obscenity) (when
16 that offense was committed in any school, on real
17 property comprising any school, on any conveyance
18 owned, leased, or contracted by a school to transport
19 students to or from school or a school related
20 activity, or in a public park). An attempt to commit
21 any of these offenses.

22 (ii) A violation of any of the following Sections
23 of the Criminal Code of 1961, when the victim is a
24 person under 18 years of age: 12-13 (criminal sexual
25 assault), 12-14 (aggravated criminal sexual assault),
26 12-15 (criminal sexual abuse), 12-16 (aggravated

1 criminal sexual abuse). An attempt to commit any of
2 these offenses.

3 (iii) A violation of any of the following Sections
4 of the Criminal Code of 1961, when the victim is a
5 person under 18 years of age and the defendant is not a
6 parent of the victim:

7 10-1 (kidnapping),

8 10-2 (aggravated kidnapping),

9 10-3 (unlawful restraint),

10 10-3.1 (aggravated unlawful restraint).

11 An attempt to commit any of these offenses.

12 (iv) A violation of any former law of this State
13 substantially equivalent to any offense listed in
14 clause (2)(i) of this subsection (d).

15 (2.5) For the purposes of subsection (b-5) only, a sex
16 offense means:

17 (i) A violation of any of the following Sections of
18 the Criminal Code of 1961:

19 10-5(b)(10) (child luring), 10-7 (aiding and
20 abetting child abduction under Section
21 10-5(b)(10)), 11-6 (indecent solicitation of a
22 child), 11-6.5 (indecent solicitation of an
23 adult), 11-15.1 (soliciting for a juvenile
24 prostitute), 11-17.1 (keeping a place of juvenile
25 prostitution), 11-18.1 (patronizing a juvenile
26 prostitute), 11-19.1 (juvenile pimping), 11-19.2

1 (exploitation of a child), 11-20.1 (child
2 pornography), 12-14.1 (predatory criminal sexual
3 assault of a child), or 12-33 (ritualized abuse of
4 a child). An attempt to commit any of these
5 offenses.

6 (ii) A violation of any of the following Sections
7 of the Criminal Code of 1961, when the victim is a
8 person under 18 years of age: 12-13 (criminal sexual
9 assault), 12-14 (aggravated criminal sexual assault),
10 12-16 (aggravated criminal sexual abuse), and
11 subsection (a) of Section 12-15 (criminal sexual
12 abuse). An attempt to commit any of these offenses.

13 (iii) A violation of any of the following Sections
14 of the Criminal Code of 1961, when the victim is a
15 person under 18 years of age and the defendant is not a
16 parent of the victim:

17 10-1 (kidnapping),
18 10-2 (aggravated kidnapping),
19 10-3 (unlawful restraint),
20 10-3.1 (aggravated unlawful restraint).

21 An attempt to commit any of these offenses.

22 (iv) A violation of any former law of this State
23 substantially equivalent to any offense listed in this
24 paragraph (2.5) of this subsection.

25 (3) A conviction for an offense of federal law or the
26 law of another state that is substantially equivalent to

1 any offense listed in paragraph (2) of this subsection (d)
2 shall constitute a conviction for the purpose of this
3 Section. A finding or adjudication as a sexually dangerous
4 person under any federal law or law of another state that
5 is substantially equivalent to the Sexually Dangerous
6 Persons Act shall constitute an adjudication for the
7 purposes of this Section.

8 (4) "Public park" includes a park, forest preserve, or
9 conservation area under the jurisdiction of the State or a
10 unit of local government.

11 (5) "Facility providing programs or services directed
12 towards persons under the age of 18" means any facility
13 providing programs or services exclusively directed
14 towards persons under the age of 18.

15 (6) "Loiter" means:

16 (i) Standing, sitting idly, whether or not the
17 person is in a vehicle or remaining in or around public
18 park property.

19 (ii) Standing, sitting idly, whether or not the
20 person is in a vehicle or remaining in or around public
21 park property, for the purpose of committing or
22 attempting to commit a sex offense.

23 (7) "Playground" means a piece of land owned or
24 controlled by a unit of local government that is designated
25 by the unit of local government for use solely or primarily
26 for children's recreation.

1 (8) "Child care institution" has the meaning ascribed
2 to it in Section 2.06 of the Child Care Act of 1969.

3 (9) "Day care center" has the meaning ascribed to it in
4 Section 2.09 of the Child Care Act of 1969.

5 (10) "Part day child care facility" has the meaning
6 ascribed to it in Section 2.10 of the Child Care Act of
7 1969.

8 (e) Sentence. A person who violates this Section is guilty
9 of a Class 4 felony.

10 (Source: P.A. 94-925, eff. 6-26-06; 95-32, eff. 1-1-08.)

11 (Text of Section after amendment by P.A. 95-640)

12 Sec. 11-9.4. Approaching, contacting, residing, or
13 communicating with a child within certain places by child sex
14 offenders prohibited.

15 (a) It is unlawful for a child sex offender to knowingly be
16 present in any public park building or on real property
17 comprising any public park when persons under the age of 18 are
18 present in the building or on the grounds and to approach,
19 contact, or communicate with a child under 18 years of age,
20 unless the offender is a parent or guardian of a person under
21 18 years of age present in the building or on the grounds.

22 (b) It is unlawful for a child sex offender to knowingly
23 loiter on a public way within 500 feet of a public park
24 building or real property comprising any public park while
25 persons under the age of 18 are present in the building or on

1 the grounds and to approach, contact, or communicate with a
2 child under 18 years of age, unless the offender is a parent or
3 guardian of a person under 18 years of age present in the
4 building or on the grounds.

5 (b-5) It is unlawful for a child sex offender to knowingly
6 reside within 500 feet of a playground, child care institution,
7 day care center, part day child care facility, or a facility
8 providing programs or services exclusively directed toward
9 persons under 18 years of age. Nothing in this subsection (b-5)
10 prohibits a child sex offender from residing within 500 feet of
11 a playground or a facility providing programs or services
12 exclusively directed toward persons under 18 years of age if
13 the property is owned by the child sex offender and was
14 purchased before the effective date of this amendatory Act of
15 the 91st General Assembly. Nothing in this subsection (b-5)
16 prohibits a child sex offender from residing within 500 feet of
17 a child care institution, day care center, or part day child
18 care facility if the property is owned by the child sex
19 offender and was purchased before the effective date of this
20 amendatory Act of the 94th General Assembly.

21 (b-6) It is unlawful for a child sex offender to knowingly
22 reside within 500 feet of the victim of the sex offense.
23 Nothing in this subsection (b-6) prohibits a child sex offender
24 from residing within 500 feet of the victim if the property in
25 which the child sex offender resides is owned by the child sex
26 offender and was purchased before the effective date of this

1 amendatory Act of the 92nd General Assembly.

2 This subsection (b-6) does not apply if the victim of the
3 sex offense is 21 years of age or older.

4 (c) It is unlawful for a child sex offender to knowingly
5 operate, manage, be employed by, volunteer at, be associated
6 with, or knowingly be present at any: (i) facility providing
7 programs or services exclusively directed towards persons
8 under the age of 18; (ii) day care center; (iii) part day child
9 care facility; (iv) child care institution, or (v) school
10 providing before and after school programs for children under
11 18 years of age. This does not prohibit a child sex offender
12 from owning the real property upon which the programs or
13 services are offered or upon which the day care center, part
14 day child care facility, child care institution, or school
15 providing before and after school programs for children under
16 18 years of age is located, provided the child sex offender
17 refrains from being present on the premises for the hours
18 during which: (1) the programs or services are being offered or
19 (2) the day care center, part day child care facility, child
20 care institution, or school providing before and after school
21 programs for children under 18 years of age is operated.

22 (c-5) It is unlawful for a child sex offender to knowingly
23 operate, manage, be employed by, or be associated with any
24 county fair when persons under the age of 18 are present.

25 (d) Definitions. In this Section:

26 (1) "Child sex offender" means any person who:

1 (i) has been charged under Illinois law, or any
2 substantially similar federal law or law of another
3 state, with a sex offense set forth in paragraph (2) of
4 this subsection (d) or the attempt to commit an
5 included sex offense, and:

6 (A) is convicted of such offense or an attempt
7 to commit such offense; or

8 (B) is found not guilty by reason of insanity
9 of such offense or an attempt to commit such
10 offense; or

11 (C) is found not guilty by reason of insanity
12 pursuant to subsection (c) of Section 104-25 of the
13 Code of Criminal Procedure of 1963 of such offense
14 or an attempt to commit such offense; or

15 (D) is the subject of a finding not resulting
16 in an acquittal at a hearing conducted pursuant to
17 subsection (a) of Section 104-25 of the Code of
18 Criminal Procedure of 1963 for the alleged
19 commission or attempted commission of such
20 offense; or

21 (E) is found not guilty by reason of insanity
22 following a hearing conducted pursuant to a
23 federal law or the law of another state
24 substantially similar to subsection (c) of Section
25 104-25 of the Code of Criminal Procedure of 1963 of
26 such offense or of the attempted commission of such

1 offense; or

2 (F) is the subject of a finding not resulting
3 in an acquittal at a hearing conducted pursuant to
4 a federal law or the law of another state
5 substantially similar to subsection (a) of Section
6 104-25 of the Code of Criminal Procedure of 1963
7 for the alleged violation or attempted commission
8 of such offense; or

9 (ii) is certified as a sexually dangerous person
10 pursuant to the Illinois Sexually Dangerous Persons
11 Act, or any substantially similar federal law or the
12 law of another state, when any conduct giving rise to
13 such certification is committed or attempted against a
14 person less than 18 years of age; or

15 (iii) is subject to the provisions of Section 2 of
16 the Interstate Agreements on Sexually Dangerous
17 Persons Act.

18 Convictions that result from or are connected with the
19 same act, or result from offenses committed at the same
20 time, shall be counted for the purpose of this Section as
21 one conviction. Any conviction set aside pursuant to law is
22 not a conviction for purposes of this Section.

23 (2) Except as otherwise provided in paragraph (2.5),
24 "sex offense" means:

25 (i) A violation of any of the following Sections of
26 the Criminal Code of 1961: 10-7 (aiding and abetting

1 child abduction under Section 10-5(b)(10)),
2 10-5(b)(10) (child luring), 11-6 (indecent
3 solicitation of a child), 11-6.5 (indecent
4 solicitation of an adult), 11-9 (public indecency when
5 committed in a school, on the real property comprising
6 a school, on a conveyance owned, leased, or contracted
7 by a school to transport students to or from school or
8 a school related activity, or in a public park), 11-9.1
9 (sexual exploitation of a child), 11-15.1 (soliciting
10 for a juvenile prostitute), 11-17.1 (keeping a place of
11 juvenile prostitution), 11-18.1 (patronizing a
12 juvenile prostitute), 11-19.1 (juvenile pimping),
13 11-19.2 (exploitation of a child), 11-20.1 (child
14 pornography), 11-20.3 (aggravated child pornography),
15 11-21 (harmful material), 12-14.1 (predatory criminal
16 sexual assault of a child), 12-33 (ritualized abuse of
17 a child), 11-20 (obscenity) (when that offense was
18 committed in any school, on real property comprising
19 any school, on any conveyance owned, leased, or
20 contracted by a school to transport students to or from
21 school or a school related activity, or in a public
22 park). An attempt to commit any of these offenses.

23 (ii) A violation of any of the following Sections
24 of the Criminal Code of 1961, when the victim is a
25 person under 18 years of age: 12-13 (criminal sexual
26 assault), 12-14 (aggravated criminal sexual assault),

1 12-15 (criminal sexual abuse), 12-16 (aggravated
2 criminal sexual abuse). An attempt to commit any of
3 these offenses.

4 (iii) A violation of any of the following Sections
5 of the Criminal Code of 1961, when the victim is a
6 person under 18 years of age and the defendant is not a
7 parent of the victim:

8 10-1 (kidnapping),

9 10-2 (aggravated kidnapping),

10 10-3 (unlawful restraint),

11 10-3.1 (aggravated unlawful restraint).

12 An attempt to commit any of these offenses.

13 (iv) A violation of any former law of this State
14 substantially equivalent to any offense listed in
15 clause (2)(i) of this subsection (d).

16 (2.5) For the purposes of subsection (b-5) only, a sex
17 offense means:

18 (i) A violation of any of the following Sections of
19 the Criminal Code of 1961:

20 10-5(b)(10) (child luring), 10-7 (aiding and

21 abetting child abduction under Section

22 10-5(b)(10)), 11-6 (indecent solicitation of a

23 child), 11-6.5 (indecent solicitation of an

24 adult), 11-15.1 (soliciting for a juvenile

25 prostitute), 11-17.1 (keeping a place of juvenile

26 prostitution), 11-18.1 (patronizing a juvenile

1 prostitute), 11-19.1 (juvenile pimping), 11-19.2
2 (exploitation of a child), 11-20.1 (child
3 pornography), 11-20.3 (aggravated child
4 pornography), 12-14.1 (predatory criminal sexual
5 assault of a child), or 12-33 (ritualized abuse of
6 a child). An attempt to commit any of these
7 offenses.

8 (ii) A violation of any of the following Sections
9 of the Criminal Code of 1961, when the victim is a
10 person under 18 years of age: 12-13 (criminal sexual
11 assault), 12-14 (aggravated criminal sexual assault),
12 12-16 (aggravated criminal sexual abuse), and
13 subsection (a) of Section 12-15 (criminal sexual
14 abuse). An attempt to commit any of these offenses.

15 (iii) A violation of any of the following Sections
16 of the Criminal Code of 1961, when the victim is a
17 person under 18 years of age and the defendant is not a
18 parent of the victim:

19 10-1 (kidnapping),
20 10-2 (aggravated kidnapping),
21 10-3 (unlawful restraint),
22 10-3.1 (aggravated unlawful restraint).

23 An attempt to commit any of these offenses.

24 (iv) A violation of any former law of this State
25 substantially equivalent to any offense listed in this
26 paragraph (2.5) of this subsection.

1 (3) A conviction for an offense of federal law or the
2 law of another state that is substantially equivalent to
3 any offense listed in paragraph (2) of this subsection (d)
4 shall constitute a conviction for the purpose of this
5 Section. A finding or adjudication as a sexually dangerous
6 person under any federal law or law of another state that
7 is substantially equivalent to the Sexually Dangerous
8 Persons Act shall constitute an adjudication for the
9 purposes of this Section.

10 (4) "Public park" includes a park, forest preserve, or
11 conservation area under the jurisdiction of the State or a
12 unit of local government.

13 (5) "Facility providing programs or services directed
14 towards persons under the age of 18" means any facility
15 providing programs or services exclusively directed
16 towards persons under the age of 18.

17 (6) "Loiter" means:

18 (i) Standing, sitting idly, whether or not the
19 person is in a vehicle or remaining in or around public
20 park property.

21 (ii) Standing, sitting idly, whether or not the
22 person is in a vehicle or remaining in or around public
23 park property, for the purpose of committing or
24 attempting to commit a sex offense.

25 (7) "Playground" means a piece of land owned or
26 controlled by a unit of local government that is designated

1 by the unit of local government for use solely or primarily
2 for children's recreation.

3 (8) "Child care institution" has the meaning ascribed
4 to it in Section 2.06 of the Child Care Act of 1969.

5 (9) "Day care center" has the meaning ascribed to it in
6 Section 2.09 of the Child Care Act of 1969.

7 (10) "Part day child care facility" has the meaning
8 ascribed to it in Section 2.10 of the Child Care Act of
9 1969.

10 (e) Sentence. A person who violates this Section is guilty
11 of a Class 4 felony.

12 (Source: P.A. 94-925, eff. 6-26-06; 95-32, eff. 1-1-08; 95-640,
13 eff. 6-1-08; revised 10-30-07.)

14 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

15 Sec. 12-2. Aggravated assault.

16 (a) A person commits an aggravated assault, when, in
17 committing an assault, he:

18 (1) Uses a deadly weapon or any device manufactured and
19 designed to be substantially similar in appearance to a
20 firearm, other than by discharging a firearm in the
21 direction of another person, a peace officer, a person
22 summoned or directed by a peace officer, a correctional
23 officer, a private security officer, or a fireman or in the
24 direction of a vehicle occupied by another person, a peace
25 officer, a person summoned or directed by a peace officer,

1 a correctional officer, a private security officer, or a
2 fireman while the officer or fireman is engaged in the
3 execution of any of his official duties, or to prevent the
4 officer or fireman from performing his official duties, or
5 in retaliation for the officer or fireman performing his
6 official duties;

7 (2) Is hooded, robed or masked in such manner as to
8 conceal his identity or any device manufactured and
9 designed to be substantially similar in appearance to a
10 firearm;

11 (3) Knows the individual assaulted to be a teacher or
12 other person employed in any school and such teacher or
13 other employee is upon the grounds of a school or grounds
14 adjacent thereto, or is in any part of a building used for
15 school purposes;

16 (4) Knows the individual assaulted to be a supervisor,
17 director, instructor or other person employed in any park
18 district and such supervisor, director, instructor or
19 other employee is upon the grounds of the park or grounds
20 adjacent thereto, or is in any part of a building used for
21 park purposes;

22 (5) Knows the individual assaulted to be a caseworker,
23 investigator, or other person employed by the Department of
24 Healthcare and Family Services (formerly State Department
25 of Public Aid), a County Department of Public Aid, or the
26 Department of Human Services (acting as successor to the

1 Illinois Department of Public Aid under the Department of
2 Human Services Act) and such caseworker, investigator, or
3 other person is upon the grounds of a public aid office or
4 grounds adjacent thereto, or is in any part of a building
5 used for public aid purposes, or upon the grounds of a home
6 of a public aid applicant, recipient or any other person
7 being interviewed or investigated in the employees'
8 discharge of his duties, or on grounds adjacent thereto, or
9 is in any part of a building in which the applicant,
10 recipient, or other such person resides or is located;

11 (6) Knows the individual assaulted to be a peace
12 officer, a community policing volunteer, a private
13 security officer, or a fireman while the officer or fireman
14 is engaged in the execution of any of his official duties,
15 or to prevent the officer, community policing volunteer, or
16 fireman from performing his official duties, or in
17 retaliation for the officer, community policing volunteer,
18 or fireman performing his official duties, and the assault
19 is committed other than by the discharge of a firearm in
20 the direction of the officer or fireman or in the direction
21 of a vehicle occupied by the officer or fireman;

22 (7) Knows the individual assaulted to be an emergency
23 medical technician - ambulance, emergency medical
24 technician - intermediate, emergency medical technician -
25 paramedic, ambulance driver or other medical assistance or
26 first aid personnel engaged in the execution of any of his

1 official duties, or to prevent the emergency medical
2 technician - ambulance, emergency medical technician -
3 intermediate, emergency medical technician - paramedic,
4 ambulance driver, or other medical assistance or first aid
5 personnel from performing his official duties, or in
6 retaliation for the emergency medical technician -
7 ambulance, emergency medical technician - intermediate,
8 emergency medical technician - paramedic, ambulance
9 driver, or other medical assistance or first aid personnel
10 performing his official duties;

11 (8) Knows the individual assaulted to be the driver,
12 operator, employee or passenger of any transportation
13 facility or system engaged in the business of
14 transportation of the public for hire and the individual
15 assaulted is then performing in such capacity or then using
16 such public transportation as a passenger or using any area
17 of any description designated by the transportation
18 facility or system as a vehicle boarding, departure, or
19 transfer location;

20 (9) Or the individual assaulted is on or about a public
21 way, public property, or public place of accommodation or
22 amusement;

23 (9.5) Is, or the individual assaulted is, in or about a
24 publicly or privately owned sports or entertainment arena,
25 stadium, community or convention hall, special event
26 center, amusement facility, or a special event center in a

1 public park during any 24-hour period when a professional
2 sporting event, National Collegiate Athletic Association
3 (NCAA)-sanctioned sporting event, United States Olympic
4 Committee-sanctioned sporting event, or International
5 Olympic Committee-sanctioned sporting event is taking
6 place in this venue;

7 (10) Knows the individual assaulted to be an employee
8 of the State of Illinois, a municipal corporation therein
9 or a political subdivision thereof, engaged in the
10 performance of his authorized duties as such employee;

11 (11) Knowingly and without legal justification,
12 commits an assault on a physically handicapped person;

13 (12) Knowingly and without legal justification,
14 commits an assault on a person 60 years of age or older;

15 (13) Discharges a firearm, other than from a motor
16 vehicle;

17 (13.5) Discharges a firearm from a motor vehicle;

18 (14) Knows the individual assaulted to be a
19 correctional officer, while the officer is engaged in the
20 execution of any of his or her official duties, or to
21 prevent the officer from performing his or her official
22 duties, or in retaliation for the officer performing his or
23 her official duties;

24 (15) Knows the individual assaulted to be a
25 correctional employee or an employee of the Department of
26 Human Services supervising or controlling sexually

1 dangerous persons or sexually violent persons, while the
2 employee is engaged in the execution of any of his or her
3 official duties, or to prevent the employee from performing
4 his or her official duties, or in retaliation for the
5 employee performing his or her official duties, and the
6 assault is committed other than by the discharge of a
7 firearm in the direction of the employee or in the
8 direction of a vehicle occupied by the employee;

9 (16) Knows the individual assaulted to be an employee
10 of a police or sheriff's department, or a person who is
11 employed by a municipality and whose duties include traffic
12 control, engaged in the performance of his or her official
13 duties as such employee;

14 (17) Knows the individual assaulted to be a sports
15 official or coach at any level of competition and the act
16 causing the assault to the sports official or coach
17 occurred within an athletic facility or an indoor or
18 outdoor playing field or within the immediate vicinity of
19 the athletic facility or an indoor or outdoor playing field
20 at which the sports official or coach was an active
21 participant in the athletic contest held at the athletic
22 facility. For the purposes of this paragraph (17), "sports
23 official" means a person at an athletic contest who
24 enforces the rules of the contest, such as an umpire or
25 referee; and "coach" means a person recognized as a coach
26 by the sanctioning authority that conducted the athletic

1 contest; ~~or~~

2 (18) Knows the individual assaulted to be an emergency
3 management worker, while the emergency management worker
4 is engaged in the execution of any of his or her official
5 duties, or to prevent the emergency management worker from
6 performing his or her official duties, or in retaliation
7 for the emergency management worker performing his or her
8 official duties, and the assault is committed other than by
9 the discharge of a firearm in the direction of the
10 emergency management worker or in the direction of a
11 vehicle occupied by the emergency management worker; or

12 (19) Knows the individual assaulted to be a utility
13 worker, while the utility worker is engaged in the
14 execution of his or her duties, or to prevent the utility
15 worker from performing his or her duties, or in retaliation
16 for the utility worker performing his or her duties. In
17 this paragraph (19), "utility worker" means a person
18 employed by a public utility as defined in Section 3-105 of
19 the Public Utilities Act and also includes an employee of a
20 municipally owned utility, an employee of a cable
21 television company, an employee of an electric cooperative
22 as defined in Section 3-119 of the Public Utilities Act, an
23 independent contractor or an employee of an independent
24 contractor working on behalf of a cable television company,
25 public utility, municipally owned utility, or an electric
26 cooperative, or an employee of a telecommunications

1 carrier as defined in Section 13-202 of the Public
2 Utilities Act, an independent contractor or an employee of
3 an independent contractor working on behalf of a
4 telecommunications carrier, or an employee of a telephone
5 or telecommunications cooperative as defined in Section
6 13-212 of the Public Utilities Act, or an independent
7 contractor or an employee of an independent contractor
8 working on behalf of a telephone or telecommunications
9 cooperative.

10 (a-5) A person commits an aggravated assault when he or she
11 knowingly and without lawful justification shines or flashes a
12 laser gunsight or other laser device that is attached or
13 affixed to a firearm, or used in concert with a firearm, so
14 that the laser beam strikes near or in the immediate vicinity
15 of any person.

16 (b) Sentence.

17 Aggravated assault as defined in paragraphs (1) through (5)
18 and (8) through (12) and (17) and (19) of subsection (a) of
19 this Section is a Class A misdemeanor. Aggravated assault as
20 defined in paragraphs (13), (14), and (15) of subsection (a) of
21 this Section and as defined in subsection (a-5) of this Section
22 is a Class 4 felony. Aggravated assault as defined in
23 paragraphs (6), (7), (16), and (18) of subsection (a) of this
24 Section is a Class A misdemeanor if a firearm is not used in
25 the commission of the assault. Aggravated assault as defined in
26 paragraphs (6), (7), (16), and (18) of subsection (a) of this

1 Section is a Class 4 felony if a firearm is used in the
2 commission of the assault. Aggravated assault as defined in
3 paragraph (13.5) of subsection (a) is a Class 3 felony.

4 (c) For the purposes of paragraphs (1) and (6) of
5 subsection (a), "private security officer" means a registered
6 employee of a private security contractor agency under the
7 Private Detective, Private Alarm, Private Security,
8 Fingerprint Vendor, and Locksmith Act of 2004.

9 (Source: P.A. 94-243, eff. 1-1-06; 94-482, eff. 1-1-06; 95-236,
10 eff. 1-1-08; 95-292, eff. 8-20-07; 95-331, eff. 8-21-07;
11 95-429, eff. 1-1-08; 95-591, eff. 9-10-07; revised 11-19-07.)

12 (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

13 Sec. 12-4. Aggravated Battery.

14 (a) A person who, in committing a battery, intentionally or
15 knowingly causes great bodily harm, or permanent disability or
16 disfigurement commits aggravated battery.

17 (b) In committing a battery, a person commits aggravated
18 battery if he or she:

19 (1) Uses a deadly weapon other than by the discharge of
20 a firearm;

21 (2) Is hooded, robed or masked, in such manner as to
22 conceal his identity;

23 (3) Knows the individual harmed to be a teacher or
24 other person employed in any school and such teacher or
25 other employee is upon the grounds of a school or grounds

1 adjacent thereto, or is in any part of a building used for
2 school purposes;

3 (4) (Blank);

4 (5) (Blank);

5 (6) Knows the individual harmed to be a community
6 policing volunteer while such volunteer is engaged in the
7 execution of any official duties, or to prevent the
8 volunteer from performing official duties, or in
9 retaliation for the volunteer performing official duties,
10 and the battery is committed other than by the discharge of
11 a firearm;

12 (7) Knows the individual harmed to be an emergency
13 medical technician - ambulance, emergency medical
14 technician - intermediate, emergency medical technician -
15 paramedic, ambulance driver, other medical assistance,
16 first aid personnel, or hospital personnel engaged in the
17 performance of any of his or her official duties, or to
18 prevent the emergency medical technician - ambulance,
19 emergency medical technician - intermediate, emergency
20 medical technician - paramedic, ambulance driver, other
21 medical assistance, first aid personnel, or hospital
22 personnel from performing official duties, or in
23 retaliation for performing official duties;

24 (8) Is, or the person battered is, on or about a public
25 way, public property or public place of accommodation or
26 amusement;

1 (8.5) Is, or the person battered is, on a publicly or
2 privately owned sports or entertainment arena, stadium,
3 community or convention hall, special event center,
4 amusement facility, or a special event center in a public
5 park during any 24-hour period when a professional sporting
6 event, National Collegiate Athletic Association
7 (NCAA)-sanctioned sporting event, United States Olympic
8 Committee-sanctioned sporting event, or International
9 Olympic Committee-sanctioned sporting event is taking
10 place in this venue;

11 (9) Knows the individual harmed to be the driver,
12 operator, employee or passenger of any transportation
13 facility or system engaged in the business of
14 transportation of the public for hire and the individual
15 assaulted is then performing in such capacity or then using
16 such public transportation as a passenger or using any area
17 of any description designated by the transportation
18 facility or system as a vehicle boarding, departure, or
19 transfer location;

20 (10) Knows the individual harmed to be an individual of
21 60 years of age or older;

22 (11) Knows the individual harmed is pregnant;

23 (12) Knows the individual harmed to be a judge whom the
24 person intended to harm as a result of the judge's
25 performance of his or her official duties as a judge;

26 (13) (Blank);

1 (14) Knows the individual harmed to be a person who is
2 physically handicapped;

3 (15) Knowingly and without legal justification and by
4 any means causes bodily harm to a merchant who detains the
5 person for an alleged commission of retail theft under
6 Section 16A-5 of this Code. In this item (15), "merchant"
7 has the meaning ascribed to it in Section 16A-2.4 of this
8 Code;

9 (16) Is, or the person battered is, in any building or
10 other structure used to provide shelter or other services
11 to victims or to the dependent children of victims of
12 domestic violence pursuant to the Illinois Domestic
13 Violence Act of 1986 or the Domestic Violence Shelters Act,
14 or the person battered is within 500 feet of such a
15 building or other structure while going to or from such a
16 building or other structure. "Domestic violence" has the
17 meaning ascribed to it in Section 103 of the Illinois
18 Domestic Violence Act of 1986. "Building or other structure
19 used to provide shelter" has the meaning ascribed to
20 "shelter" in Section 1 of the Domestic Violence Shelters
21 Act;

22 (17) (Blank);

23 (18) Knows the individual harmed to be an officer or
24 employee of the State of Illinois, a unit of local
25 government, or school district engaged in the performance
26 of his or her authorized duties as such officer or

1 employee; ~~or~~

2 (19) Knows the individual harmed to be an emergency
3 management worker engaged in the performance of any of his
4 or her official duties, or to prevent the emergency
5 management worker from performing official duties, or in
6 retaliation for the emergency management worker performing
7 official duties; ~~or~~

8 (20) Knows the individual harmed to be a private
9 security officer engaged in the performance of any of his
10 or her official duties, or to prevent the private security
11 officer from performing official duties, or in retaliation
12 for the private security officer performing official
13 duties; or

14 (21) ~~(20)~~ Knows the individual harmed to be a taxi
15 driver and the battery is committed while the taxi driver
16 is on duty; or

17 (22) ~~(20)~~ Knows the individual harmed to be a utility
18 worker, while the utility worker is engaged in the
19 execution of his or her duties, or to prevent the utility
20 worker from performing his or her duties, or in retaliation
21 for the utility worker performing his or her duties. In
22 this paragraph (22) ~~(20)~~, "utility worker" means a person
23 employed by a public utility as defined in Section 3-105 of
24 the Public Utilities Act and also includes an employee of a
25 municipally owned utility, an employee of a cable
26 television company, an employee of an electric cooperative

1 as defined in Section 3-119 of the Public Utilities Act, an
2 independent contractor or an employee of an independent
3 contractor working on behalf of a cable television company,
4 public utility, municipally owned utility, or an electric
5 cooperative, or an employee of a telecommunications
6 carrier as defined in Section 13-202 of the Public
7 Utilities Act, an independent contractor or an employee of
8 an independent contractor working on behalf of a
9 telecommunications carrier, or an employee of a telephone
10 or telecommunications cooperative as defined in Section
11 13-212 of the Public Utilities Act, or an independent
12 contractor or an employee of an independent contractor
13 working on behalf of a telephone or telecommunications
14 cooperative.

15 For the purpose of paragraph (14) of subsection (b) of this
16 Section, a physically handicapped person is a person who
17 suffers from a permanent and disabling physical
18 characteristic, resulting from disease, injury, functional
19 disorder or congenital condition.

20 For the purpose of paragraph (20) of subsection (b) and
21 subsection (e) of this Section, "private security officer"
22 means a registered employee of a private security contractor
23 agency under the Private Detective, Private Alarm, Private
24 Security, Fingerprint Vendor, and Locksmith Act of 2004.

25 (c) A person who administers to an individual or causes him
26 to take, without his consent or by threat or deception, and for

1 other than medical purposes, any intoxicating, poisonous,
2 stupefying, narcotic, anesthetic, or controlled substance
3 commits aggravated battery.

4 (d) A person who knowingly gives to another person any food
5 that contains any substance or object that is intended to cause
6 physical injury if eaten, commits aggravated battery.

7 (d-3) A person commits aggravated battery when he or she
8 knowingly and without lawful justification shines or flashes a
9 laser gunsight or other laser device that is attached or
10 affixed to a firearm, or used in concert with a firearm, so
11 that the laser beam strikes upon or against the person of
12 another.

13 (d-5) An inmate of a penal institution or a sexually
14 dangerous person or a sexually violent person in the custody of
15 the Department of Human Services who causes or attempts to
16 cause a correctional employee of the penal institution or an
17 employee of the Department of Human Services to come into
18 contact with blood, seminal fluid, urine, or feces, by
19 throwing, tossing, or expelling that fluid or material commits
20 aggravated battery. For purposes of this subsection (d-5),
21 "correctional employee" means a person who is employed by a
22 penal institution.

23 (e) Sentence.

24 (1) Except as otherwise provided in paragraphs (2) and
25 (3), aggravated battery is a Class 3 felony.

26 (2) Aggravated battery that does not cause great bodily

1 harm or permanent disability or disfigurement is a Class 2
2 felony when the person knows the individual harmed to be a
3 peace officer, a community policing volunteer, a private
4 security officer, a correctional institution employee, an
5 employee of the Department of Human Services supervising or
6 controlling sexually dangerous persons or sexually violent
7 persons, or a fireman while such officer, volunteer,
8 employee, or fireman is engaged in the execution of any
9 official duties including arrest or attempted arrest, or to
10 prevent the officer, volunteer, employee, or fireman from
11 performing official duties, or in retaliation for the
12 officer, volunteer, employee, or fireman performing
13 official duties, and the battery is committed other than by
14 the discharge of a firearm.

15 (3) Aggravated battery that causes great bodily harm or
16 permanent disability or disfigurement in violation of
17 subsection (a) is a Class 1 felony when the person knows
18 the individual harmed to be a peace officer, a community
19 policing volunteer, a private security officer, a
20 correctional institution employee, an employee of the
21 Department of Human Services supervising or controlling
22 sexually dangerous persons or sexually violent persons, or
23 a fireman while such officer, volunteer, employee, or
24 fireman is engaged in the execution of any official duties
25 including arrest or attempted arrest, or to prevent the
26 officer, volunteer, employee, or fireman from performing

1 official duties, or in retaliation for the officer,
2 volunteer, employee, or fireman performing official
3 duties, and the battery is committed other than by the
4 discharge of a firearm.

5 (Source: P.A. 94-243, eff. 1-1-06; 94-327, eff. 1-1-06; 94-333,
6 eff. 7-26-05; 94-363, eff. 7-29-05; 94-482, eff. 1-1-06;
7 95-236, eff. 1-1-08; 95-256, eff. 1-1-08; 95-331, eff. 8-21-07;
8 95-429, eff. 1-1-08; revised 10-30-07.)

9 (720 ILCS 5/14-3)

10 (Text of Section before amendment by P.A. 95-463)

11 Sec. 14-3. Exemptions. The following activities shall be
12 exempt from the provisions of this Article:

13 (a) Listening to radio, wireless and television
14 communications of any sort where the same are publicly made;

15 (b) Hearing conversation when heard by employees of any
16 common carrier by wire incidental to the normal course of their
17 employment in the operation, maintenance or repair of the
18 equipment of such common carrier by wire so long as no
19 information obtained thereby is used or divulged by the hearer;

20 (c) Any broadcast by radio, television or otherwise whether
21 it be a broadcast or recorded for the purpose of later
22 broadcasts of any function where the public is in attendance
23 and the conversations are overheard incidental to the main
24 purpose for which such broadcasts are then being made;

25 (d) Recording or listening with the aid of any device to

1 any emergency communication made in the normal course of
2 operations by any federal, state or local law enforcement
3 agency or institutions dealing in emergency services,
4 including, but not limited to, hospitals, clinics, ambulance
5 services, fire fighting agencies, any public utility,
6 emergency repair facility, civilian defense establishment or
7 military installation;

8 (e) Recording the proceedings of any meeting required to be
9 open by the Open Meetings Act, as amended;

10 (f) Recording or listening with the aid of any device to
11 incoming telephone calls of phone lines publicly listed or
12 advertised as consumer "hotlines" by manufacturers or
13 retailers of food and drug products. Such recordings must be
14 destroyed, erased or turned over to local law enforcement
15 authorities within 24 hours from the time of such recording and
16 shall not be otherwise disseminated. Failure on the part of the
17 individual or business operating any such recording or
18 listening device to comply with the requirements of this
19 subsection shall eliminate any civil or criminal immunity
20 conferred upon that individual or business by the operation of
21 this Section;

22 (g) With prior notification to the State's Attorney of the
23 county in which it is to occur, recording or listening with the
24 aid of any device to any conversation where a law enforcement
25 officer, or any person acting at the direction of law
26 enforcement, is a party to the conversation and has consented

1 to it being intercepted or recorded under circumstances where
2 the use of the device is necessary for the protection of the
3 law enforcement officer or any person acting at the direction
4 of law enforcement, in the course of an investigation of a
5 forcible felony, a felony violation of the Illinois Controlled
6 Substances Act, a felony violation of the Cannabis Control Act,
7 a felony violation of the Methamphetamine Control and Community
8 Protection Act, or any "streetgang related" or "gang-related"
9 felony as those terms are defined in the Illinois Streetgang
10 Terrorism Omnibus Prevention Act. Any recording or evidence
11 derived as the result of this exemption shall be inadmissible
12 in any proceeding, criminal, civil or administrative, except
13 (i) where a party to the conversation suffers great bodily
14 injury or is killed during such conversation, or (ii) when used
15 as direct impeachment of a witness concerning matters contained
16 in the interception or recording. The Director of the
17 Department of State Police shall issue regulations as are
18 necessary concerning the use of devices, retention of tape
19 recordings, and reports regarding their use;

20 (g-5) With approval of the State's Attorney of the county
21 in which it is to occur, recording or listening with the aid of
22 any device to any conversation where a law enforcement officer,
23 or any person acting at the direction of law enforcement, is a
24 party to the conversation and has consented to it being
25 intercepted or recorded in the course of an investigation of
26 any offense defined in Article 29D of this Code. In all such

1 cases, an application for an order approving the previous or
2 continuing use of an eavesdropping device must be made within
3 48 hours of the commencement of such use. In the absence of
4 such an order, or upon its denial, any continuing use shall
5 immediately terminate. The Director of State Police shall issue
6 rules as are necessary concerning the use of devices, retention
7 of tape recordings, and reports regarding their use.

8 Any recording or evidence obtained or derived in the course
9 of an investigation of any offense defined in Article 29D of
10 this Code shall, upon motion of the State's Attorney or
11 Attorney General prosecuting any violation of Article 29D, be
12 reviewed in camera with notice to all parties present by the
13 court presiding over the criminal case, and, if ruled by the
14 court to be relevant and otherwise admissible, it shall be
15 admissible at the trial of the criminal case.

16 This subsection (g-5) is inoperative on and after January
17 1, 2005. No conversations recorded or monitored pursuant to
18 this subsection (g-5) shall be inadmissible in a court of law
19 by virtue of the repeal of this subsection (g-5) on January 1,
20 2005;

21 (h) Recordings made simultaneously with a video recording
22 of an oral conversation between a peace officer, who has
23 identified his or her office, and a person stopped for an
24 investigation of an offense under the Illinois Vehicle Code;

25 (i) Recording of a conversation made by or at the request
26 of a person, not a law enforcement officer or agent of a law

1 enforcement officer, who is a party to the conversation, under
2 reasonable suspicion that another party to the conversation is
3 committing, is about to commit, or has committed a criminal
4 offense against the person or a member of his or her immediate
5 household, and there is reason to believe that evidence of the
6 criminal offense may be obtained by the recording;

7 (j) The use of a telephone monitoring device by either (1)
8 a corporation or other business entity engaged in marketing or
9 opinion research or (2) a corporation or other business entity
10 engaged in telephone solicitation, as defined in this
11 subsection, to record or listen to oral telephone solicitation
12 conversations or marketing or opinion research conversations
13 by an employee of the corporation or other business entity
14 when:

15 (i) the monitoring is used for the purpose of service
16 quality control of marketing or opinion research or
17 telephone solicitation, the education or training of
18 employees or contractors engaged in marketing or opinion
19 research or telephone solicitation, or internal research
20 related to marketing or opinion research or telephone
21 solicitation; and

22 (ii) the monitoring is used with the consent of at
23 least one person who is an active party to the marketing or
24 opinion research conversation or telephone solicitation
25 conversation being monitored.

26 No communication or conversation or any part, portion, or

1 aspect of the communication or conversation made, acquired, or
2 obtained, directly or indirectly, under this exemption (j), may
3 be, directly or indirectly, furnished to any law enforcement
4 officer, agency, or official for any purpose or used in any
5 inquiry or investigation, or used, directly or indirectly, in
6 any administrative, judicial, or other proceeding, or divulged
7 to any third party.

8 When recording or listening authorized by this subsection
9 (j) on telephone lines used for marketing or opinion research
10 or telephone solicitation purposes results in recording or
11 listening to a conversation that does not relate to marketing
12 or opinion research or telephone solicitation; the person
13 recording or listening shall, immediately upon determining
14 that the conversation does not relate to marketing or opinion
15 research or telephone solicitation, terminate the recording or
16 listening and destroy any such recording as soon as is
17 practicable.

18 Business entities that use a telephone monitoring or
19 telephone recording system pursuant to this exemption (j) shall
20 provide current and prospective employees with notice that the
21 monitoring or recordings may occur during the course of their
22 employment. The notice shall include prominent signage
23 notification within the workplace.

24 Business entities that use a telephone monitoring or
25 telephone recording system pursuant to this exemption (j) shall
26 provide their employees or agents with access to personal-only

1 telephone lines which may be pay telephones, that are not
2 subject to telephone monitoring or telephone recording.

3 For the purposes of this subsection (j), "telephone
4 solicitation" means a communication through the use of a
5 telephone by live operators:

6 (i) soliciting the sale of goods or services;

7 (ii) receiving orders for the sale of goods or
8 services;

9 (iii) assisting in the use of goods or services; or

10 (iv) engaging in the solicitation, administration, or
11 collection of bank or retail credit accounts.

12 For the purposes of this subsection (j), "marketing or
13 opinion research" means a marketing or opinion research
14 interview conducted by a live telephone interviewer engaged by
15 a corporation or other business entity whose principal business
16 is the design, conduct, and analysis of polls and surveys
17 measuring the opinions, attitudes, and responses of
18 respondents toward products and services, or social or
19 political issues, or both;

20 (k) Electronic recordings, including but not limited to, a
21 motion picture, videotape, digital, or other visual or audio
22 recording, made of a custodial interrogation of an individual
23 at a police station or other place of detention by a law
24 enforcement officer under Section 5-401.5 of the Juvenile Court
25 Act of 1987 or Section 103-2.1 of the Code of Criminal
26 Procedure of 1963;

1 (l) Recording the interview or statement of any person when
2 the person knows that the interview is being conducted by a law
3 enforcement officer or prosecutor and the interview takes place
4 at a police station that is currently participating in the
5 Custodial Interview Pilot Program established under the
6 Illinois Criminal Justice Information Act; ~~and~~

7 (m) An electronic recording, including but not limited to,
8 a motion picture, videotape, digital, or other visual or audio
9 recording, made of the interior of a school bus while the
10 school bus is being used in the transportation of students to
11 and from school and school-sponsored activities, when the
12 school board has adopted a policy authorizing such recording,
13 notice of such recording policy is included in student
14 handbooks and other documents including the policies of the
15 school, notice of the policy regarding recording is provided to
16 parents of students, and notice of such recording is clearly
17 posted on the door of and inside the school bus.

18 Recordings made pursuant to this subsection (m) shall be
19 confidential records and may only be used by school officials
20 (or their designees) and law enforcement personnel for
21 investigations, school disciplinary actions and hearings,
22 proceedings under the Juvenile Court Act of 1987, and criminal
23 prosecutions, related to incidents occurring in or around the
24 school bus; ~~and~~

25 (n) ~~(m)~~ Recording or listening to an audio transmission
26 from a microphone placed by a person under the authority of a

1 law enforcement agency inside a bait car surveillance vehicle
2 while simultaneously capturing a photographic or video image.
3 (Source: P.A. 94-556, eff. 9-11-05; 95-258, eff. 1-1-08;
4 95-352, eff. 8-23-07; revised 11-19-07.)

5 (Text of Section after amendment by P.A. 95-463)

6 Sec. 14-3. Exemptions. The following activities shall be
7 exempt from the provisions of this Article:

8 (a) Listening to radio, wireless and television
9 communications of any sort where the same are publicly made;

10 (b) Hearing conversation when heard by employees of any
11 common carrier by wire incidental to the normal course of their
12 employment in the operation, maintenance or repair of the
13 equipment of such common carrier by wire so long as no
14 information obtained thereby is used or divulged by the hearer;

15 (c) Any broadcast by radio, television or otherwise whether
16 it be a broadcast or recorded for the purpose of later
17 broadcasts of any function where the public is in attendance
18 and the conversations are overheard incidental to the main
19 purpose for which such broadcasts are then being made;

20 (d) Recording or listening with the aid of any device to
21 any emergency communication made in the normal course of
22 operations by any federal, state or local law enforcement
23 agency or institutions dealing in emergency services,
24 including, but not limited to, hospitals, clinics, ambulance
25 services, fire fighting agencies, any public utility,

1 emergency repair facility, civilian defense establishment or
2 military installation;

3 (e) Recording the proceedings of any meeting required to be
4 open by the Open Meetings Act, as amended;

5 (f) Recording or listening with the aid of any device to
6 incoming telephone calls of phone lines publicly listed or
7 advertised as consumer "hotlines" by manufacturers or
8 retailers of food and drug products. Such recordings must be
9 destroyed, erased or turned over to local law enforcement
10 authorities within 24 hours from the time of such recording and
11 shall not be otherwise disseminated. Failure on the part of the
12 individual or business operating any such recording or
13 listening device to comply with the requirements of this
14 subsection shall eliminate any civil or criminal immunity
15 conferred upon that individual or business by the operation of
16 this Section;

17 (g) With prior notification to the State's Attorney of the
18 county in which it is to occur, recording or listening with the
19 aid of any device to any conversation where a law enforcement
20 officer, or any person acting at the direction of law
21 enforcement, is a party to the conversation and has consented
22 to it being intercepted or recorded under circumstances where
23 the use of the device is necessary for the protection of the
24 law enforcement officer or any person acting at the direction
25 of law enforcement, in the course of an investigation of a
26 forcible felony, a felony violation of the Illinois Controlled

1 Substances Act, a felony violation of the Cannabis Control Act,
2 a felony violation of the Methamphetamine Control and Community
3 Protection Act, or any "streetgang related" or "gang-related"
4 felony as those terms are defined in the Illinois Streetgang
5 Terrorism Omnibus Prevention Act. Any recording or evidence
6 derived as the result of this exemption shall be inadmissible
7 in any proceeding, criminal, civil or administrative, except
8 (i) where a party to the conversation suffers great bodily
9 injury or is killed during such conversation, or (ii) when used
10 as direct impeachment of a witness concerning matters contained
11 in the interception or recording. The Director of the
12 Department of State Police shall issue regulations as are
13 necessary concerning the use of devices, retention of tape
14 recordings, and reports regarding their use;

15 (g-5) With approval of the State's Attorney of the county
16 in which it is to occur, recording or listening with the aid of
17 any device to any conversation where a law enforcement officer,
18 or any person acting at the direction of law enforcement, is a
19 party to the conversation and has consented to it being
20 intercepted or recorded in the course of an investigation of
21 any offense defined in Article 29D of this Code. In all such
22 cases, an application for an order approving the previous or
23 continuing use of an eavesdropping device must be made within
24 48 hours of the commencement of such use. In the absence of
25 such an order, or upon its denial, any continuing use shall
26 immediately terminate. The Director of State Police shall issue

1 rules as are necessary concerning the use of devices, retention
2 of tape recordings, and reports regarding their use.

3 Any recording or evidence obtained or derived in the course
4 of an investigation of any offense defined in Article 29D of
5 this Code shall, upon motion of the State's Attorney or
6 Attorney General prosecuting any violation of Article 29D, be
7 reviewed in camera with notice to all parties present by the
8 court presiding over the criminal case, and, if ruled by the
9 court to be relevant and otherwise admissible, it shall be
10 admissible at the trial of the criminal case.

11 This subsection (g-5) is inoperative on and after January
12 1, 2005. No conversations recorded or monitored pursuant to
13 this subsection (g-5) shall be inadmissible in a court of law
14 by virtue of the repeal of this subsection (g-5) on January 1,
15 2005;

16 (g-6) With approval of the State's Attorney of the county
17 in which it is to occur, recording or listening with the aid of
18 any device to any conversation where a law enforcement officer,
19 or any person acting at the direction of law enforcement, is a
20 party to the conversation and has consented to it being
21 intercepted or recorded in the course of an investigation of
22 child pornography. In all such cases, an application for an
23 order approving the previous or continuing use of an
24 eavesdropping device must be made within 48 hours of the
25 commencement of such use. In the absence of such an order, or
26 upon its denial, any continuing use shall immediately

1 terminate. The Director of State Police shall issue rules as
2 are necessary concerning the use of devices, retention of
3 recordings, and reports regarding their use. Any recording or
4 evidence obtained or derived in the course of an investigation
5 of child pornography shall, upon motion of the State's Attorney
6 or Attorney General prosecuting any case involving child
7 pornography, be reviewed in camera with notice to all parties
8 present by the court presiding over the criminal case, and, if
9 ruled by the court to be relevant and otherwise admissible, it
10 shall be admissible at the trial of the criminal case. Absent
11 such a ruling, any such recording or evidence shall not be
12 admissible at the trial of the criminal case;

13 (h) Recordings made simultaneously with a video recording
14 of an oral conversation between a peace officer, who has
15 identified his or her office, and a person stopped for an
16 investigation of an offense under the Illinois Vehicle Code;

17 (i) Recording of a conversation made by or at the request
18 of a person, not a law enforcement officer or agent of a law
19 enforcement officer, who is a party to the conversation, under
20 reasonable suspicion that another party to the conversation is
21 committing, is about to commit, or has committed a criminal
22 offense against the person or a member of his or her immediate
23 household, and there is reason to believe that evidence of the
24 criminal offense may be obtained by the recording;

25 (j) The use of a telephone monitoring device by either (1)
26 a corporation or other business entity engaged in marketing or

1 opinion research or (2) a corporation or other business entity
2 engaged in telephone solicitation, as defined in this
3 subsection, to record or listen to oral telephone solicitation
4 conversations or marketing or opinion research conversations
5 by an employee of the corporation or other business entity
6 when:

7 (i) the monitoring is used for the purpose of service
8 quality control of marketing or opinion research or
9 telephone solicitation, the education or training of
10 employees or contractors engaged in marketing or opinion
11 research or telephone solicitation, or internal research
12 related to marketing or opinion research or telephone
13 solicitation; and

14 (ii) the monitoring is used with the consent of at
15 least one person who is an active party to the marketing or
16 opinion research conversation or telephone solicitation
17 conversation being monitored.

18 No communication or conversation or any part, portion, or
19 aspect of the communication or conversation made, acquired, or
20 obtained, directly or indirectly, under this exemption (j), may
21 be, directly or indirectly, furnished to any law enforcement
22 officer, agency, or official for any purpose or used in any
23 inquiry or investigation, or used, directly or indirectly, in
24 any administrative, judicial, or other proceeding, or divulged
25 to any third party.

26 When recording or listening authorized by this subsection

1 (j) on telephone lines used for marketing or opinion research
2 or telephone solicitation purposes results in recording or
3 listening to a conversation that does not relate to marketing
4 or opinion research or telephone solicitation; the person
5 recording or listening shall, immediately upon determining
6 that the conversation does not relate to marketing or opinion
7 research or telephone solicitation, terminate the recording or
8 listening and destroy any such recording as soon as is
9 practicable.

10 Business entities that use a telephone monitoring or
11 telephone recording system pursuant to this exemption (j) shall
12 provide current and prospective employees with notice that the
13 monitoring or recordings may occur during the course of their
14 employment. The notice shall include prominent signage
15 notification within the workplace.

16 Business entities that use a telephone monitoring or
17 telephone recording system pursuant to this exemption (j) shall
18 provide their employees or agents with access to personal-only
19 telephone lines which may be pay telephones, that are not
20 subject to telephone monitoring or telephone recording.

21 For the purposes of this subsection (j), "telephone
22 solicitation" means a communication through the use of a
23 telephone by live operators:

24 (i) soliciting the sale of goods or services;

25 (ii) receiving orders for the sale of goods or
26 services;

1 (iii) assisting in the use of goods or services; or
2 (iv) engaging in the solicitation, administration, or
3 collection of bank or retail credit accounts.

4 For the purposes of this subsection (j), "marketing or
5 opinion research" means a marketing or opinion research
6 interview conducted by a live telephone interviewer engaged by
7 a corporation or other business entity whose principal business
8 is the design, conduct, and analysis of polls and surveys
9 measuring the opinions, attitudes, and responses of
10 respondents toward products and services, or social or
11 political issues, or both;

12 (k) Electronic recordings, including but not limited to, a
13 motion picture, videotape, digital, or other visual or audio
14 recording, made of a custodial interrogation of an individual
15 at a police station or other place of detention by a law
16 enforcement officer under Section 5-401.5 of the Juvenile Court
17 Act of 1987 or Section 103-2.1 of the Code of Criminal
18 Procedure of 1963;

19 (l) Recording the interview or statement of any person when
20 the person knows that the interview is being conducted by a law
21 enforcement officer or prosecutor and the interview takes place
22 at a police station that is currently participating in the
23 Custodial Interview Pilot Program established under the
24 Illinois Criminal Justice Information Act; ~~and~~

25 (m) An electronic recording, including but not limited to,
26 a motion picture, videotape, digital, or other visual or audio

1 recording, made of the interior of a school bus while the
2 school bus is being used in the transportation of students to
3 and from school and school-sponsored activities, when the
4 school board has adopted a policy authorizing such recording,
5 notice of such recording policy is included in student
6 handbooks and other documents including the policies of the
7 school, notice of the policy regarding recording is provided to
8 parents of students, and notice of such recording is clearly
9 posted on the door of and inside the school bus.

10 Recordings made pursuant to this subsection (m) shall be
11 confidential records and may only be used by school officials
12 (or their designees) and law enforcement personnel for
13 investigations, school disciplinary actions and hearings,
14 proceedings under the Juvenile Court Act of 1987, and criminal
15 prosecutions, related to incidents occurring in or around the
16 school bus; and.

17 (n) ~~(m)~~ Recording or listening to an audio transmission
18 from a microphone placed by a person under the authority of a
19 law enforcement agency inside a bait car surveillance vehicle
20 while simultaneously capturing a photographic or video image.

21 (Source: P.A. 94-556, eff. 9-11-05; 95-258, eff. 1-1-08;
22 95-352, eff. 8-23-07; 95-463, eff. 6-1-08; revised 11-19-07.)

23 (720 ILCS 5/26-4) (from Ch. 38, par. 26-4)

24 Sec. 26-4. Unauthorized video recording and live video
25 transmission.

1 (a) It is unlawful for any person to knowingly make a video
2 record or transmit live video of another person without that
3 person's consent in a restroom, tanning bed, tanning salon,
4 locker room, changing room, or hotel bedroom.

5 (a-5) It is unlawful for any person to knowingly make a
6 video record or transmit live video of another person in that
7 other person's residence without that person's consent.

8 (a-10) It is unlawful for any person to knowingly make a
9 video record or transmit live video of another person under or
10 through the clothing worn by that other person for the purpose
11 of viewing the body of or the undergarments worn by that other
12 person without that person's consent.

13 (a-15) It is unlawful for any person to place or cause to
14 be placed a device that makes a video record or transmits a
15 live video in a restroom, tanning bed, tanning salon, locker
16 room, changing room, or hotel bedroom with the intent to make a
17 video record or transmit live video of another person without
18 that person's consent.

19 (a-20) It is unlawful for any person to place or cause to
20 be placed a device that makes a video record or transmits a
21 live video with the intent to make a video record or transmit
22 live video of another person in that other person's residence
23 without that person's consent.

24 (a-25) It is unlawful for any person to, by any means,
25 knowingly disseminate, or permit to be disseminated, a video
26 record or live video that he or she knows to have been made or

1 transmitted in violation of (a), (a-5), (a-10), (a-15), or
2 (a-20).

3 (b) Exemptions. The following activities shall be exempt
4 from the provisions of this Section:

5 (1) The making of a video record or transmission of
6 live video by law enforcement officers pursuant to a
7 criminal investigation, which is otherwise lawful;

8 (2) The making of a video record or transmission of
9 live video by correctional officials for security reasons
10 or for investigation of alleged misconduct involving a
11 person committed to the Department of Corrections.

12 (3) The making of a video record or transmission of
13 live video in a locker room by a reporter or news medium,
14 as those terms are defined in Section 8-902 of the Code of
15 Civil Procedure, where the reporter or news medium has been
16 granted access to the locker room by an appropriate
17 authority for the purpose of conducting interviews.

18 (c) The provisions of this Section do not apply to any
19 sound recording or transmission of an oral conversation made as
20 the result of the making of a video record or transmission of
21 live video, and to which Article 14 of this Code applies.

22 (d) Sentence.

23 (1) A violation of subsection (a-10), (a-15), or (a-20)
24 is a Class A misdemeanor.

25 (2) A violation of subsection (a) or (a-5) is a Class 4
26 felony.

1 (3) A violation of subsection (a-25) is a Class 3
2 felony.

3 (4) A violation of subsection (a), (a-5), (a-10),
4 (a-15) or (a-20) is a Class 3 felony if the victim is a
5 person under 18 years of age or if the violation is
6 committed by an individual who is required to register as a
7 sex offender under the Sex Offender Registration Act.

8 (5) A violation of subsection (a-25) is a Class 2
9 felony if the victim is a person under 18 years of age or
10 if the violation is committed by an individual who is
11 required to register as a sex offender under the Sex
12 Offender Registration Act.

13 (e) For purposes of this Section:

14 (1) "Residence" includes a rental dwelling, but does
15 not include stairwells, corridors, laundry facilities, or
16 additional areas in which the general public has access.

17 (2) "Video record" means and includes any videotape,
18 photograph, film, or other electronic or digital recording
19 of a still or moving visual image; and "live video" means
20 and includes any real-time or contemporaneous electronic
21 or digital transmission of a still or moving visual image.

22 (Source: P.A. 95-178, eff. 8-14-07; 95-265, eff. 1-1-08;
23 revised 11-19-07.)

24 (720 ILCS 5/32-5) (from Ch. 38, par. 32-5)

25 (Text of Section before amendment by P.A. 95-625)

1 Sec. 32-5. False personation of attorney, judicial, or
2 governmental officials.

3 (a) A person who falsely represents himself or herself to
4 be an attorney authorized to practice law for purposes of
5 compensation or consideration commits a Class 4 felony. This
6 subsection (a) does not apply to a person who unintentionally
7 fails to pay attorney registration fees established by Supreme
8 Court Rule.

9 (b) A person who falsely represents himself or herself to
10 be a public officer or a public employee or an official or
11 employee of the federal government commits a Class A
12 misdemeanor. If the false representation is made in furtherance
13 of the commission of a felony, the penalty for a violation of
14 this subsection (b) is a Class 4 felony.

15 (Source: P.A. 94-985, eff. 1-1-07; 95-324, eff. 1-1-08.)

16 (Text of Section after amendment by P.A. 95-625)

17 Sec. 32-5. False personation of attorney, judicial, or
18 governmental officials.

19 (a) A person who falsely represents himself or herself to
20 be an attorney authorized to practice law for purposes of
21 compensation or consideration commits a Class 4 felony. This
22 subsection (a) does not apply to a person who unintentionally
23 fails to pay attorney registration fees established by Supreme
24 Court Rule.

25 (b) A person who falsely represents himself or herself to

1 be a public officer or a public employee or an official or
2 employee of the federal government commits a Class A
3 misdemeanor. If the false representation is made in furtherance
4 of the commission of a felony, the penalty for a violation of
5 this subsection (b) is a Class 4 felony.

6 (c) A person who falsely represents himself or herself to
7 be a public officer or a public employee commits a Class 4
8 felony if that false representation was for the purpose of
9 effectuating identity theft as defined in Section 16G-15 of
10 this Code.

11 (Source: P.A. 94-985, eff. 1-1-07; 95-324, eff. 1-1-08; 95-625,
12 eff. 6-1-08; revised 11-19-07.)

13 Section 320. The Illinois Abortion Law of 1975 is amended
14 by changing Section 11 as follows:

15 (720 ILCS 510/11) (from Ch. 38, par. 81-31)

16 Sec. 11. (1) Any person who intentionally violates any
17 provision of this Law commits a Class A misdemeanor unless a
18 specific penalty is otherwise provided. Any person who
19 intentionally falsifies any writing required by this Law
20 commits a Class A misdemeanor.

21 Intentional, knowing, reckless, or negligent violations of
22 this Law shall constitute unprofessional conduct which causes
23 public harm under Section 22 of the Medical Practice Act of
24 1987, as amended; Section ~~Sections~~ 70-5 of the Nurse Practice

1 Act, and Section 21 of the Physician Assistant Practice Act of
2 1987, as amended.

3 Intentional, knowing, reckless or negligent violations of
4 this Law will constitute grounds for refusal, denial,
5 revocation, suspension, or withdrawal of license, certificate,
6 or permit under Section 30 of the Pharmacy Practice Act, as
7 amended; Section 7 of the Ambulatory Surgical Treatment Center
8 Act, effective July 19, 1973, as amended; and Section 7 of the
9 Hospital Licensing Act.

10 (2) Any hospital or licensed facility which, or any
11 physician who intentionally, knowingly, or recklessly fails to
12 submit a complete report to the Department in accordance with
13 the provisions of Section 10 of this Law and any person who
14 intentionally, knowingly, recklessly or negligently fails to
15 maintain the confidentiality of any reports required under this
16 Law or reports required by Sections 10.1 or 12 of this Law
17 commits a Class B misdemeanor.

18 (3) Any person who sells any drug, medicine, instrument or
19 other substance which he knows to be an abortifacient and which
20 is in fact an abortifacient, unless upon prescription of a
21 physician, is guilty of a Class B misdemeanor. Any person who
22 prescribes or administers any instrument, medicine, drug or
23 other substance or device, which he knows to be an
24 abortifacient, and which is in fact an abortifacient, and
25 intentionally, knowingly or recklessly fails to inform the
26 person for whom it is prescribed or upon whom it is

1 administered that it is an abortifacient commits a Class C
2 misdemeanor.

3 (4) Any person who intentionally, knowingly or recklessly
4 performs upon a woman what he represents to that woman to be an
5 abortion when he knows or should know that she is not pregnant
6 commits a Class 2 felony and shall be answerable in civil
7 damages equal to 3 times the amount of proved damages.

8 (Source: P.A. 95-639, eff. 10-5-07; 95-689, eff. 10-29-07;
9 revised 11-19-07.)

10 Section 325. The Illinois Controlled Substances Act is
11 amended by changing Sections 102 and 103 as follows:

12 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

13 Sec. 102. Definitions. As used in this Act, unless the
14 context otherwise requires:

15 (a) "Addict" means any person who habitually uses any drug,
16 chemical, substance or dangerous drug other than alcohol so as
17 to endanger the public morals, health, safety or welfare or who
18 is so far addicted to the use of a dangerous drug or controlled
19 substance other than alcohol as to have lost the power of self
20 control with reference to his addiction.

21 (b) "Administer" means the direct application of a
22 controlled substance, whether by injection, inhalation,
23 ingestion, or any other means, to the body of a patient,
24 research subject, or animal (as defined by the Humane

1 Euthanasia in Animal Shelters Act) by:

2 (1) a practitioner (or, in his presence, by his
3 authorized agent),

4 (2) the patient or research subject at the lawful
5 direction of the practitioner, or

6 (3) a euthanasia technician as defined by the Humane
7 Euthanasia in Animal Shelters Act.

8 (c) "Agent" means an authorized person who acts on behalf
9 of or at the direction of a manufacturer, distributor, or
10 dispenser. It does not include a common or contract carrier,
11 public warehouseman or employee of the carrier or warehouseman.

12 (c-1) "Anabolic Steroids" means any drug or hormonal
13 substance, chemically and pharmacologically related to
14 testosterone (other than estrogens, progestins, and
15 corticosteroids) that promotes muscle growth, and includes:

16 (i) boldenone,

17 (ii) chlorotestosterone,

18 (iii) chostebol,

19 (iv) dehydrochlormethyltestosterone,

20 (v) dihydrotestosterone,

21 (vi) drostanolone,

22 (vii) ethylestrenol,

23 (viii) fluoxymesterone,

24 (ix) formebulone,

25 (x) mesterolone,

26 (xi) methandienone,

1 (xii) methandranone,
2 (xiii) methandriol,
3 (xiv) methandrostenolone,
4 (xv) methenolone,
5 (xvi) methyltestosterone,
6 (xvii) mibolerone,
7 (xviii) nandrolone,
8 (xix) norethandrolone,
9 (xx) oxandrolone,
10 (xxi) oxymesterone,
11 (xxii) oxymetholone,
12 (xxiii) stanolone,
13 (xxiv) stanozolol,
14 (xxv) testolactone,
15 (xxvi) testosterone,
16 (xxvii) trenbolone, and
17 (xxviii) any salt, ester, or isomer of a drug or
18 substance described or listed in this paragraph, if
19 that salt, ester, or isomer promotes muscle growth.

20 Any person who is otherwise lawfully in possession of an
21 anabolic steroid, or who otherwise lawfully manufactures,
22 distributes, dispenses, delivers, or possesses with intent to
23 deliver an anabolic steroid, which anabolic steroid is
24 expressly intended for and lawfully allowed to be administered
25 through implants to livestock or other nonhuman species, and
26 which is approved by the Secretary of Health and Human Services

1 for such administration, and which the person intends to
2 administer or have administered through such implants, shall
3 not be considered to be in unauthorized possession or to
4 unlawfully manufacture, distribute, dispense, deliver, or
5 possess with intent to deliver such anabolic steroid for
6 purposes of this Act.

7 (d) "Administration" means the Drug Enforcement
8 Administration, United States Department of Justice, or its
9 successor agency.

10 (e) "Control" means to add a drug or other substance, or
11 immediate precursor, to a Schedule under Article II of this Act
12 whether by transfer from another Schedule or otherwise.

13 (f) "Controlled Substance" means a drug, substance, or
14 immediate precursor in the Schedules of Article II of this Act.

15 (g) "Counterfeit substance" means a controlled substance,
16 which, or the container or labeling of which, without
17 authorization bears the trademark, trade name, or other
18 identifying mark, imprint, number or device, or any likeness
19 thereof, of a manufacturer, distributor, or dispenser other
20 than the person who in fact manufactured, distributed, or
21 dispensed the substance.

22 (h) "Deliver" or "delivery" means the actual, constructive
23 or attempted transfer of possession of a controlled substance,
24 with or without consideration, whether or not there is an
25 agency relationship.

26 (i) "Department" means the Illinois Department of Human

1 Services (as successor to the Department of Alcoholism and
2 Substance Abuse) or its successor agency.

3 (j) "Department of State Police" means the Department of
4 State Police of the State of Illinois or its successor agency.

5 (k) "Department of Corrections" means the Department of
6 Corrections of the State of Illinois or its successor agency.

7 (l) "Department of Professional Regulation" means the
8 Department of Professional Regulation of the State of Illinois
9 or its successor agency.

10 (m) "Depressant" or "stimulant substance" means:

11 (1) a drug which contains any quantity of (i)
12 barbituric acid or any of the salts of barbituric acid
13 which has been designated as habit forming under section
14 502 (d) of the Federal Food, Drug, and Cosmetic Act (21
15 U.S.C. 352 (d)); or

16 (2) a drug which contains any quantity of (i)
17 amphetamine or methamphetamine and any of their optical
18 isomers; (ii) any salt of amphetamine or methamphetamine or
19 any salt of an optical isomer of amphetamine; or (iii) any
20 substance which the Department, after investigation, has
21 found to be, and by rule designated as, habit forming
22 because of its depressant or stimulant effect on the
23 central nervous system; or

24 (3) lysergic acid diethylamide; or

25 (4) any drug which contains any quantity of a substance
26 which the Department, after investigation, has found to

1 have, and by rule designated as having, a potential for
2 abuse because of its depressant or stimulant effect on the
3 central nervous system or its hallucinogenic effect.

4 (n) (Blank).

5 (o) "Director" means the Director of the Department of
6 State Police or the Department of Professional Regulation or
7 his designated agents.

8 (p) "Dispense" means to deliver a controlled substance to
9 an ultimate user or research subject by or pursuant to the
10 lawful order of a prescriber, including the prescribing,
11 administering, packaging, labeling, or compounding necessary
12 to prepare the substance for that delivery.

13 (q) "Dispenser" means a practitioner who dispenses.

14 (r) "Distribute" means to deliver, other than by
15 administering or dispensing, a controlled substance.

16 (s) "Distributor" means a person who distributes.

17 (t) "Drug" means (1) substances recognized as drugs in the
18 official United States Pharmacopoeia, Official Homeopathic
19 Pharmacopoeia of the United States, or official National
20 Formulary, or any supplement to any of them; (2) substances
21 intended for use in diagnosis, cure, mitigation, treatment, or
22 prevention of disease in man or animals; (3) substances (other
23 than food) intended to affect the structure of any function of
24 the body of man or animals and (4) substances intended for use
25 as a component of any article specified in clause (1), (2), or
26 (3) of this subsection. It does not include devices or their

1 components, parts, or accessories.

2 (t-5) "Euthanasia agency" means an entity certified by the
3 Department of Professional Regulation for the purpose of animal
4 euthanasia that holds an animal control facility license or
5 animal shelter license under the Animal Welfare Act. A
6 euthanasia agency is authorized to purchase, store, possess,
7 and utilize Schedule II nonnarcotic and Schedule III
8 nonnarcotic drugs for the sole purpose of animal euthanasia.

9 (t-10) "Euthanasia drugs" means Schedule II or Schedule III
10 substances (nonnarcotic controlled substances) that are used
11 by a euthanasia agency for the purpose of animal euthanasia.

12 (u) "Good faith" means the prescribing or dispensing of a
13 controlled substance by a practitioner in the regular course of
14 professional treatment to or for any person who is under his
15 treatment for a pathology or condition other than that
16 individual's physical or psychological dependence upon or
17 addiction to a controlled substance, except as provided herein:
18 and application of the term to a pharmacist shall mean the
19 dispensing of a controlled substance pursuant to the
20 prescriber's order which in the professional judgment of the
21 pharmacist is lawful. The pharmacist shall be guided by
22 accepted professional standards including, but not limited to
23 the following, in making the judgment:

24 (1) lack of consistency of doctor-patient
25 relationship,

26 (2) frequency of prescriptions for same drug by one

1 prescriber for large numbers of patients,
2 (3) quantities beyond those normally prescribed,
3 (4) unusual dosages,
4 (5) unusual geographic distances between patient,
5 pharmacist and prescriber,
6 (6) consistent prescribing of habit-forming drugs.

7 (u-1) "Home infusion services" means services provided by a
8 pharmacy in compounding solutions for direct administration to
9 a patient in a private residence, long-term care facility, or
10 hospice setting by means of parenteral, intravenous,
11 intramuscular, subcutaneous, or intraspinal infusion.

12 (v) "Immediate precursor" means a substance:

13 (1) which the Department has found to be and by rule
14 designated as being a principal compound used, or produced
15 primarily for use, in the manufacture of a controlled
16 substance;

17 (2) which is an immediate chemical intermediary used or
18 likely to be used in the manufacture of such controlled
19 substance; and

20 (3) the control of which is necessary to prevent,
21 curtail or limit the manufacture of such controlled
22 substance.

23 (w) "Instructional activities" means the acts of teaching,
24 educating or instructing by practitioners using controlled
25 substances within educational facilities approved by the State
26 Board of Education or its successor agency.

1 (x) "Local authorities" means a duly organized State,
2 County or Municipal peace unit or police force.

3 (y) "Look-alike substance" means a substance, other than a
4 controlled substance which (1) by overall dosage unit
5 appearance, including shape, color, size, markings or lack
6 thereof, taste, consistency, or any other identifying physical
7 characteristic of the substance, would lead a reasonable person
8 to believe that the substance is a controlled substance, or (2)
9 is expressly or impliedly represented to be a controlled
10 substance or is distributed under circumstances which would
11 lead a reasonable person to believe that the substance is a
12 controlled substance. For the purpose of determining whether
13 the representations made or the circumstances of the
14 distribution would lead a reasonable person to believe the
15 substance to be a controlled substance under this clause (2) of
16 subsection (y), the court or other authority may consider the
17 following factors in addition to any other factor that may be
18 relevant:

19 (a) statements made by the owner or person in control
20 of the substance concerning its nature, use or effect;

21 (b) statements made to the buyer or recipient that the
22 substance may be resold for profit;

23 (c) whether the substance is packaged in a manner
24 normally used for the illegal distribution of controlled
25 substances;

26 (d) whether the distribution or attempted distribution

1 included an exchange of or demand for money or other
2 property as consideration, and whether the amount of the
3 consideration was substantially greater than the
4 reasonable retail market value of the substance.

5 Clause (1) of this subsection (y) shall not apply to a
6 noncontrolled substance in its finished dosage form that was
7 initially introduced into commerce prior to the initial
8 introduction into commerce of a controlled substance in its
9 finished dosage form which it may substantially resemble.

10 Nothing in this subsection (y) prohibits the dispensing or
11 distributing of noncontrolled substances by persons authorized
12 to dispense and distribute controlled substances under this
13 Act, provided that such action would be deemed to be carried
14 out in good faith under subsection (u) if the substances
15 involved were controlled substances.

16 Nothing in this subsection (y) or in this Act prohibits the
17 manufacture, preparation, propagation, compounding,
18 processing, packaging, advertising or distribution of a drug or
19 drugs by any person registered pursuant to Section 510 of the
20 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

21 (y-1) "Mail-order pharmacy" means a pharmacy that is
22 located in a state of the United States, other than Illinois,
23 that delivers, dispenses or distributes, through the United
24 States Postal Service or other common carrier, to Illinois
25 residents, any substance which requires a prescription.

26 (z) "Manufacture" means the production, preparation,

1 propagation, compounding, conversion or processing of a
2 controlled substance other than methamphetamine, either
3 directly or indirectly, by extraction from substances of
4 natural origin, or independently by means of chemical
5 synthesis, or by a combination of extraction and chemical
6 synthesis, and includes any packaging or repackaging of the
7 substance or labeling of its container, except that this term
8 does not include:

9 (1) by an ultimate user, the preparation or compounding
10 of a controlled substance for his own use; or

11 (2) by a practitioner, or his authorized agent under
12 his supervision, the preparation, compounding, packaging,
13 or labeling of a controlled substance:

14 (a) as an incident to his administering or
15 dispensing of a controlled substance in the course of
16 his professional practice; or

17 (b) as an incident to lawful research, teaching or
18 chemical analysis and not for sale.

19 (z-1) (Blank).

20 (aa) "Narcotic drug" means any of the following, whether
21 produced directly or indirectly by extraction from substances
22 of natural origin, or independently by means of chemical
23 synthesis, or by a combination of extraction and chemical
24 synthesis:

25 (1) opium and opiate, and any salt, compound,
26 derivative, or preparation of opium or opiate;

1 (2) any salt, compound, isomer, derivative, or
2 preparation thereof which is chemically equivalent or
3 identical with any of the substances referred to in clause
4 (1), but not including the isoquinoline alkaloids of opium;

5 (3) opium poppy and poppy straw;

6 (4) coca leaves and any salts, compound, isomer, salt
7 of an isomer, derivative, or preparation of coca leaves
8 including cocaine or ecgonine, and any salt, compound,
9 isomer, derivative, or preparation thereof which is
10 chemically equivalent or identical with any of these
11 substances, but not including decocainized coca leaves or
12 extractions of coca leaves which do not contain cocaine or
13 ecgonine (for the purpose of this paragraph, the term
14 "isomer" includes optical, positional and geometric
15 isomers).

16 (bb) "Nurse" means a registered nurse licensed under the
17 Nurse Practice Act.

18 (cc) (Blank).

19 (dd) "Opiate" means any substance having an addiction
20 forming or addiction sustaining liability similar to morphine
21 or being capable of conversion into a drug having addiction
22 forming or addiction sustaining liability.

23 (ee) "Opium poppy" means the plant of the species *Papaver*
24 *somniferum* L., except its seeds.

25 (ff) "Parole and Pardon Board" means the Parole and Pardon
26 Board of the State of Illinois or its successor agency.

1 (gg) "Person" means any individual, corporation,
2 mail-order pharmacy, government or governmental subdivision or
3 agency, business trust, estate, trust, partnership or
4 association, or any other entity.

5 (hh) "Pharmacist" means any person who holds a license or
6 certificate of registration as a registered pharmacist, a local
7 registered pharmacist or a registered assistant pharmacist
8 under the Pharmacy Practice Act.

9 (ii) "Pharmacy" means any store, ship or other place in
10 which pharmacy is authorized to be practiced under the Pharmacy
11 Practice Act.

12 (jj) "Poppy straw" means all parts, except the seeds, of
13 the opium poppy, after mowing.

14 (kk) "Practitioner" means a physician licensed to practice
15 medicine in all its branches, dentist, optometrist,
16 podiatrist, veterinarian, scientific investigator, pharmacist,
17 physician assistant, advanced practice nurse, licensed
18 practical nurse, registered nurse, hospital, laboratory, or
19 pharmacy, or other person licensed, registered, or otherwise
20 lawfully permitted by the United States or this State to
21 distribute, dispense, conduct research with respect to,
22 administer or use in teaching or chemical analysis, a
23 controlled substance in the course of professional practice or
24 research.

25 (ll) "Pre-printed prescription" means a written
26 prescription upon which the designated drug has been indicated

1 prior to the time of issuance.

2 (mm) "Prescriber" means a physician licensed to practice
3 medicine in all its branches, dentist, optometrist, podiatrist
4 or veterinarian who issues a prescription, a physician
5 assistant who issues a prescription for a Schedule III, IV, or
6 V controlled substance in accordance with Section 303.05 and
7 the written guidelines required under Section 7.5 of the
8 Physician Assistant Practice Act of 1987, or an advanced
9 practice nurse with prescriptive authority delegated under
10 Section 65-40 of the Nurse Practice Act and in accordance with
11 Section 303.05 and a written collaborative agreement under
12 Section 65-35 of the Nurse Practice Act.

13 (nn) "Prescription" means a lawful written, facsimile, or
14 verbal order of a physician licensed to practice medicine in
15 all its branches, dentist, podiatrist or veterinarian for any
16 controlled substance, of an optometrist for a Schedule III, IV,
17 or V controlled substance in accordance with Section 15.1 of
18 the Illinois Optometric Practice Act of 1987, of a physician
19 assistant for a Schedule III, IV, or V controlled substance in
20 accordance with Section 303.05 and the written guidelines
21 required under Section 7.5 of the Physician Assistant Practice
22 Act of 1987, or of an advanced practice nurse with prescriptive
23 authority delegated under Section 65-40 of the Nurse Practice
24 Act who issues a prescription for a Schedule III, IV, or V
25 controlled substance in accordance with Section 303.05 and a
26 written collaborative agreement under Section 65-35 of the

1 Nurse Practice Act.

2 (oo) "Production" or "produce" means manufacture,
3 planting, cultivating, growing, or harvesting of a controlled
4 substance other than methamphetamine.

5 (pp) "Registrant" means every person who is required to
6 register under Section 302 of this Act.

7 (qq) "Registry number" means the number assigned to each
8 person authorized to handle controlled substances under the
9 laws of the United States and of this State.

10 (rr) "State" includes the State of Illinois and any state,
11 district, commonwealth, territory, insular possession thereof,
12 and any area subject to the legal authority of the United
13 States of America.

14 (ss) "Ultimate user" means a person who lawfully possesses
15 a controlled substance for his own use or for the use of a
16 member of his household or for administering to an animal owned
17 by him or by a member of his household.

18 (Source: P.A. 94-556, eff. 9-11-05; 95-242, eff. 1-1-08;
19 95-639, eff. 10-5-07; 95-689, eff. 10-29-07; revised
20 11-19-07.)

21 (720 ILCS 570/103) (from Ch. 56 1/2, par. 1103)

22 Sec. 103. Scope of Act. Nothing in this Act limits the
23 lawful authority granted by the Medical Practice Act of 1987,
24 the Nurse Practice Act, the Illinois Optometric Practice Act of
25 1987, or the Pharmacy Practice Act.

1 (Source: P.A. 95-242, eff. 1-1-08; 95-639, eff. 10-5-07;
2 95-689, eff. 10-29-07; revised 11-19-07.)

3 Section 330. The Methamphetamine Control and Community
4 Protection Act is amended by changing Section 110 as follows:

5 (720 ILCS 646/110)

6 Sec. 110. Scope of Act. Nothing in this Act limits any
7 authority or activity authorized by the Illinois Controlled
8 Substances Act, the Medical Practice Act of 1987, the Nurse
9 Practice Act, the Pharmacy Practice Act, the Illinois Dental
10 Practice Act, the Podiatric Medical Practice Act of 1987, or
11 the Veterinary Medicine and Surgery Practice Act of 2004.
12 Nothing in this Act limits the authority or activity of any law
13 enforcement officer acting within the scope of his or her
14 employment.

15 (Source: P.A. 94-556, eff. 9-11-05; 95-639, eff. 10-5-07;
16 95-689, eff. 10-29-07; revised 11-19-07.)

17 Section 335. The Methamphetamine Precursor Control Act is
18 amended by changing Sections 25, 40, and 50 as follows:

19 (720 ILCS 648/25)

20 (Text of Section before amendment by P.A. 95-640)

21 Sec. 25. Pharmacies.

22 (a) No targeted methamphetamine precursor may be knowingly

1 distributed through a pharmacy, including a pharmacy located
2 within, owned by, operated by, or associated with a retail
3 distributor unless all terms of this Section are satisfied.

4 (b) Any targeted methamphetamine precursor other than a
5 convenience package or a liquid, including but not limited to
6 any targeted methamphetamine precursor in liquid-filled
7 capsules, shall: be packaged in blister packs, with each
8 blister containing not more than 2 dosage units, or when the
9 use of blister packs is technically infeasible, in unit dose
10 packets. Each targeted package shall contain no more than 3,000
11 milligrams of ephedrine or pseudoephedrine, their salts or
12 optical isomers, or salts of optical isomers.

13 (c) The targeted methamphetamine precursor shall be stored
14 behind the pharmacy counter and distributed by a pharmacist or
15 pharmacy technician licensed under the Pharmacy Practice Act.

16 (d) Any retail distributor operating a pharmacy, and any
17 pharmacist or pharmacy technician involved in the transaction
18 or transactions, shall ensure that any person purchasing,
19 receiving, or otherwise acquiring the targeted methamphetamine
20 precursor complies with subsection (a) of Section 20 of this
21 Act.

22 (e) Any retail distributor operating a pharmacy, and any
23 pharmacist or pharmacy technician involved in the transaction
24 or transactions, shall verify that:

25 (1) The person purchasing, receiving, or otherwise
26 acquiring the targeted methamphetamine precursor is 18

1 years of age or older and resembles the photograph of the
2 person on the government-issued identification presented
3 by the person; and

4 (2) The name entered into the log referred to in
5 subsection (a) of Section 20 of this Act corresponds to the
6 name on the government-issued identification presented by
7 the person.

8 (f) The logs referred to in subsection (a) of Section 20 of
9 this Act shall be kept confidential, maintained for not less
10 than 2 years, and made available for inspection and copying by
11 any law enforcement officer upon request of that officer. These
12 logs may be kept in an electronic format if they include all
13 the information specified in subsection (a) of Section 20 of
14 this Act in a manner that is readily retrievable and
15 reproducible in hard-copy format.

16 (g) No retail distributor operating a pharmacy, and no
17 pharmacist or pharmacy technician, shall knowingly distribute
18 any targeted methamphetamine precursor to any person under 18
19 years of age.

20 (h) No retail distributor operating a pharmacy, and no
21 pharmacist or pharmacy technician, shall knowingly distribute
22 to a single person more than 2 targeted packages in a single
23 retail transaction.

24 (i) No retail distributor operating a pharmacy, and no
25 pharmacist or pharmacy technician, shall knowingly distribute
26 to a single person in any 30-day period products containing

1 more than a total of 7,500 milligrams of ephedrine or
2 pseudoephedrine, their salts or optical isomers, or salts of
3 optical isomers.

4 (j) A pharmacist or pharmacy technician may distribute a
5 targeted methamphetamine precursor to a person who is without a
6 form of identification specified in paragraph (1) of subsection
7 (a) of Section 20 of this Act only if all other provisions of
8 this Act are followed and either:

9 (1) the person presents a driver's license issued
10 without a photograph by the State of Illinois pursuant to
11 the Illinois Administrative Code, Title 92, Section
12 1030.90(b)(1) or 1030.90(b)(2); or

13 (2) the person is known to the pharmacist or pharmacy
14 technician, the person presents some form of
15 identification, and the pharmacist or pharmacy technician
16 reasonably believes that the targeted methamphetamine
17 precursor will be used for a legitimate medical purpose and
18 not to manufacture methamphetamine.

19 (k) When a pharmacist or pharmacy technician distributes a
20 targeted methamphetamine precursor to a person according to the
21 procedures set forth in this Act, and the pharmacist or
22 pharmacy technician does not have access to a working cash
23 register at the pharmacy counter, the pharmacist or pharmacy
24 technician may instruct the person to pay for the targeted
25 methamphetamine precursor at a cash register located elsewhere
26 in the retail establishment, whether that register is operated

1 by a pharmacist, pharmacy technician, or other employee or
2 agent of the retail establishment.

3 (Source: P.A. 94-694, eff. 1-15-06; 94-830, eff. 6-5-06;
4 95-689, eff. 10-29-07.)

5 (Text of Section after amendment by P.A. 95-640)

6 Sec. 25. Pharmacies.

7 (a) No targeted methamphetamine precursor may be knowingly
8 distributed through a pharmacy, including a pharmacy located
9 within, owned by, operated by, or associated with a retail
10 distributor unless all terms of this Section are satisfied.

11 (b) Any targeted methamphetamine precursor other than a
12 convenience package or a liquid, including but not limited to
13 any targeted methamphetamine precursor in liquid-filled
14 capsules, shall: be packaged in blister packs, with each
15 blister containing not more than 2 dosage units, or when the
16 use of blister packs is technically infeasible, in unit dose
17 packets. Each targeted package shall contain no more than 3,000
18 milligrams of ephedrine or pseudoephedrine, their salts or
19 optical isomers, or salts of optical isomers.

20 (c) The targeted methamphetamine precursor shall be stored
21 behind the pharmacy counter and distributed by a pharmacist or
22 pharmacy technician licensed under the Pharmacy Practice Act.

23 (d) Any retail distributor operating a pharmacy, and any
24 pharmacist or pharmacy technician involved in the transaction
25 or transactions, shall ensure that any person purchasing,

1 receiving, or otherwise acquiring the targeted methamphetamine
2 precursor complies with subsection (a) of Section 20 of this
3 Act.

4 (e) Any retail distributor operating a pharmacy, and any
5 pharmacist or pharmacy technician involved in the transaction
6 or transactions, shall verify that:

7 (1) The person purchasing, receiving, or otherwise
8 acquiring the targeted methamphetamine precursor is 18
9 years of age or older and resembles the photograph of the
10 person on the government-issued identification presented
11 by the person; and

12 (2) The name entered into the log referred to in
13 subsection (a) of Section 20 of this Act corresponds to the
14 name on the government-issued identification presented by
15 the person.

16 (f) The logs referred to in subsection (a) of Section 20 of
17 this Act shall be kept confidential, maintained for not less
18 than 2 years, and made available for inspection and copying by
19 any law enforcement officer upon request of that officer. These
20 logs may be kept in an electronic format if they include all
21 the information specified in subsection (a) of Section 20 of
22 this Act in a manner that is readily retrievable and
23 reproducible in hard-copy format. Pharmacies covered by the
24 Williamson County Pilot Program described in Sections 36, 37,
25 38, 39, and 39.5 of this Act are required to transmit
26 electronic transaction records or handwritten logs to the Pilot

1 Program Authority in the manner described in those Sections.

2 (g) No retail distributor operating a pharmacy, and no
3 pharmacist or pharmacy technician, shall knowingly distribute
4 any targeted methamphetamine precursor to any person under 18
5 years of age.

6 (h) No retail distributor operating a pharmacy, and no
7 pharmacist or pharmacy technician, shall knowingly distribute
8 to a single person more than 2 targeted packages in a single
9 retail transaction.

10 (i) No retail distributor operating a pharmacy, and no
11 pharmacist or pharmacy technician, shall knowingly distribute
12 to a single person in any 30-day period products containing
13 more than a total of 7,500 milligrams of ephedrine or
14 pseudoephedrine, their salts or optical isomers, or salts of
15 optical isomers.

16 (j) A pharmacist or pharmacy technician may distribute a
17 targeted methamphetamine precursor to a person who is without a
18 form of identification specified in paragraph (1) of subsection
19 (a) of Section 20 of this Act only if all other provisions of
20 this Act are followed and either:

21 (1) the person presents a driver's license issued
22 without a photograph by the State of Illinois pursuant to
23 the Illinois Administrative Code, Title 92, Section
24 1030.90(b)(1) or 1030.90(b)(2); or

25 (2) the person is known to the pharmacist or pharmacy
26 technician, the person presents some form of

1 identification, and the pharmacist or pharmacy technician
2 reasonably believes that the targeted methamphetamine
3 precursor will be used for a legitimate medical purpose and
4 not to manufacture methamphetamine.

5 (k) When a pharmacist or pharmacy technician distributes a
6 targeted methamphetamine precursor to a person according to the
7 procedures set forth in this Act, and the pharmacist or
8 pharmacy technician does not have access to a working cash
9 register at the pharmacy counter, the pharmacist or pharmacy
10 technician may instruct the person to pay for the targeted
11 methamphetamine precursor at a cash register located elsewhere
12 in the retail establishment, whether that register is operated
13 by a pharmacist, pharmacy technician, or other employee or
14 agent of the retail establishment.

15 (Source: P.A. 94-694, eff. 1-15-06; 94-830, eff. 6-5-06;
16 95-640, eff. 6-1-08; 95-689, eff. 10-29-07; revised 11-19-07.)

17 (720 ILCS 648/40)

18 (Text of Section before amendment by P.A. 95-640)

19 Sec. 40. Penalties.

20 (a) Any pharmacy or retail distributor that violates this
21 Act is guilty of a petty offense and subject to a fine of \$500
22 for a first offense; and \$1,000 for a second offense occurring
23 at the same retail location as and within 3 years of the prior
24 offense. A pharmacy or retail distributor that violates this
25 Act is guilty of a business offense and subject to a fine of

1 \$5,000 for a third or subsequent offense occurring at the same
2 retail location as and within 3 years of the prior offenses.

3 (b) An employee or agent of a pharmacy or retail
4 distributor who violates this Act is guilty of a Class A
5 misdemeanor for a first offense, a Class 4 felony for a second
6 offense, and a Class 1 felony for a third or subsequent
7 offense.

8 (c) Any other person who violates this Act is guilty of a
9 Class B misdemeanor for a first offense, a Class A misdemeanor
10 for a second offense, and a Class 4 felony for a third or
11 subsequent offense.

12 (d) Any person who, in order to acquire a targeted
13 methamphetamine precursor, knowingly uses or provides the
14 driver's license or government-issued identification of
15 another person, or who knowingly uses or provides a fictitious
16 or unlawfully altered driver's license or government-issued
17 identification, or who otherwise knowingly provides false
18 information, is guilty of a Class 4 felony for a first offense,
19 a Class 3 felony for a second offense, and a Class 2 felony for
20 a third or subsequent offense.

21 For purposes of this subsection (d), the terms "fictitious
22 driver's license", "unlawfully altered driver's license", and
23 "false information" have the meanings ascribed to them in
24 Section 6-301.1 of the Illinois Vehicle Code.

25 (Source: P.A. 94-694, eff. 1-15-06; 95-252, eff. 1-1-08.)

1 (Text of Section after amendment by P.A. 95-640)

2 Sec. 40. Penalties.

3 (a) Violations of subsection (b) of Section 20 of this Act.

4 (1) Any person who knowingly purchases, receives, or
5 otherwise acquires, within any 30-day period, products
6 containing more than a total of 7,500 milligrams of
7 ephedrine or pseudoephedrine, their salts or optical
8 isomers, or salts of optical isomers in violation of
9 subsection (b) of Section 20 of this Act is subject to the
10 following penalties:

11 (A) More than 7,500 milligrams but less than 15,000
12 milligrams, Class B misdemeanor;

13 (B) 15,000 or more but less than 22,500 milligrams,
14 Class A misdemeanor;

15 (C) 22,500 or more but less than 30,000 milligrams,
16 Class 4 felony;

17 (D) 30,000 or more but less than 37,500 milligrams,
18 Class 3 felony;

19 (E) 37,500 or more but less than 45,000 milligrams,
20 Class 2 felony:

21 (F) 45,000 or more milligrams, Class 1 felony.

22 (2) Any person who knowingly purchases, receives, or
23 otherwise acquires, within any 30-day period, products
24 containing more than a total of 7,500 milligrams of
25 ephedrine or pseudoephedrine, their salts or optical
26 isomers, or salts of optical isomers in violation of

1 subsection (b) of Section 20 of this Act, and who has
2 previously been convicted of any methamphetamine-related
3 offense under any State or federal law, is subject to the
4 following penalties:

5 (A) More than 7,500 milligrams but less than 15,000
6 milligrams, Class A misdemeanor;

7 (B) 15,000 or more but less than 22,500 milligrams,
8 Class 4 felony;

9 (C) 22,500 or more but less than 30,000 milligrams,
10 Class 3 felony;

11 (D) 30,000 or more but less than 37,500 milligrams,
12 Class 2 felony;

13 (E) 37,500 or more milligrams, Class 1 felony.

14 (3) Any person who knowingly purchases, receives, or
15 otherwise acquires, within any 30-day period, products
16 containing more than a total of 7,500 milligrams of
17 ephedrine or pseudoephedrine, their salts or optical
18 isomers, or salts of optical isomers in violation of
19 subsection (b) of Section 20 of this Act, and who has
20 previously been convicted 2 or more times of any
21 methamphetamine-related offense under State or federal
22 law, is subject to the following penalties:

23 (A) More than 7,500 milligrams but less than 15,000
24 milligrams, Class 4 felony;

25 (B) 15,000 or more but less than 22,500 milligrams,
26 Class 3 felony;

1 (C) 22,500 or more but less than 30,000 milligrams,
2 Class 2 felony;

3 (D) 30,000 or more milligrams, Class 1 felony.

4 (b) Violations of Section 15, 20, 25, 30, or 35 of this
5 Act, other than violations of subsection (b) of Section 20 of
6 this Act.

7 (1) Any pharmacy or retail distributor that violates
8 Section 15, 20, 25, 30, or 35 of this Act, other than
9 subsection (b) of Section 20 of this Act, is guilty of a
10 petty offense and subject to a fine of \$500 for a first
11 offense; and \$1,000 for a second offense occurring at the
12 same retail location as and within 3 years of the prior
13 offense. A pharmacy or retail distributor that violates
14 this Act is guilty of a business offense and subject to a
15 fine of \$5,000 for a third or subsequent offense occurring
16 at the same retail location as and within 3 years of the
17 prior offenses.

18 (2) An employee or agent of a pharmacy or retail
19 distributor who violates Section 15, 20, 25, 30, or 35 of
20 this Act, other than subsection (b) of Section 20 of this
21 Act, is guilty of a Class A misdemeanor for a first
22 offense, a Class 4 felony for a second offense, and a Class
23 1 felony for a third or subsequent offense.

24 (3) Any other person who violates Section 15, 20, 25,
25 30, or 35 of this Act, other than subsection (b) of Section
26 20 of this Act, is guilty of a Class B misdemeanor for a

1 first offense, a Class A misdemeanor for a second offense,
2 and a Class 4 felony for a third or subsequent offense.

3 (c) Any pharmacy or retail distributor that violates
4 Section 36, 37, 38, 39, or 39.5 of this Act is guilty of a petty
5 offense and subject to a fine of \$100 for a first offense, \$250
6 for a second offense, or \$500 for a third or subsequent
7 offense.

8 (d) Any person that violates Section 39.5 of this Act is
9 guilty of a Class B misdemeanor for a first offense, a Class A
10 misdemeanor for a second offense, and a Class 4 felony for a
11 third offense.

12 (e) ~~(d)~~ Any person who, in order to acquire a targeted
13 methamphetamine precursor, knowingly uses or provides the
14 driver's license or government-issued identification of
15 another person, or who knowingly uses or provides a fictitious
16 or unlawfully altered driver's license or government-issued
17 identification, or who otherwise knowingly provides false
18 information, is guilty of a Class 4 felony for a first offense,
19 a Class 3 felony for a second offense, and a Class 2 felony for
20 a third or subsequent offense.

21 For purposes of this subsection (e) ~~(d)~~, the terms
22 "fictitious driver's license", "unlawfully altered driver's
23 license", and "false information" have the meanings ascribed to
24 them in Section 6-301.1 of the Illinois Vehicle Code.

25 (Source: P.A. 94-694, eff. 1-15-06; 95-252, eff. 1-1-08;
26 95-640, eff. 6-1-08; revised 12-12-07.)

1 (720 ILCS 648/50)

2 Sec. 50. Scope of Act.

3 (a) Nothing in this Act limits the scope, terms, or effect
4 of the Methamphetamine Control and Community Protection Act.

5 (b) Nothing in this Act limits the lawful authority granted
6 by the Medical Practice Act of 1987, the Nurse Practice Act, or
7 the Pharmacy Practice Act.

8 (c) Nothing in this Act limits the authority or activity of
9 any law enforcement officer acting within the scope of his or
10 her employment.

11 (Source: P.A. 94-694, eff. 1-15-06; 95-639, eff. 10-5-07;
12 95-689, eff. 10-29-07; revised 11-19-07.)

13 Section 340. The Rights of Crime Victims and Witnesses Act
14 is amended by changing Section 3 as follows:

15 (725 ILCS 120/3) (from Ch. 38, par. 1403)

16 (Text of Section before amendment by P.A. 95-591)

17 Sec. 3. The terms used in this Act, unless the context
18 clearly requires otherwise, shall have the following meanings:

19 (a) "Crime victim" means (1) a person physically injured in
20 this State as a result of a violent crime perpetrated or
21 attempted against that person or (2) a person who suffers
22 injury to or loss of property as a result of a violent crime
23 perpetrated or attempted against that person or (3) a single

1 representative who may be the spouse, parent, child or sibling
2 of a person killed as a result of a violent crime perpetrated
3 against the person killed or the spouse, parent, child or
4 sibling of any person granted rights under this Act who is
5 physically or mentally incapable of exercising such rights,
6 except where the spouse, parent, child or sibling is also the
7 defendant or prisoner or (4) any person against whom a violent
8 crime has been committed or (5) any person who has suffered
9 personal injury as a result of a violation of Section 11-501 of
10 the Illinois Vehicle Code, or of a similar provision of a local
11 ordinance, or of Section 9-3 of the Criminal Code of 1961, as
12 amended or (6) in proceedings under the Juvenile Court Act of
13 1987, both parents of a deceased minor who is a crime victim.†

14 (b) "Witness" means any person who personally observed the
15 commission of a violent crime and who will testify on behalf of
16 the State of Illinois in the criminal prosecution of the
17 violent crime.†

18 (c) "Violent Crime" means any felony in which force or
19 threat of force was used against the victim, or any offense
20 involving sexual exploitation, sexual conduct or sexual
21 penetration, domestic battery, violation of an order of
22 protection, stalking, or any misdemeanor which results in death
23 or great bodily harm to the victim or any violation of Section
24 9-3 of the Criminal Code of 1961, or Section 11-501 of the
25 Illinois Vehicle Code, or a similar provision of a local
26 ordinance, if the violation resulted in personal injury or

1 death, and includes any action committed by a juvenile that
2 would be a violent crime if committed by an adult. For the
3 purposes of this paragraph, "personal injury" shall include any
4 Type A injury as indicated on the traffic accident report
5 completed by a law enforcement officer that requires immediate
6 professional attention in either a doctor's office or medical
7 facility. A type A injury shall include severely bleeding
8 wounds, distorted extremities, and injuries that require the
9 injured party to be carried from the scene.†

10 (d) "Sentencing Hearing" means any hearing where a sentence
11 is imposed by the court on a convicted defendant and includes
12 hearings conducted pursuant to Sections 5-6-4, 5-6-4.1, 5-7-2
13 and 5-7-7 of the Unified Code of Corrections except those cases
14 in which both parties have agreed to the imposition of a
15 specific sentence.

16 (e) "Court proceedings" includes the preliminary hearing,
17 any hearing the effect of which may be the release of the
18 defendant from custody or to alter the conditions of bond, the
19 trial, sentencing hearing, notice of appeal, any modification
20 of sentence, probation revocation hearings or parole hearings.

21 (Source: P.A. 94-271, eff. 1-1-06; revised 11-16-07.)

22 (Text of Section after amendment by P.A. 95-591)

23 Sec. 3. The terms used in this Act, unless the context
24 clearly requires otherwise, shall have the following meanings:

25 (a) "Crime victim" means (1) a person physically injured in

1 this State as a result of a violent crime perpetrated or
2 attempted against that person or (2) a person who suffers
3 injury to or loss of property as a result of a violent crime
4 perpetrated or attempted against that person or (3) a single
5 representative who may be the spouse, parent, child or sibling
6 of a person killed as a result of a violent crime perpetrated
7 against the person killed or the spouse, parent, child or
8 sibling of any person granted rights under this Act who is
9 physically or mentally incapable of exercising such rights,
10 except where the spouse, parent, child or sibling is also the
11 defendant or prisoner or (4) any person against whom a violent
12 crime has been committed or (5) any person who has suffered
13 personal injury as a result of a violation of Section 11-501 of
14 the Illinois Vehicle Code, or of a similar provision of a local
15 ordinance, or of Section 9-3 of the Criminal Code of 1961, as
16 amended or (6) in proceedings under the Juvenile Court Act of
17 1987, both parents, legal guardians, foster parents, or a
18 single adult representative of a minor or disabled person who
19 is a crime victim.†

20 (b) "Witness" means any person who personally observed the
21 commission of a violent crime and who will testify on behalf of
22 the State of Illinois in the criminal prosecution of the
23 violent crime.†

24 (c) "Violent Crime" means any felony in which force or
25 threat of force was used against the victim, or any offense
26 involving sexual exploitation, sexual conduct or sexual

1 penetration, domestic battery, violation of an order of
2 protection, stalking, or any misdemeanor which results in death
3 or great bodily harm to the victim or any violation of Section
4 9-3 of the Criminal Code of 1961, or Section 11-501 of the
5 Illinois Vehicle Code, or a similar provision of a local
6 ordinance, if the violation resulted in personal injury or
7 death, and includes any action committed by a juvenile that
8 would be a violent crime if committed by an adult. For the
9 purposes of this paragraph, "personal injury" shall include any
10 Type A injury as indicated on the traffic accident report
11 completed by a law enforcement officer that requires immediate
12 professional attention in either a doctor's office or medical
13 facility. A type A injury shall include severely bleeding
14 wounds, distorted extremities, and injuries that require the
15 injured party to be carried from the scene. ~~+~~

16 (d) "Sentencing Hearing" means any hearing where a sentence
17 is imposed by the court on a convicted defendant and includes
18 hearings conducted pursuant to Sections 5-6-4, 5-6-4.1, 5-7-2
19 and 5-7-7 of the Unified Code of Corrections except those cases
20 in which both parties have agreed to the imposition of a
21 specific sentence.

22 (e) "Court proceedings" includes the preliminary hearing,
23 any hearing the effect of which may be the release of the
24 defendant from custody or to alter the conditions of bond, the
25 trial, sentencing hearing, notice of appeal, any modification
26 of sentence, probation revocation hearings or parole hearings.

1 (Source: P.A. 94-271, eff. 1-1-06; 95-591, eff. 6-1-08; revised
2 11-16-07.)

3 Section 345. The Privacy of Child Victims of Criminal
4 Sexual Offenses Act is amended by changing Section 3 as
5 follows:

6 (725 ILCS 190/3) (from Ch. 38, par. 1453)

7 (Text of Section before amendment by P.A. 95-599)

8 Sec. 3. Confidentiality of Law Enforcement and Court
9 Records. Notwithstanding any other law to the contrary,
10 inspection and copying of law enforcement records maintained by
11 any law enforcement agency or circuit court records maintained
12 by any circuit clerk relating to any investigation or
13 proceeding pertaining to a criminal sexual offense, by any
14 person, except a judge, state's attorney, assistant state's
15 attorney, psychologist, psychiatrist, social worker, doctor,
16 parent, parole agent, probation officer, defendant or
17 defendant's attorney in any criminal proceeding or
18 investigation related thereto, shall be restricted to exclude
19 the identity of any child who is a victim of such criminal
20 sexual offense or alleged criminal sexual offense. A court may
21 for the child's protection and for good cause shown, prohibit
22 any person or agency present in court from further disclosing
23 the child's identity.

24 When a criminal sexual offense is committed or alleged to

1 have been committed by a school district employee on the
2 premises under the jurisdiction of a public school district or
3 during an official school sponsored activity, a copy of the law
4 enforcement records maintained by any law enforcement agency or
5 circuit court records maintained by any circuit clerk relating
6 to the investigation of the offense or alleged offense shall be
7 made available for inspection and copying by the superintendent
8 of schools of the district. The superintendent shall be
9 restricted from specifically revealing the name of the victim
10 without written consent of the victim or victim's parent or
11 guardian.

12 A court may prohibit such disclosure only after giving
13 notice and a hearing to all affected parties. In determining
14 whether to prohibit disclosure of the minor's identity the
15 court shall consider:

- 16 (a) the best interest of the child; and
17 (b) whether such nondisclosure would further a
18 compelling State interest.

19 (Source: P.A. 95-69, eff. 1-1-08.)

20 (Text of Section after amendment by P.A. 95-599)

21 Sec. 3. Confidentiality of Law Enforcement and Court
22 Records. Notwithstanding any other law to the contrary,
23 inspection and copying of law enforcement records maintained by
24 any law enforcement agency or circuit court records maintained
25 by any circuit clerk relating to any investigation or

1 proceeding pertaining to a criminal sexual offense, by any
2 person, except a judge, state's attorney, assistant state's
3 attorney, psychologist, psychiatrist, social worker, doctor,
4 parent, parole agent, probation officer, defendant or
5 defendant's attorney in any criminal proceeding or
6 investigation related thereto, shall be restricted to exclude
7 the identity of any child who is a victim of such criminal
8 sexual offense or alleged criminal sexual offense. A court may
9 for the child's protection and for good cause shown, prohibit
10 any person or agency present in court from further disclosing
11 the child's identity.

12 When a criminal sexual offense is committed or alleged to
13 have been committed by a school district employee or any
14 individual contractually employed by a school district, a copy
15 of the criminal history record information relating to the
16 investigation of the offense or alleged offense shall be
17 transmitted to the superintendent of schools of the district
18 immediately upon request or if the law enforcement agency knows
19 that a school district employee or any individual contractually
20 employed by a school district has committed or is alleged to
21 have committed a criminal sexual offense, the superintendent of
22 schools of the district shall be immediately provided a copy of
23 the criminal history record information. The superintendent
24 shall be restricted from specifically revealing the name of the
25 victim without written consent of the victim or victim's parent
26 or guardian.

1 A court may prohibit such disclosure only after giving
2 notice and a hearing to all affected parties. In determining
3 whether to prohibit disclosure of the minor's identity the
4 court shall consider:

5 (a) the best interest of the child; and

6 (b) whether such nondisclosure would further a
7 compelling State interest.

8 For the purposes of this Act, "criminal history record
9 information" means:

10 (i) chronologically maintained arrest information,
11 such as traditional arrest logs or blotters;

12 (ii) the name of a person in the custody of a law
13 enforcement agency and the charges for which that person is
14 being held;

15 (iii) court records that are public;

16 (iv) records that are otherwise available under State
17 or local law; or

18 (v) records in which the requesting party is the
19 individual identified, except as provided under part (vii)
20 of paragraph (c) of subsection (1) of Section 7 of the
21 Freedom of Information Act.

22 (Source: P.A. 95-69, eff. 1-1-08; 95-599, eff. 6-1-08; revised
23 11-19-07.)

24 Section 350. The State's Attorneys Appellate Prosecutor's
25 Act is amended by changing Section 4.11 as follows:

1 (725 ILCS 210/4.11)

2 Sec. 4.11. Juvenile Justice Resource Center. The Office may
3 develop a Juvenile Justice Resource Center to: (i) study,
4 design, develop, and implement model systems for the
5 adjudication of juveniles in the justice system; (ii) in cases
6 in which a sentence of incarceration or an adult sentence, or
7 both, is an authorized disposition, provide trial counsel with
8 legal advice and the assistance of expert witnesses and
9 investigators from funds appropriated to the Office by the
10 General Assembly specifically for that purpose; (iii) develop
11 and provide training to assistant State's Attorneys on juvenile
12 justice issues, and~~7~~ (iv) make an annual report to the General
13 Assembly.

14 (Source: P.A. 95-376, eff. 1-1-08; revised 11-16-07.)

15 Section 355. The Unified Code of Corrections is amended by
16 changing Sections 3-3-7, 3-6-3, 5-5-3, 5-5-3.2, 5-6-1, 5-6-3,
17 5-6-3.1, and 5-9-3 and by setting forth and renumbering
18 multiple versions of Section 5-9-1.14 as follows:

19 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

20 (Text of Section before amendment by P.A. 95-464, 95-579,
21 and 95-640)

22 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
23 Release.

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

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

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

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

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

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

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

21 (7) report all arrests to an agent of the Department of
22 Corrections as soon as permitted by the arresting authority
23 but in no event later than 24 hours after release from
24 custody;

25 (7.5) if convicted of a sex offense as defined in the
26 Sex Offender Management Board Act, the individual shall

1 undergo and successfully complete sex offender treatment
2 conducted in conformance with the standards developed by
3 the Sex Offender Management Board Act by a treatment
4 provider approved by the Board;

5 (7.6) if convicted of a sex offense as defined in the
6 Sex Offender Management Board Act, refrain from residing at
7 the same address or in the same condominium unit or
8 apartment unit or in the same condominium complex or
9 apartment complex with another person he or she knows or
10 reasonably should know is a convicted sex offender or has
11 been placed on supervision for a sex offense; the
12 provisions of this paragraph do not apply to a person
13 convicted of a sex offense who is placed in a Department of
14 Corrections licensed transitional housing facility for sex
15 offenders, or is in any facility operated or licensed by
16 the Department of Children and Family Services or by the
17 Department of Human Services, or is in any licensed medical
18 facility;

19 (7.7) if convicted for an offense that would qualify
20 the accused as a sexual predator under the Sex Offender
21 Registration Act on or after the effective date of this
22 amendatory Act of the 94th General Assembly, wear an
23 approved electronic monitoring device as defined in
24 Section 5-8A-2 for the duration of the person's parole,
25 mandatory supervised release term, or extended mandatory
26 supervised release term, provided funding is appropriated

1 by the General Assembly;

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

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

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

9 (11) refrain from the use or possession of narcotics or
10 other controlled substances in any form, or both, or any
11 paraphernalia related to those substances and submit to a
12 urinalysis test as instructed by a parole agent of the
13 Department of Corrections;

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

16 (13) not knowingly associate with other persons on
17 parole or mandatory supervised release without prior
18 written permission of his or her parole agent and not
19 associate with persons who are members of an organized gang
20 as that term is defined in the Illinois Streetgang
21 Terrorism Omnibus Prevention Act;

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

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

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

19 (b) The Board may in addition to other conditions require
20 that the subject:

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

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

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

1 (4) support his dependents;

2 (5) (blank);

3 (6) (blank);

4 (7) comply with the terms and conditions of an order of
5 protection issued pursuant to the Illinois Domestic
6 Violence Act of 1986, enacted by the 84th General Assembly,
7 or an order of protection issued by the court of another
8 state, tribe, or United States territory; and

9 (8) in addition, if a minor:

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

11 (ii) attend school;

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

13 or

14 (iv) contribute to his own support at home or in a
15 foster home.

16 (b-1) In addition to the conditions set forth in
17 subsections (a) and (b), persons required to register as sex
18 offenders pursuant to the Sex Offender Registration Act, upon
19 release from the custody of the Illinois Department of
20 Corrections, may be required by the Board to comply with the
21 following specific conditions of release:

22 (1) reside only at a Department approved location;

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

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

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

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

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

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

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

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

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

10 (11) not patronize any business providing sexually
11 stimulating or sexually oriented entertainment nor utilize
12 "900" or adult telephone numbers;

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

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

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

26 (15) comply with all other special conditions that the

1 Department may impose that restrict the person from
2 high-risk situations and limit access to potential
3 victims.

4 (c) The conditions under which the parole or mandatory
5 supervised release is to be served shall be communicated to the
6 person in writing prior to his release, and he shall sign the
7 same before release. A signed copy of these conditions,
8 including a copy of an order of protection where one had been
9 issued by the criminal court, shall be retained by the person
10 and another copy forwarded to the officer in charge of his
11 supervision.

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

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

19 (f) When the subject is in compliance with all conditions
20 of his or her parole or mandatory supervised release, the
21 subject shall receive a reduction of the period of his or her
22 parole or mandatory supervised release of 90 days upon passage
23 of the high school level Test of General Educational
24 Development during the period of his or her parole or mandatory
25 supervised release. This reduction in the period of a subject's
26 term of parole or mandatory supervised release shall be

1 available only to subjects who have not previously earned a
2 high school diploma or who have not previously passed the high
3 school level Test of General Educational Development.

4 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
5 94-988, eff. 1-1-07; 95-539, eff. 1-1-08.)

6 (Text of Section after amendment by P.A. 95-464, 95-579,
7 and 95-640)

8 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
9 Release.

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

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

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

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

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

24 (5) attend or reside in a facility established for the
25 instruction or residence of persons on parole or mandatory

1 supervised release;

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

5 (7) report all arrests to an agent of the Department of
6 Corrections as soon as permitted by the arresting authority
7 but in no event later than 24 hours after release from
8 custody;

9 (7.5) if convicted of a sex offense as defined in the
10 Sex Offender Management Board Act, the individual shall
11 undergo and successfully complete sex offender treatment
12 conducted in conformance with the standards developed by
13 the Sex Offender Management Board Act by a treatment
14 provider approved by the Board;

15 (7.6) if convicted of a sex offense as defined in the
16 Sex Offender Management Board Act, refrain from residing at
17 the same address or in the same condominium unit or
18 apartment unit or in the same condominium complex or
19 apartment complex with another person he or she knows or
20 reasonably should know is a convicted sex offender or has
21 been placed on supervision for a sex offense; the
22 provisions of this paragraph do not apply to a person
23 convicted of a sex offense who is placed in a Department of
24 Corrections licensed transitional housing facility for sex
25 offenders, or is in any facility operated or licensed by
26 the Department of Children and Family Services or by the

1 Department of Human Services, or is in any licensed medical
2 facility;

3 (7.7) if convicted for an offense that would qualify
4 the accused as a sexual predator under the Sex Offender
5 Registration Act on or after the effective date of this
6 amendatory Act of the 94th General Assembly, wear an
7 approved electronic monitoring device as defined in
8 Section 5-8A-2 for the duration of the person's parole,
9 mandatory supervised release term, or extended mandatory
10 supervised release term;

11 (7.8) if convicted for an offense committed on or after
12 the effective date of this amendatory Act of the 95th
13 General Assembly that would qualify the accused as a child
14 sex offender as defined in Section 11-9.3 or 11-9.4 of the
15 Criminal Code of 1961, refrain from communicating with or
16 contacting, by means of the Internet, a person who is not
17 related to the accused and whom the accused reasonably
18 believes to be under 18 years of age; for purposes of this
19 paragraph (7.8), "Internet" has the meaning ascribed to it
20 in Section 16J-5 of the Criminal Code of 1961, ~~as added by~~
21 ~~Public Act 94-179~~; and a person is not related to the
22 accused if the person is not: (i) the spouse, brother, or
23 sister of the accused; (ii) a descendant of the accused;
24 (iii) a first or second cousin of the accused; or (iv) a
25 step-child or adopted child of the accused;

26 (7.9) ~~(7.8)~~ if convicted under Section 11-6, 11-20.1,

1 11-20.3, or 11-21 of the Criminal Code of 1961, consent to
2 search of computers, PDAs, cellular phones, and other
3 devices under his or her control that are capable of
4 accessing the Internet or storing electronic files, in
5 order to confirm Internet protocol addresses reported in
6 accordance with the Sex Offender Registration Act and
7 compliance with conditions in this Act;

8 (7.10) ~~(7.8)~~ if convicted for an offense that would
9 qualify the accused as a sex offender or sexual predator
10 under the Sex Offender Registration Act on or after the
11 effective date of this amendatory Act of the 95th General
12 Assembly, not possess prescription drugs for erectile
13 dysfunction;

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

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

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

21 (11) refrain from the use or possession of narcotics or
22 other controlled substances in any form, or both, or any
23 paraphernalia related to those substances and submit to a
24 urinalysis test as instructed by a parole agent of the
25 Department of Corrections;

26 (12) not frequent places where controlled substances

1 are illegally sold, used, distributed, or administered;

2 (13) not knowingly associate with other persons on
3 parole or mandatory supervised release without prior
4 written permission of his or her parole agent and not
5 associate with persons who are members of an organized gang
6 as that term is defined in the Illinois Streetgang
7 Terrorism Omnibus Prevention Act;

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

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

21 (16) if convicted of a sex offense as defined in
22 subsection (a-5) of Section 3-1-2 of this Code, unless the
23 offender is a parent or guardian of the person under 18
24 years of age present in the home and no non-familial minors
25 are present, not participate in a holiday event involving
26 children under 18 years of age, such as distributing candy

1 or other items to children on Halloween, wearing a Santa
2 Claus costume on or preceding Christmas, being employed as
3 a department store Santa Claus, or wearing an Easter Bunny
4 costume on or preceding Easter.

5 (b) The Board may in addition to other conditions require
6 that the subject:

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

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

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

13 (4) support his dependents;

14 (5) (blank);

15 (6) (blank);

16 (7) comply with the terms and conditions of an order of
17 protection issued pursuant to the Illinois Domestic
18 Violence Act of 1986, enacted by the 84th General Assembly,
19 or an order of protection issued by the court of another
20 state, tribe, or United States territory;

21 (7.5) if convicted for an offense committed on or after
22 the effective date of this amendatory Act of the 95th
23 General Assembly that would qualify the accused as a child
24 sex offender as defined in Section 11-9.3 or 11-9.4 of the
25 Criminal Code of 1961, refrain from communicating with or
26 contacting, by means of the Internet, a person who is

1 related to the accused and whom the accused reasonably
2 believes to be under 18 years of age; for purposes of this
3 paragraph (7.5), "Internet" has the meaning ascribed to it
4 in Section 16J-5 of the Criminal Code of 1961, ~~as added by~~
5 ~~Public Act 94-179~~; and a person is related to the accused
6 if the person is: (i) the spouse, brother, or sister of the
7 accused; (ii) a descendant of the accused; (iii) a first or
8 second cousin of the accused; or (iv) a step-child or
9 adopted child of the accused; and

10 (8) in addition, if a minor:

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

12 (ii) attend school;

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

14 or

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

16 foster home.

17 (b-1) In addition to the conditions set forth in
18 subsections (a) and (b), persons required to register as sex
19 offenders pursuant to the Sex Offender Registration Act, upon
20 release from the custody of the Illinois Department of
21 Corrections, may be required by the Board to comply with the
22 following specific conditions of release:

23 (1) reside only at a Department approved location;

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

26 (3) notify third parties of the risks that may be

1 occasioned by his or her criminal record;

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

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

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

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

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

24 (9) refrain from all contact, directly or indirectly,
25 personally, by telephone, letter, or through a third party,
26 with minor children without prior identification and

1 approval of an agent of the Department of Corrections;

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

11 (11) not patronize any business providing sexually
12 stimulating or sexually oriented entertainment nor utilize
13 "900" or adult telephone numbers;

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

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

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

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

5 (16) take an annual polygraph exam;

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

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

9 (c) The conditions under which the parole or mandatory
10 supervised release is to be served shall be communicated to the
11 person in writing prior to his release, and he shall sign the
12 same before release. A signed copy of these conditions,
13 including a copy of an order of protection where one had been
14 issued by the criminal court, shall be retained by the person
15 and another copy forwarded to the officer in charge of his
16 supervision.

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

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

24 (f) When the subject is in compliance with all conditions
25 of his or her parole or mandatory supervised release, the
26 subject shall receive a reduction of the period of his or her

1 parole or mandatory supervised release of 90 days upon passage
2 of the high school level Test of General Educational
3 Development during the period of his or her parole or mandatory
4 supervised release. This reduction in the period of a subject's
5 term of parole or mandatory supervised release shall be
6 available only to subjects who have not previously earned a
7 high school diploma or who have not previously passed the high
8 school level Test of General Educational Development.

9 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
10 94-988, eff. 1-1-07; 95-464, eff. 6-1-08; 95-539, eff. 1-1-08;
11 95-579, eff. 6-1-08; 95-640, eff. 6-1-08; revised 12-26-07.)

12 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

13 (Text of Section before amendment by P.A. 95-585, 95-625,
14 and 95-640)

15 Sec. 3-6-3. Rules and Regulations for Early Release.

16 (a) (1) The Department of Corrections shall prescribe
17 rules and regulations for the early release on account of
18 good conduct of persons committed to the Department which
19 shall be subject to review by the Prisoner Review Board.

20 (2) The rules and regulations on early release shall
21 provide, with respect to offenses listed in clause (i),
22 (ii), or (iii) of this paragraph (2) committed on or after
23 June 19, 1998 or with respect to the offense listed in
24 clause (iv) of this paragraph (2) committed on or after
25 June 23, 2005 (the effective date of Public Act 94-71) or

1 with respect to the offense of being an armed habitual
2 criminal committed on or after August 2, 2005 (the
3 effective date of Public Act 94-398) or with respect to the
4 offenses listed in clause (v) of this paragraph (2)
5 committed on or after August 13, 2007 (the effective date
6 of Public Act 95-134) ~~this amendatory Act of the 95th~~
7 ~~General Assembly~~, the following:

8 (i) that a prisoner who is serving a term of
9 imprisonment for first degree murder or for the offense
10 of terrorism shall receive no good conduct credit and
11 shall serve the entire sentence imposed by the court;

12 (ii) that a prisoner serving a sentence for attempt
13 to commit first degree murder, solicitation of murder,
14 solicitation of murder for hire, intentional homicide
15 of an unborn child, predatory criminal sexual assault
16 of a child, aggravated criminal sexual assault,
17 criminal sexual assault, aggravated kidnapping,
18 aggravated battery with a firearm, heinous battery,
19 being an armed habitual criminal, aggravated battery
20 of a senior citizen, or aggravated battery of a child
21 shall receive no more than 4.5 days of good conduct
22 credit for each month of his or her sentence of
23 imprisonment;

24 (iii) that a prisoner serving a sentence for home
25 invasion, armed robbery, aggravated vehicular
26 hijacking, aggravated discharge of a firearm, or armed

1 violence with a category I weapon or category II
2 weapon, when the court has made and entered a finding,
3 pursuant to subsection (c-1) of Section 5-4-1 of this
4 Code, that the conduct leading to conviction for the
5 enumerated offense resulted in great bodily harm to a
6 victim, shall receive no more than 4.5 days of good
7 conduct credit for each month of his or her sentence of
8 imprisonment;

9 (iv) that a prisoner serving a sentence for
10 aggravated discharge of a firearm, whether or not the
11 conduct leading to conviction for the offense resulted
12 in great bodily harm to the victim, shall receive no
13 more than 4.5 days of good conduct credit for each
14 month of his or her sentence of imprisonment; and

15 (v) that a person serving a sentence for
16 gunrunning, narcotics racketeering, controlled
17 substance trafficking, methamphetamine trafficking,
18 drug-induced homicide, aggravated
19 methamphetamine-related child endangerment, money
20 laundering pursuant to clause (c) (4) or (5) of Section
21 29B-1 of the Criminal Code of 1961, or a Class X felony
22 conviction for delivery of a controlled substance,
23 possession of a controlled substance with intent to
24 manufacture or deliver, calculated criminal drug
25 conspiracy, criminal drug conspiracy, street gang
26 criminal drug conspiracy, participation in

1 methamphetamine manufacturing, aggravated
2 participation in methamphetamine manufacturing,
3 delivery of methamphetamine, possession with intent to
4 deliver methamphetamine, aggravated delivery of
5 methamphetamine, aggravated possession with intent to
6 deliver methamphetamine, methamphetamine conspiracy
7 when the substance containing the controlled substance
8 or methamphetamine is 100 grams or more shall receive
9 no more than 7.5 days good conduct credit for each
10 month of his or her sentence of imprisonment.

11 (2.1) For all offenses, other than those enumerated in
12 subdivision (a)(2)(i), (ii), or (iii) committed on or after
13 June 19, 1998 or subdivision (a)(2)(iv) committed on or
14 after June 23, 2005 (the effective date of Public Act
15 94-71) or subdivision (a)(2)(v) committed on or after
16 August 13, 2007 (the effective date of Public Act 95-134)
17 ~~the effective date of this amendatory Act of the 95th~~
18 ~~General Assembly~~, and other than the offense of reckless
19 homicide as defined in subsection (e) of Section 9-3 of the
20 Criminal Code of 1961 committed on or after January 1,
21 1999, or aggravated driving under the influence of alcohol,
22 other drug or drugs, or intoxicating compound or compounds,
23 or any combination thereof as defined in subparagraph (F)
24 of paragraph (1) of subsection (d) of Section 11-501 of the
25 Illinois Vehicle Code, the rules and regulations shall
26 provide that a prisoner who is serving a term of

1 imprisonment shall receive one day of good conduct credit
2 for each day of his or her sentence of imprisonment or
3 recommitment under Section 3-3-9. Each day of good conduct
4 credit shall reduce by one day the prisoner's period of
5 imprisonment or recommitment under Section 3-3-9.

6 (2.2) A prisoner serving a term of natural life
7 imprisonment or a prisoner who has been sentenced to death
8 shall receive no good conduct credit.

9 (2.3) The rules and regulations on early release shall
10 provide that a prisoner who is serving a sentence for
11 reckless homicide as defined in subsection (e) of Section
12 9-3 of the Criminal Code of 1961 committed on or after
13 January 1, 1999, or aggravated driving under the influence
14 of alcohol, other drug or drugs, or intoxicating compound
15 or compounds, or any combination thereof as defined in
16 subparagraph (F) of paragraph (1) of subsection (d) of
17 Section 11-501 of the Illinois Vehicle Code, shall receive
18 no more than 4.5 days of good conduct credit for each month
19 of his or her sentence of imprisonment.

20 (2.4) The rules and regulations on early release shall
21 provide with respect to the offenses of aggravated battery
22 with a machine gun or a firearm equipped with any device or
23 attachment designed or used for silencing the report of a
24 firearm or aggravated discharge of a machine gun or a
25 firearm equipped with any device or attachment designed or
26 used for silencing the report of a firearm, committed on or

1 after July 15, 1999 (the effective date of Public Act
2 91-121), that a prisoner serving a sentence for any of
3 these offenses shall receive no more than 4.5 days of good
4 conduct credit for each month of his or her sentence of
5 imprisonment.

6 (2.5) The rules and regulations on early release shall
7 provide that a prisoner who is serving a sentence for
8 aggravated arson committed on or after July 27, 2001 (the
9 effective date of Public Act 92-176) shall receive no more
10 than 4.5 days of good conduct credit for each month of his
11 or her sentence of imprisonment.

12 (3) The rules and regulations shall also provide that
13 the Director may award up to 180 days additional good
14 conduct credit for meritorious service in specific
15 instances as the Director deems proper; except that no more
16 than 90 days of good conduct credit for meritorious service
17 shall be awarded to any prisoner who is serving a sentence
18 for conviction of first degree murder, reckless homicide
19 while under the influence of alcohol or any other drug, or
20 aggravated driving under the influence of alcohol, other
21 drug or drugs, or intoxicating compound or compounds, or
22 any combination thereof as defined in subparagraph (F) of
23 paragraph (1) of subsection (d) of Section 11-501 of the
24 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
25 predatory criminal sexual assault of a child, aggravated
26 criminal sexual assault, criminal sexual assault, deviate

1 sexual assault, aggravated criminal sexual abuse,
2 aggravated indecent liberties with a child, indecent
3 liberties with a child, child pornography, heinous
4 battery, aggravated battery of a spouse, aggravated
5 battery of a spouse with a firearm, stalking, aggravated
6 stalking, aggravated battery of a child, endangering the
7 life or health of a child, or cruelty to a child.
8 Notwithstanding the foregoing, good conduct credit for
9 meritorious service shall not be awarded on a sentence of
10 imprisonment imposed for conviction of: (i) one of the
11 offenses enumerated in subdivision (a)(2)(i), (ii), or
12 (iii) when the offense is committed on or after June 19,
13 1998 or subdivision (a)(2)(iv) when the offense is
14 committed on or after June 23, 2005 (the effective date of
15 Public Act 94-71) or subdivision (a)(2)(v) when the offense
16 is committed on or after August 13, 2007 (the effective
17 date of Public Act 95-134) ~~the effective date of this~~
18 ~~amendatory Act of the 95th General Assembly~~, (ii) reckless
19 homicide as defined in subsection (e) of Section 9-3 of the
20 Criminal Code of 1961 when the offense is committed on or
21 after January 1, 1999, or aggravated driving under the
22 influence of alcohol, other drug or drugs, or intoxicating
23 compound or compounds, or any combination thereof as
24 defined in subparagraph (F) of paragraph (1) of subsection
25 (d) of Section 11-501 of the Illinois Vehicle Code, (iii)
26 one of the offenses enumerated in subdivision (a)(2.4) when

1 the offense is committed on or after July 15, 1999 (the
2 effective date of Public Act 91-121), or (iv) aggravated
3 arson when the offense is committed on or after July 27,
4 2001 (the effective date of Public Act 92-176).

5 (4) The rules and regulations shall also provide that
6 the good conduct credit accumulated and retained under
7 paragraph (2.1) of subsection (a) of this Section by any
8 inmate during specific periods of time in which such inmate
9 is engaged full-time in substance abuse programs,
10 correctional industry assignments, or educational programs
11 provided by the Department under this paragraph (4) and
12 satisfactorily completes the assigned program as
13 determined by the standards of the Department, shall be
14 multiplied by a factor of 1.25 for program participation
15 before August 11, 1993 and 1.50 for program participation
16 on or after that date. However, no inmate shall be eligible
17 for the additional good conduct credit under this paragraph
18 (4) or (4.1) of this subsection (a) while assigned to a
19 boot camp or electronic detention, or if convicted of an
20 offense enumerated in subdivision (a)(2)(i), (ii), or
21 (iii) of this Section that is committed on or after June
22 19, 1998 or subdivision (a)(2)(iv) of this Section that is
23 committed on or after June 23, 2005 (the effective date of
24 Public Act 94-71) or subdivision (a)(2)(v) of this Section
25 that is committed on or after August 13, 2007 (the
26 effective date of Public Act 95-134) ~~this amendatory Act of~~

1 ~~the 95th General Assembly~~, or if convicted of reckless
2 homicide as defined in subsection (e) of Section 9-3 of the
3 Criminal Code of 1961 if the offense is committed on or
4 after January 1, 1999, or aggravated driving under the
5 influence of alcohol, other drug or drugs, or intoxicating
6 compound or compounds, or any combination thereof as
7 defined in subparagraph (F) of paragraph (1) of subsection
8 (d) of Section 11-501 of the Illinois Vehicle Code, or if
9 convicted of an offense enumerated in paragraph (a) (2.4) of
10 this Section that is committed on or after July 15, 1999
11 (the effective date of Public Act 91-121), or first degree
12 murder, a Class X felony, criminal sexual assault, felony
13 criminal sexual abuse, aggravated criminal sexual abuse,
14 aggravated battery with a firearm, or any predecessor or
15 successor offenses with the same or substantially the same
16 elements, or any inchoate offenses relating to the
17 foregoing offenses. No inmate shall be eligible for the
18 additional good conduct credit under this paragraph (4) who
19 (i) has previously received increased good conduct credit
20 under this paragraph (4) and has subsequently been
21 convicted of a felony, or (ii) has previously served more
22 than one prior sentence of imprisonment for a felony in an
23 adult correctional facility.

24 Educational, vocational, substance abuse and
25 correctional industry programs under which good conduct
26 credit may be increased under this paragraph (4) and

1 paragraph (4.1) of this subsection (a) shall be evaluated
2 by the Department on the basis of documented standards. The
3 Department shall report the results of these evaluations to
4 the Governor and the General Assembly by September 30th of
5 each year. The reports shall include data relating to the
6 recidivism rate among program participants.

7 Availability of these programs shall be subject to the
8 limits of fiscal resources appropriated by the General
9 Assembly for these purposes. Eligible inmates who are
10 denied immediate admission shall be placed on a waiting
11 list under criteria established by the Department. The
12 inability of any inmate to become engaged in any such
13 programs by reason of insufficient program resources or for
14 any other reason established under the rules and
15 regulations of the Department shall not be deemed a cause
16 of action under which the Department or any employee or
17 agent of the Department shall be liable for damages to the
18 inmate.

19 (4.1) The rules and regulations shall also provide that
20 an additional 60 days of good conduct credit shall be
21 awarded to any prisoner who passes the high school level
22 Test of General Educational Development (GED) while the
23 prisoner is incarcerated. The good conduct credit awarded
24 under this paragraph (4.1) shall be in addition to, and
25 shall not affect, the award of good conduct under any other
26 paragraph of this Section, but shall also be pursuant to

1 the guidelines and restrictions set forth in paragraph (4)
2 of subsection (a) of this Section. The good conduct credit
3 provided for in this paragraph shall be available only to
4 those prisoners who have not previously earned a high
5 school diploma or a GED. If, after an award of the GED good
6 conduct credit has been made and the Department determines
7 that the prisoner was not eligible, then the award shall be
8 revoked.

9 (4.5) The rules and regulations on early release shall
10 also provide that when the court's sentencing order
11 recommends a prisoner for substance abuse treatment and the
12 crime was committed on or after September 1, 2003 (the
13 effective date of Public Act 93-354), the prisoner shall
14 receive no good conduct credit awarded under clause (3) of
15 this subsection (a) unless he or she participates in and
16 completes a substance abuse treatment program. The
17 Director may waive the requirement to participate in or
18 complete a substance abuse treatment program and award the
19 good conduct credit in specific instances if the prisoner
20 is not a good candidate for a substance abuse treatment
21 program for medical, programming, or operational reasons.
22 Availability of substance abuse treatment shall be subject
23 to the limits of fiscal resources appropriated by the
24 General Assembly for these purposes. If treatment is not
25 available and the requirement to participate and complete
26 the treatment has not been waived by the Director, the

1 prisoner shall be placed on a waiting list under criteria
2 established by the Department. The Director may allow a
3 prisoner placed on a waiting list to participate in and
4 complete a substance abuse education class or attend
5 substance abuse self-help meetings in lieu of a substance
6 abuse treatment program. A prisoner on a waiting list who
7 is not placed in a substance abuse program prior to release
8 may be eligible for a waiver and receive good conduct
9 credit under clause (3) of this subsection (a) at the
10 discretion of the Director.

11 (5) Whenever the Department is to release any inmate
12 earlier than it otherwise would because of a grant of good
13 conduct credit for meritorious service given at any time
14 during the term, the Department shall give reasonable
15 advance notice of the impending release to the State's
16 Attorney of the county where the prosecution of the inmate
17 took place.

18 (b) Whenever a person is or has been committed under
19 several convictions, with separate sentences, the sentences
20 shall be construed under Section 5-8-4 in granting and
21 forfeiting of good time.

22 (c) The Department shall prescribe rules and regulations
23 for revoking good conduct credit, or suspending or reducing the
24 rate of accumulation of good conduct credit for specific rule
25 violations, during imprisonment. These rules and regulations
26 shall provide that no inmate may be penalized more than one

1 year of good conduct credit for any one infraction.

2 When the Department seeks to revoke, suspend or reduce the
3 rate of accumulation of any good conduct credits for an alleged
4 infraction of its rules, it shall bring charges therefor
5 against the prisoner sought to be so deprived of good conduct
6 credits before the Prisoner Review Board as provided in
7 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
8 amount of credit at issue exceeds 30 days or when during any 12
9 month period, the cumulative amount of credit revoked exceeds
10 30 days except where the infraction is committed or discovered
11 within 60 days of scheduled release. In those cases, the
12 Department of Corrections may revoke up to 30 days of good
13 conduct credit. The Board may subsequently approve the
14 revocation of additional good conduct credit, if the Department
15 seeks to revoke good conduct credit in excess of 30 days.
16 However, the Board shall not be empowered to review the
17 Department's decision with respect to the loss of 30 days of
18 good conduct credit within any calendar year for any prisoner
19 or to increase any penalty beyond the length requested by the
20 Department.

21 The Director of the Department of Corrections, in
22 appropriate cases, may restore up to 30 days good conduct
23 credits which have been revoked, suspended or reduced. Any
24 restoration of good conduct credits in excess of 30 days shall
25 be subject to review by the Prisoner Review Board. However, the
26 Board may not restore good conduct credit in excess of the

1 amount requested by the Director.

2 Nothing contained in this Section shall prohibit the
3 Prisoner Review Board from ordering, pursuant to Section
4 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
5 sentence imposed by the court that was not served due to the
6 accumulation of good conduct credit.

7 (d) If a lawsuit is filed by a prisoner in an Illinois or
8 federal court against the State, the Department of Corrections,
9 or the Prisoner Review Board, or against any of their officers
10 or employees, and the court makes a specific finding that a
11 pleading, motion, or other paper filed by the prisoner is
12 frivolous, the Department of Corrections shall conduct a
13 hearing to revoke up to 180 days of good conduct credit by
14 bringing charges against the prisoner sought to be deprived of
15 the good conduct credits before the Prisoner Review Board as
16 provided in subparagraph (a)(8) of Section 3-3-2 of this Code.
17 If the prisoner has not accumulated 180 days of good conduct
18 credit at the time of the finding, then the Prisoner Review
19 Board may revoke all good conduct credit accumulated by the
20 prisoner.

21 For purposes of this subsection (d):

22 (1) "Frivolous" means that a pleading, motion, or other
23 filing which purports to be a legal document filed by a
24 prisoner in his or her lawsuit meets any or all of the
25 following criteria:

26 (A) it lacks an arguable basis either in law or in

1 fact;

2 (B) it is being presented for any improper purpose,
3 such as to harass or to cause unnecessary delay or
4 needless increase in the cost of litigation;

5 (C) the claims, defenses, and other legal
6 contentions therein are not warranted by existing law
7 or by a nonfrivolous argument for the extension,
8 modification, or reversal of existing law or the
9 establishment of new law;

10 (D) the allegations and other factual contentions
11 do not have evidentiary support or, if specifically so
12 identified, are not likely to have evidentiary support
13 after a reasonable opportunity for further
14 investigation or discovery; or

15 (E) the denials of factual contentions are not
16 warranted on the evidence, or if specifically so
17 identified, are not reasonably based on a lack of
18 information or belief.

19 (2) "Lawsuit" means a petition for post-conviction
20 relief under Article 122 of the Code of Criminal Procedure
21 of 1963, a motion pursuant to Section 116-3 of the Code of
22 Criminal Procedure of 1963, a habeas corpus action under
23 Article X of the Code of Civil Procedure or under federal
24 law (28 U.S.C. 2254), a petition for claim under the Court
25 of Claims Act or an action under the federal Civil Rights
26 Act (42 U.S.C. 1983).

1 (e) Nothing in Public Act 90-592 or 90-593 affects the
2 validity of Public Act 89-404.

3 (Source: P.A. 94-71, eff. 6-23-05; 94-128, eff. 7-7-05; 94-156,
4 eff. 7-8-05; 94-398, eff. 8-2-05; 94-491, eff. 8-8-05; 94-744,
5 eff. 5-8-06; 95-134, eff. 8-13-07.)

6 (Text of Section after amendment by P.A. 95-585, 95-625,
7 and 95-640)

8 Sec. 3-6-3. Rules and Regulations for Early Release.

9 (a) (1) The Department of Corrections shall prescribe
10 rules and regulations for the early release on account of
11 good conduct of persons committed to the Department which
12 shall be subject to review by the Prisoner Review Board.

13 (2) The rules and regulations on early release shall
14 provide, with respect to offenses listed in clause (i),
15 (ii), or (iii) of this paragraph (2) committed on or after
16 June 19, 1998 or with respect to the offense listed in
17 clause (iv) of this paragraph (2) committed on or after
18 June 23, 2005 (the effective date of Public Act 94-71) or
19 with respect to offense listed in clause (vi) ~~(v)~~ committed
20 on or after June 1, 2008 (the effective date of Public Act
21 95-625) ~~this amendatory Act of the 95th General Assembly~~ or
22 with respect to the offense of being an armed habitual
23 criminal committed on or after August 2, 2005 (the
24 effective date of Public Act 94-398) or with respect to the
25 offenses listed in clause (v) of this paragraph (2)

1 committed on or after August 13, 2007 (the effective date
2 of Public Act 95-134) ~~this amendatory Act of the 95th~~
3 ~~General Assembly~~, the following:

4 (i) that a prisoner who is serving a term of
5 imprisonment for first degree murder or for the offense
6 of terrorism shall receive no good conduct credit and
7 shall serve the entire sentence imposed by the court;

8 (ii) that a prisoner serving a sentence for attempt
9 to commit first degree murder, solicitation of murder,
10 solicitation of murder for hire, intentional homicide
11 of an unborn child, predatory criminal sexual assault
12 of a child, aggravated criminal sexual assault,
13 criminal sexual assault, aggravated kidnapping,
14 aggravated battery with a firearm, heinous battery,
15 being an armed habitual criminal, aggravated battery
16 of a senior citizen, or aggravated battery of a child
17 shall receive no more than 4.5 days of good conduct
18 credit for each month of his or her sentence of
19 imprisonment;

20 (iii) that a prisoner serving a sentence for home
21 invasion, armed robbery, aggravated vehicular
22 hijacking, aggravated discharge of a firearm, or armed
23 violence with a category I weapon or category II
24 weapon, when the court has made and entered a finding,
25 pursuant to subsection (c-1) of Section 5-4-1 of this
26 Code, that the conduct leading to conviction for the

1 enumerated offense resulted in great bodily harm to a
2 victim, shall receive no more than 4.5 days of good
3 conduct credit for each month of his or her sentence of
4 imprisonment;

5 (iv) that a prisoner serving a sentence for
6 aggravated discharge of a firearm, whether or not the
7 conduct leading to conviction for the offense resulted
8 in great bodily harm to the victim, shall receive no
9 more than 4.5 days of good conduct credit for each
10 month of his or her sentence of imprisonment; ~~and~~

11 (v) that a person serving a sentence for
12 gunrunning, narcotics racketeering, controlled
13 substance trafficking, methamphetamine trafficking,
14 drug-induced homicide, aggravated
15 methamphetamine-related child endangerment, money
16 laundering pursuant to clause (c) (4) or (5) of Section
17 29B-1 of the Criminal Code of 1961, or a Class X felony
18 conviction for delivery of a controlled substance,
19 possession of a controlled substance with intent to
20 manufacture or deliver, calculated criminal drug
21 conspiracy, criminal drug conspiracy, street gang
22 criminal drug conspiracy, participation in
23 methamphetamine manufacturing, aggravated
24 participation in methamphetamine manufacturing,
25 delivery of methamphetamine, possession with intent to
26 deliver methamphetamine, aggravated delivery of

1 methamphetamine, aggravated possession with intent to
2 deliver methamphetamine, methamphetamine conspiracy
3 when the substance containing the controlled substance
4 or methamphetamine is 100 grams or more shall receive
5 no more than 7.5 days good conduct credit for each
6 month of his or her sentence of imprisonment; and-

7 (vi) ~~(v)~~ that a prisoner serving a sentence for a
8 second or subsequent offense of luring a minor shall
9 receive no more than 4.5 days of good conduct credit
10 for each month of his or her sentence of imprisonment.

11 (2.1) For all offenses, other than those enumerated in
12 subdivision (a)(2)(i), (ii), or (iii) committed on or after
13 June 19, 1998 or subdivision (a)(2)(iv) committed on or
14 after June 23, 2005 (the effective date of Public Act
15 94-71) or subdivision (a)(2)(v) committed on or after
16 August 13, 2007 (the effective date of Public Act 95-134)
17 ~~this amendatory Act of the 95th General Assembly~~ or
18 subdivision (a)(2)(vi) ~~(v)~~ committed on or after June 1,
19 2008 (the effective date of Public Act 95-625) ~~this~~
20 ~~amendatory Act of the 95th General Assembly~~, and other than
21 the offense of reckless homicide as defined in subsection
22 (e) of Section 9-3 of the Criminal Code of 1961 committed
23 on or after January 1, 1999, or aggravated driving under
24 the influence of alcohol, other drug or drugs, or
25 intoxicating compound or compounds, or any combination
26 thereof as defined in subparagraph (F) of paragraph (1) of

1 subsection (d) of Section 11-501 of the Illinois Vehicle
2 Code, the rules and regulations shall provide that a
3 prisoner who is serving a term of imprisonment shall
4 receive one day of good conduct credit for each day of his
5 or her sentence of imprisonment or recommitment under
6 Section 3-3-9. Each day of good conduct credit shall reduce
7 by one day the prisoner's period of imprisonment or
8 recommitment under Section 3-3-9.

9 (2.2) A prisoner serving a term of natural life
10 imprisonment or a prisoner who has been sentenced to death
11 shall receive no good conduct credit.

12 (2.3) The rules and regulations on early release shall
13 provide that a prisoner who is serving a sentence for
14 reckless homicide as defined in subsection (e) of Section
15 9-3 of the Criminal Code of 1961 committed on or after
16 January 1, 1999, or aggravated driving under the influence
17 of alcohol, other drug or drugs, or intoxicating compound
18 or compounds, or any combination thereof as defined in
19 subparagraph (F) of paragraph (1) of subsection (d) of
20 Section 11-501 of the Illinois Vehicle Code, shall receive
21 no more than 4.5 days of good conduct credit for each month
22 of his or her sentence of imprisonment.

23 (2.4) The rules and regulations on early release shall
24 provide with respect to the offenses of aggravated battery
25 with a machine gun or a firearm equipped with any device or
26 attachment designed or used for silencing the report of a

1 firearm or aggravated discharge of a machine gun or a
2 firearm equipped with any device or attachment designed or
3 used for silencing the report of a firearm, committed on or
4 after July 15, 1999 (the effective date of Public Act
5 91-121), that a prisoner serving a sentence for any of
6 these offenses shall receive no more than 4.5 days of good
7 conduct credit for each month of his or her sentence of
8 imprisonment.

9 (2.5) The rules and regulations on early release shall
10 provide that a prisoner who is serving a sentence for
11 aggravated arson committed on or after July 27, 2001 (the
12 effective date of Public Act 92-176) shall receive no more
13 than 4.5 days of good conduct credit for each month of his
14 or her sentence of imprisonment.

15 (3) The rules and regulations shall also provide that
16 the Director may award up to 180 days additional good
17 conduct credit for meritorious service in specific
18 instances as the Director deems proper; except that no more
19 than 90 days of good conduct credit for meritorious service
20 shall be awarded to any prisoner who is serving a sentence
21 for conviction of first degree murder, reckless homicide
22 while under the influence of alcohol or any other drug, or
23 aggravated driving under the influence of alcohol, other
24 drug or drugs, or intoxicating compound or compounds, or
25 any combination thereof as defined in subparagraph (F) of
26 paragraph (1) of subsection (d) of Section 11-501 of the

1 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
2 predatory criminal sexual assault of a child, aggravated
3 criminal sexual assault, criminal sexual assault, deviate
4 sexual assault, aggravated criminal sexual abuse,
5 aggravated indecent liberties with a child, indecent
6 liberties with a child, child pornography, heinous
7 battery, aggravated battery of a spouse, aggravated
8 battery of a spouse with a firearm, stalking, aggravated
9 stalking, aggravated battery of a child, endangering the
10 life or health of a child, or cruelty to a child.
11 Notwithstanding the foregoing, good conduct credit for
12 meritorious service shall not be awarded on a sentence of
13 imprisonment imposed for conviction of: (i) one of the
14 offenses enumerated in subdivision (a)(2)(i), (ii), or
15 (iii) when the offense is committed on or after June 19,
16 1998 or subdivision (a)(2)(iv) when the offense is
17 committed on or after June 23, 2005 (the effective date of
18 Public Act 94-71) or subdivision (a)(2)(v) when the offense
19 is committed on or after August 13, 2007 (the effective
20 date of Public Act 95-134) ~~this amendatory Act of the 95th~~
21 ~~General Assembly~~ or subdivision (a)(2)(vi) ~~(v)~~ when the
22 offense is committed on or after June 1, 2008 (the
23 effective date of Public Act 95-625) ~~this amendatory Act of~~
24 ~~the 95th General Assembly~~, (ii) reckless homicide as
25 defined in subsection (e) of Section 9-3 of the Criminal
26 Code of 1961 when the offense is committed on or after

1 January 1, 1999, or aggravated driving under the influence
2 of alcohol, other drug or drugs, or intoxicating compound
3 or compounds, or any combination thereof as defined in
4 subparagraph (F) of paragraph (1) of subsection (d) of
5 Section 11-501 of the Illinois Vehicle Code, (iii) one of
6 the offenses enumerated in subdivision (a)(2.4) when the
7 offense is committed on or after July 15, 1999 (the
8 effective date of Public Act 91-121), or (iv) aggravated
9 arson when the offense is committed on or after July 27,
10 2001 (the effective date of Public Act 92-176).

11 (4) The rules and regulations shall also provide that
12 the good conduct credit accumulated and retained under
13 paragraph (2.1) of subsection (a) of this Section by any
14 inmate during specific periods of time in which such inmate
15 is engaged full-time in substance abuse programs,
16 correctional industry assignments, or educational programs
17 provided by the Department under this paragraph (4) and
18 satisfactorily completes the assigned program as
19 determined by the standards of the Department, shall be
20 multiplied by a factor of 1.25 for program participation
21 before August 11, 1993 and 1.50 for program participation
22 on or after that date. However, no inmate shall be eligible
23 for the additional good conduct credit under this paragraph
24 (4) or (4.1) of this subsection (a) while assigned to a
25 boot camp or electronic detention, or if convicted of an
26 offense enumerated in subdivision (a)(2)(i), (ii), or

1 (iii) of this Section that is committed on or after June
2 19, 1998 or subdivision (a)(2)(iv) of this Section that is
3 committed on or after June 23, 2005 (the effective date of
4 Public Act 94-71) or subdivision (a)(2)(v) of this Section
5 that is committed on or after August 13, 2007 (the
6 effective date of Public Act 95-134) ~~this amendatory Act of~~
7 ~~the 95th General Assembly~~ or subdivision (a)(2)(vi)(~~v~~)
8 when the offense is committed on or after June 1, 2008 (the
9 effective date of Public Act 95-625) ~~this amendatory Act of~~
10 ~~the 95th General Assembly~~, or if convicted of reckless
11 homicide as defined in subsection (e) of Section 9-3 of the
12 Criminal Code of 1961 if the offense is committed on or
13 after January 1, 1999, or aggravated driving under the
14 influence of alcohol, other drug or drugs, or intoxicating
15 compound or compounds, or any combination thereof as
16 defined in subparagraph (F) of paragraph (1) of subsection
17 (d) of Section 11-501 of the Illinois Vehicle Code, or if
18 convicted of an offense enumerated in paragraph (a)(2.4) of
19 this Section that is committed on or after July 15, 1999
20 (the effective date of Public Act 91-121), or first degree
21 murder, a Class X felony, criminal sexual assault, felony
22 criminal sexual abuse, aggravated criminal sexual abuse,
23 aggravated battery with a firearm, or any predecessor or
24 successor offenses with the same or substantially the same
25 elements, or any inchoate offenses relating to the
26 foregoing offenses. No inmate shall be eligible for the

1 additional good conduct credit under this paragraph (4) who
2 (i) has previously received increased good conduct credit
3 under this paragraph (4) and has subsequently been
4 convicted of a felony, or (ii) has previously served more
5 than one prior sentence of imprisonment for a felony in an
6 adult correctional facility.

7 Educational, vocational, substance abuse and
8 correctional industry programs under which good conduct
9 credit may be increased under this paragraph (4) and
10 paragraph (4.1) of this subsection (a) shall be evaluated
11 by the Department on the basis of documented standards. The
12 Department shall report the results of these evaluations to
13 the Governor and the General Assembly by September 30th of
14 each year. The reports shall include data relating to the
15 recidivism rate among program participants.

16 Availability of these programs shall be subject to the
17 limits of fiscal resources appropriated by the General
18 Assembly for these purposes. Eligible inmates who are
19 denied immediate admission shall be placed on a waiting
20 list under criteria established by the Department. The
21 inability of any inmate to become engaged in any such
22 programs by reason of insufficient program resources or for
23 any other reason established under the rules and
24 regulations of the Department shall not be deemed a cause
25 of action under which the Department or any employee or
26 agent of the Department shall be liable for damages to the

1 inmate.

2 (4.1) The rules and regulations shall also provide that
3 an additional 60 days of good conduct credit shall be
4 awarded to any prisoner who passes the high school level
5 Test of General Educational Development (GED) while the
6 prisoner is incarcerated. The good conduct credit awarded
7 under this paragraph (4.1) shall be in addition to, and
8 shall not affect, the award of good conduct under any other
9 paragraph of this Section, but shall also be pursuant to
10 the guidelines and restrictions set forth in paragraph (4)
11 of subsection (a) of this Section. The good conduct credit
12 provided for in this paragraph shall be available only to
13 those prisoners who have not previously earned a high
14 school diploma or a GED. If, after an award of the GED good
15 conduct credit has been made and the Department determines
16 that the prisoner was not eligible, then the award shall be
17 revoked.

18 (4.5) The rules and regulations on early release shall
19 also provide that when the court's sentencing order
20 recommends a prisoner for substance abuse treatment and the
21 crime was committed on or after September 1, 2003 (the
22 effective date of Public Act 93-354), the prisoner shall
23 receive no good conduct credit awarded under clause (3) of
24 this subsection (a) unless he or she participates in and
25 completes a substance abuse treatment program. The
26 Director may waive the requirement to participate in or

1 complete a substance abuse treatment program and award the
2 good conduct credit in specific instances if the prisoner
3 is not a good candidate for a substance abuse treatment
4 program for medical, programming, or operational reasons.
5 Availability of substance abuse treatment shall be subject
6 to the limits of fiscal resources appropriated by the
7 General Assembly for these purposes. If treatment is not
8 available and the requirement to participate and complete
9 the treatment has not been waived by the Director, the
10 prisoner shall be placed on a waiting list under criteria
11 established by the Department. The Director may allow a
12 prisoner placed on a waiting list to participate in and
13 complete a substance abuse education class or attend
14 substance abuse self-help meetings in lieu of a substance
15 abuse treatment program. A prisoner on a waiting list who
16 is not placed in a substance abuse program prior to release
17 may be eligible for a waiver and receive good conduct
18 credit under clause (3) of this subsection (a) at the
19 discretion of the Director.

20 (4.6) The rules and regulations on early release shall
21 also provide that a prisoner who has been convicted of a
22 sex offense as defined in Section 2 of the Sex Offender
23 Registration Act shall receive no good conduct credit
24 unless he or she either has successfully completed or is
25 participating in sex offender treatment as defined by the
26 Sex Offender Management Board. However, prisoners who are

1 waiting to receive such treatment, but who are unable to do
2 so due solely to the lack of resources on the part of the
3 Department, may, at the Director's sole discretion, be
4 awarded good conduct credit at such rate as the Director
5 shall determine.

6 (5) Whenever the Department is to release any inmate
7 earlier than it otherwise would because of a grant of good
8 conduct credit for meritorious service given at any time
9 during the term, the Department shall give reasonable
10 advance notice of the impending release to the State's
11 Attorney of the county where the prosecution of the inmate
12 took place.

13 (b) Whenever a person is or has been committed under
14 several convictions, with separate sentences, the sentences
15 shall be construed under Section 5-8-4 in granting and
16 forfeiting of good time.

17 (c) The Department shall prescribe rules and regulations
18 for revoking good conduct credit, or suspending or reducing the
19 rate of accumulation of good conduct credit for specific rule
20 violations, during imprisonment. These rules and regulations
21 shall provide that no inmate may be penalized more than one
22 year of good conduct credit for any one infraction.

23 When the Department seeks to revoke, suspend or reduce the
24 rate of accumulation of any good conduct credits for an alleged
25 infraction of its rules, it shall bring charges therefor
26 against the prisoner sought to be so deprived of good conduct

1 credits before the Prisoner Review Board as provided in
2 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
3 amount of credit at issue exceeds 30 days or when during any 12
4 month period, the cumulative amount of credit revoked exceeds
5 30 days except where the infraction is committed or discovered
6 within 60 days of scheduled release. In those cases, the
7 Department of Corrections may revoke up to 30 days of good
8 conduct credit. The Board may subsequently approve the
9 revocation of additional good conduct credit, if the Department
10 seeks to revoke good conduct credit in excess of 30 days.
11 However, the Board shall not be empowered to review the
12 Department's decision with respect to the loss of 30 days of
13 good conduct credit within any calendar year for any prisoner
14 or to increase any penalty beyond the length requested by the
15 Department.

16 The Director of the Department of Corrections, in
17 appropriate cases, may restore up to 30 days good conduct
18 credits which have been revoked, suspended or reduced. Any
19 restoration of good conduct credits in excess of 30 days shall
20 be subject to review by the Prisoner Review Board. However, the
21 Board may not restore good conduct credit in excess of the
22 amount requested by the Director.

23 Nothing contained in this Section shall prohibit the
24 Prisoner Review Board from ordering, pursuant to Section
25 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
26 sentence imposed by the court that was not served due to the

1 accumulation of good conduct credit.

2 (d) If a lawsuit is filed by a prisoner in an Illinois or
3 federal court against the State, the Department of Corrections,
4 or the Prisoner Review Board, or against any of their officers
5 or employees, and the court makes a specific finding that a
6 pleading, motion, or other paper filed by the prisoner is
7 frivolous, the Department of Corrections shall conduct a
8 hearing to revoke up to 180 days of good conduct credit by
9 bringing charges against the prisoner sought to be deprived of
10 the good conduct credits before the Prisoner Review Board as
11 provided in subparagraph (a) (8) of Section 3-3-2 of this Code.
12 If the prisoner has not accumulated 180 days of good conduct
13 credit at the time of the finding, then the Prisoner Review
14 Board may revoke all good conduct credit accumulated by the
15 prisoner.

16 For purposes of this subsection (d):

17 (1) "Frivolous" means that a pleading, motion, or other
18 filing which purports to be a legal document filed by a
19 prisoner in his or her lawsuit meets any or all of the
20 following criteria:

21 (A) it lacks an arguable basis either in law or in
22 fact;

23 (B) it is being presented for any improper purpose,
24 such as to harass or to cause unnecessary delay or
25 needless increase in the cost of litigation;

26 (C) the claims, defenses, and other legal

1 contentions therein are not warranted by existing law
2 or by a nonfrivolous argument for the extension,
3 modification, or reversal of existing law or the
4 establishment of new law;

5 (D) the allegations and other factual contentions
6 do not have evidentiary support or, if specifically so
7 identified, are not likely to have evidentiary support
8 after a reasonable opportunity for further
9 investigation or discovery; or

10 (E) the denials of factual contentions are not
11 warranted on the evidence, or if specifically so
12 identified, are not reasonably based on a lack of
13 information or belief.

14 (2) "Lawsuit" means a motion pursuant to Section 116-3
15 of the Code of Criminal Procedure of 1963, a habeas corpus
16 action under Article X of the Code of Civil Procedure or
17 under federal law (28 U.S.C. 2254), a petition for claim
18 under the Court of Claims Act, an action under the federal
19 Civil Rights Act (42 U.S.C. 1983), or a second or
20 subsequent petition for post-conviction relief under
21 Article 122 of the Code of Criminal Procedure of 1963
22 whether filed with or without leave of court or a second or
23 subsequent petition for relief from judgment under Section
24 2-1401 of the Code of Civil Procedure.

25 (e) Nothing in Public Act 90-592 or 90-593 affects the
26 validity of Public Act 89-404.

1 (Source: P.A. 94-71, eff. 6-23-05; 94-128, eff. 7-7-05; 94-156,
2 eff. 7-8-05; 94-398, eff. 8-2-05; 94-491, eff. 8-8-05; 94-744,
3 eff. 5-8-06; 95-134, eff. 8-13-07; 95-585, eff. 6-1-08; 95-625,
4 eff. 6-1-08; 95-640, eff. 6-1-08; revised 11-19-07.)

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

6 (Text of Section before amendment by P.A. 95-579)

7 Sec. 5-5-3. Disposition.

8 (a) Except as provided in Section 11-501 of the Illinois
9 Vehicle Code, every person convicted of an offense shall be
10 sentenced as provided in this Section.

11 (b) The following options shall be appropriate
12 dispositions, alone or in combination, for all felonies and
13 misdemeanors other than those identified in subsection (c) of
14 this Section:

15 (1) A period of probation.

16 (2) A term of periodic imprisonment.

17 (3) A term of conditional discharge.

18 (4) A term of imprisonment.

19 (5) An order directing the offender to clean up and
20 repair the damage, if the offender was convicted under
21 paragraph (h) of Section 21-1 of the Criminal Code of 1961
22 (now repealed).

23 (6) A fine.

24 (7) An order directing the offender to make restitution
25 to the victim under Section 5-5-6 of this Code.

1 (8) A sentence of participation in a county impact
2 incarceration program under Section 5-8-1.2 of this Code.

3 (9) A term of imprisonment in combination with a term
4 of probation when the offender has been admitted into a
5 drug court program under Section 20 of the Drug Court
6 Treatment Act.

7 Neither a fine nor restitution shall be the sole
8 disposition for a felony and either or both may be imposed only
9 in conjunction with another disposition.

10 (c) (1) When a defendant is found guilty of first degree
11 murder the State may either seek a sentence of imprisonment
12 under Section 5-8-1 of this Code, or where appropriate seek
13 a sentence of death under Section 9-1 of the Criminal Code
14 of 1961.

15 (2) A period of probation, a term of periodic
16 imprisonment or conditional discharge shall not be imposed
17 for the following offenses. The court shall sentence the
18 offender to not less than the minimum term of imprisonment
19 set forth in this Code for the following offenses, and may
20 order a fine or restitution or both in conjunction with
21 such term of imprisonment:

22 (A) First degree murder where the death penalty is
23 not imposed.

24 (B) Attempted first degree murder.

25 (C) A Class X felony.

26 (D) A violation of Section 401.1 or 407 of the

1 Illinois Controlled Substances Act, or a violation of
2 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401
3 of that Act which relates to more than 5 grams of a
4 substance containing heroin, cocaine, fentanyl, or an
5 analog thereof.

6 (E) A violation of Section 5.1 or 9 of the Cannabis
7 Control Act.

8 (F) A Class 2 or greater felony if the offender had
9 been convicted of a Class 2 or greater felony within 10
10 years of the date on which the offender committed the
11 offense for which he or she is being sentenced, except
12 as otherwise provided in Section 40-10 of the
13 Alcoholism and Other Drug Abuse and Dependency Act.

14 (F-5) A violation of Section 24-1, 24-1.1, or
15 24-1.6 of the Criminal Code of 1961 for which
16 imprisonment is prescribed in those Sections.

17 (G) Residential burglary, except as otherwise
18 provided in Section 40-10 of the Alcoholism and Other
19 Drug Abuse and Dependency Act.

20 (H) Criminal sexual assault.

21 (I) Aggravated battery of a senior citizen.

22 (J) A forcible felony if the offense was related to
23 the activities of an organized gang.

24 Before July 1, 1994, for the purposes of this
25 paragraph, "organized gang" means an association of 5
26 or more persons, with an established hierarchy, that

1 encourages members of the association to perpetrate
2 crimes or provides support to the members of the
3 association who do commit crimes.

4 Beginning July 1, 1994, for the purposes of this
5 paragraph, "organized gang" has the meaning ascribed
6 to it in Section 10 of the Illinois Streetgang
7 Terrorism Omnibus Prevention Act.

8 (K) Vehicular hijacking.

9 (L) A second or subsequent conviction for the
10 offense of hate crime when the underlying offense upon
11 which the hate crime is based is felony aggravated
12 assault or felony mob action.

13 (M) A second or subsequent conviction for the
14 offense of institutional vandalism if the damage to the
15 property exceeds \$300.

16 (N) A Class 3 felony violation of paragraph (1) of
17 subsection (a) of Section 2 of the Firearm Owners
18 Identification Card Act.

19 (O) A violation of Section 12-6.1 of the Criminal
20 Code of 1961.

21 (P) A violation of paragraph (1), (2), (3), (4),
22 (5), or (7) of subsection (a) of Section 11-20.1 of the
23 Criminal Code of 1961.

24 (Q) A violation of Section 20-1.2 or 20-1.3 of the
25 Criminal Code of 1961.

26 (R) A violation of Section 24-3A of the Criminal

1 Code of 1961.

2 (S) (Blank).

3 (T) A second or subsequent violation of the
4 Methamphetamine Control and Community Protection Act.

5 (U) A second or subsequent violation of Section
6 6-303 of the Illinois Vehicle Code committed while his
7 or her driver's license, permit, or privilege was
8 revoked because of a violation of Section 9-3 of the
9 Criminal Code of 1961, relating to the offense of
10 reckless homicide, or a similar provision of a law of
11 another state.

12 (3) (Blank).

13 (4) A minimum term of imprisonment of not less than 10
14 consecutive days or 30 days of community service shall be
15 imposed for a violation of paragraph (c) of Section 6-303
16 of the Illinois Vehicle Code.

17 (4.1) (Blank).

18 (4.2) Except as provided in paragraphs (4.3) and (4.8)
19 of this subsection (c), a minimum of 100 hours of community
20 service shall be imposed for a second violation of Section
21 6-303 of the Illinois Vehicle Code.

22 (4.3) A minimum term of imprisonment of 30 days or 300
23 hours of community service, as determined by the court,
24 shall be imposed for a second violation of subsection (c)
25 of Section 6-303 of the Illinois Vehicle Code.

26 (4.4) Except as provided in paragraphs (4.5), (4.6),

1 and (4.9) of this subsection (c), a minimum term of
2 imprisonment of 30 days or 300 hours of community service,
3 as determined by the court, shall be imposed for a third or
4 subsequent violation of Section 6-303 of the Illinois
5 Vehicle Code.

6 (4.5) A minimum term of imprisonment of 30 days shall
7 be imposed for a third violation of subsection (c) of
8 Section 6-303 of the Illinois Vehicle Code.

9 (4.6) Except as provided in paragraph (4.10) of this
10 subsection (c), a minimum term of imprisonment of 180 days
11 shall be imposed for a fourth or subsequent violation of
12 subsection (c) of Section 6-303 of the Illinois Vehicle
13 Code.

14 (4.7) A minimum term of imprisonment of not less than
15 30 consecutive days, or 300 hours of community service,
16 shall be imposed for a violation of subsection (a-5) of
17 Section 6-303 of the Illinois Vehicle Code, as provided in
18 subsection (b-5) of that Section.

19 (4.8) A mandatory prison sentence shall be imposed for
20 a second violation of subsection (a-5) of Section 6-303 of
21 the Illinois Vehicle Code, as provided in subsection (c-5)
22 of that Section. The person's driving privileges shall be
23 revoked for a period of not less than 5 years from the date
24 of his or her release from prison.

25 (4.9) A mandatory prison sentence of not less than 4
26 and not more than 15 years shall be imposed for a third

1 violation of subsection (a-5) of Section 6-303 of the
2 Illinois Vehicle Code, as provided in subsection (d-2.5) of
3 that Section. The person's driving privileges shall be
4 revoked for the remainder of his or her life.

5 (4.10) A mandatory prison sentence for a Class 1 felony
6 shall be imposed, and the person shall be eligible for an
7 extended term sentence, for a fourth or subsequent
8 violation of subsection (a-5) of Section 6-303 of the
9 Illinois Vehicle Code, as provided in subsection (d-3.5) of
10 that Section. The person's driving privileges shall be
11 revoked for the remainder of his or her life.

12 (5) The court may sentence an offender convicted of a
13 business offense or a petty offense or a corporation or
14 unincorporated association convicted of any offense to:

15 (A) a period of conditional discharge;

16 (B) a fine;

17 (C) make restitution to the victim under Section
18 5-5-6 of this Code.

19 (5.1) In addition to any penalties imposed under
20 paragraph (5) of this subsection (c), and except as
21 provided in paragraph (5.2) or (5.3), a person convicted of
22 violating subsection (c) of Section 11-907 of the Illinois
23 Vehicle Code shall have his or her driver's license,
24 permit, or privileges suspended for at least 90 days but
25 not more than one year, if the violation resulted in damage
26 to the property of another person.

1 (5.2) In addition to any penalties imposed under
2 paragraph (5) of this subsection (c), and except as
3 provided in paragraph (5.3), a person convicted of
4 violating subsection (c) of Section 11-907 of the Illinois
5 Vehicle Code shall have his or her driver's license,
6 permit, or privileges suspended for at least 180 days but
7 not more than 2 years, if the violation resulted in injury
8 to another person.

9 (5.3) In addition to any penalties imposed under
10 paragraph (5) of this subsection (c), 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,
13 permit, or privileges suspended for 2 years, if the
14 violation resulted in the death of another person.

15 (5.4) In addition to any penalties imposed under
16 paragraph (5) of this subsection (c), a person convicted of
17 violating Section 3-707 of the Illinois Vehicle Code shall
18 have his or her driver's license, permit, or privileges
19 suspended for 3 months and until he or she has paid a
20 reinstatement fee of \$100.

21 (5.5) In addition to any penalties imposed under
22 paragraph (5) of this subsection (c), a person convicted of
23 violating Section 3-707 of the Illinois Vehicle Code during
24 a period in which his or her driver's license, permit, or
25 privileges were suspended for a previous violation of that
26 Section shall have his or her driver's license, permit, or

1 privileges suspended for an additional 6 months after the
2 expiration of the original 3-month suspension and until he
3 or she has paid a reinstatement fee of \$100.

4 (6) In no case shall an offender be eligible for a
5 disposition of probation or conditional discharge for a
6 Class 1 felony committed while he was serving a term of
7 probation or conditional discharge for a felony.

8 (7) When a defendant is adjudged a habitual criminal
9 under Article 33B of the Criminal Code of 1961, the court
10 shall sentence the defendant to a term of natural life
11 imprisonment.

12 (8) When a defendant, over the age of 21 years, is
13 convicted of a Class 1 or Class 2 felony, after having
14 twice been convicted in any state or federal court of an
15 offense that contains the same elements as an offense now
16 classified in Illinois as a Class 2 or greater Class felony
17 and such charges are separately brought and tried and arise
18 out of different series of acts, such defendant shall be
19 sentenced as a Class X offender. This paragraph shall not
20 apply unless (1) the first felony was committed after the
21 effective date of this amendatory Act of 1977; and (2) the
22 second felony was committed after conviction on the first;
23 and (3) the third felony was committed after conviction on
24 the second. A person sentenced as a Class X offender under
25 this paragraph is not eligible to apply for treatment as a
26 condition of probation as provided by Section 40-10 of the

1 Alcoholism and Other Drug Abuse and Dependency Act.

2 (9) A defendant convicted of a second or subsequent
3 offense of ritualized abuse of a child may be sentenced to
4 a term of natural life imprisonment.

5 (10) (Blank).

6 (11) The court shall impose a minimum fine of \$1,000
7 for a first offense and \$2,000 for a second or subsequent
8 offense upon a person convicted of or placed on supervision
9 for battery when the individual harmed was a sports
10 official or coach at any level of competition and the act
11 causing harm to the sports official or coach occurred
12 within an athletic facility or within the immediate
13 vicinity of the athletic facility at which the sports
14 official or coach was an active participant of the athletic
15 contest held at the athletic facility. For the purposes of
16 this paragraph (11), "sports official" means a person at an
17 athletic contest who enforces the rules of the contest,
18 such as an umpire or referee; "athletic facility" means an
19 indoor or outdoor playing field or recreational area where
20 sports activities are conducted; and "coach" means a person
21 recognized as a coach by the sanctioning authority that
22 conducted the sporting event.

23 (12) A person may not receive a disposition of court
24 supervision for a violation of Section 5-16 of the Boat
25 Registration and Safety Act if that person has previously
26 received a disposition of court supervision for a violation

1 of that Section.

2 (13) A person convicted of or placed on court
3 supervision for an assault or aggravated assault when the
4 victim and the offender are family or household members as
5 defined in Section 103 of the Illinois Domestic Violence
6 Act of 1986 or convicted of domestic battery or aggravated
7 domestic battery may be required to attend a Partner Abuse
8 Intervention Program under protocols set forth by the
9 Illinois Department of Human Services under such terms and
10 conditions imposed by the court. The costs of such classes
11 shall be paid by the offender.

12 (d) In any case in which a sentence originally imposed is
13 vacated, the case shall be remanded to the trial court. The
14 trial court shall hold a hearing under Section 5-4-1 of the
15 Unified Code of Corrections which may include evidence of the
16 defendant's life, moral character and occupation during the
17 time since the original sentence was passed. The trial court
18 shall then impose sentence upon the defendant. The trial court
19 may impose any sentence which could have been imposed at the
20 original trial subject to Section 5-5-4 of the Unified Code of
21 Corrections. If a sentence is vacated on appeal or on
22 collateral attack due to the failure of the trier of fact at
23 trial to determine beyond a reasonable doubt the existence of a
24 fact (other than a prior conviction) necessary to increase the
25 punishment for the offense beyond the statutory maximum
26 otherwise applicable, either the defendant may be re-sentenced

1 to a term within the range otherwise provided or, if the State
2 files notice of its intention to again seek the extended
3 sentence, the defendant shall be afforded a new trial.

4 (e) In cases where prosecution for aggravated criminal
5 sexual abuse under Section 12-16 of the Criminal Code of 1961
6 results in conviction of a defendant who was a family member of
7 the victim at the time of the commission of the offense, the
8 court shall consider the safety and welfare of the victim and
9 may impose a sentence of probation only where:

10 (1) the court finds (A) or (B) or both are appropriate:

11 (A) the defendant is willing to undergo a court
12 approved counseling program for a minimum duration of 2
13 years; or

14 (B) the defendant is willing to participate in a
15 court approved plan including but not limited to the
16 defendant's:

17 (i) removal from the household;

18 (ii) restricted contact with the victim;

19 (iii) continued financial support of the
20 family;

21 (iv) restitution for harm done to the victim;

22 and

23 (v) compliance with any other measures that
24 the court may deem appropriate; and

25 (2) the court orders the defendant to pay for the
26 victim's counseling services, to the extent that the court

1 finds, after considering the defendant's income and
2 assets, that the defendant is financially capable of paying
3 for such services, if the victim was under 18 years of age
4 at the time the offense was committed and requires
5 counseling as a result of the offense.

6 Probation may be revoked or modified pursuant to Section
7 5-6-4; except where the court determines at the hearing that
8 the defendant violated a condition of his or her probation
9 restricting contact with the victim or other family members or
10 commits another offense with the victim or other family
11 members, the court shall revoke the defendant's probation and
12 impose a term of imprisonment.

13 For the purposes of this Section, "family member" and
14 "victim" shall have the meanings ascribed to them in Section
15 12-12 of the Criminal Code of 1961.

16 (f) This Article shall not deprive a court in other
17 proceedings to order a forfeiture of property, to suspend or
18 cancel a license, to remove a person from office, or to impose
19 any other civil penalty.

20 (g) Whenever a defendant is convicted of an offense under
21 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
22 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
23 of the Criminal Code of 1961, the defendant shall undergo
24 medical testing to determine whether the defendant has any
25 sexually transmissible disease, including a test for infection
26 with human immunodeficiency virus (HIV) or any other identified

1 causative agent of acquired immunodeficiency syndrome (AIDS).
2 Any such medical test shall be performed only by appropriately
3 licensed medical practitioners and may include an analysis of
4 any bodily fluids as well as an examination of the defendant's
5 person. Except as otherwise provided by law, the results of
6 such test shall be kept strictly confidential by all medical
7 personnel involved in the testing and must be personally
8 delivered in a sealed envelope to the judge of the court in
9 which the conviction was entered for the judge's inspection in
10 camera. Acting in accordance with the best interests of the
11 victim and the public, the judge shall have the discretion to
12 determine to whom, if anyone, the results of the testing may be
13 revealed. The court shall notify the defendant of the test
14 results. The court shall also notify the victim if requested by
15 the victim, and if the victim is under the age of 15 and if
16 requested by the victim's parents or legal guardian, the court
17 shall notify the victim's parents or legal guardian of the test
18 results. The court shall provide information on the
19 availability of HIV testing and counseling at Department of
20 Public Health facilities to all parties to whom the results of
21 the testing are revealed and shall direct the State's Attorney
22 to provide the information to the victim when possible. A
23 State's Attorney may petition the court to obtain the results
24 of any HIV test administered under this Section, and the court
25 shall grant the disclosure if the State's Attorney shows it is
26 relevant in order to prosecute a charge of criminal

1 transmission of HIV under Section 12-16.2 of the Criminal Code
2 of 1961 against the defendant. The court shall order that the
3 cost of any such test shall be paid by the county and may be
4 taxed as costs against the convicted defendant.

5 (g-5) When an inmate is tested for an airborne communicable
6 disease, as determined by the Illinois Department of Public
7 Health including but not limited to tuberculosis, the results
8 of the test shall be personally delivered by the warden or his
9 or her designee in a sealed envelope to the judge of the court
10 in which the inmate must appear for the judge's inspection in
11 camera if requested by the judge. Acting in accordance with the
12 best interests of those in the courtroom, the judge shall have
13 the discretion to determine what if any precautions need to be
14 taken to prevent transmission of the disease in the courtroom.

15 (h) Whenever a defendant is convicted of an offense under
16 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
17 defendant shall undergo medical testing to determine whether
18 the defendant has been exposed to human immunodeficiency virus
19 (HIV) or any other identified causative agent of acquired
20 immunodeficiency syndrome (AIDS). Except as otherwise provided
21 by law, the results of such test shall be kept strictly
22 confidential by all medical personnel involved in the testing
23 and must be personally delivered in a sealed envelope to the
24 judge of the court in which the conviction was entered for the
25 judge's inspection in camera. Acting in accordance with the
26 best interests of the public, the judge shall have the

1 discretion to determine to whom, if anyone, the results of the
2 testing may be revealed. The court shall notify the defendant
3 of a positive test showing an infection with the human
4 immunodeficiency virus (HIV). The court shall provide
5 information on the availability of HIV testing and counseling
6 at Department of Public Health facilities to all parties to
7 whom the results of the testing are revealed and shall direct
8 the State's Attorney to provide the information to the victim
9 when possible. A State's Attorney may petition the court to
10 obtain the results of any HIV test administered under this
11 Section, and the court shall grant the disclosure if the
12 State's Attorney shows it is relevant in order to prosecute a
13 charge of criminal transmission of HIV under Section 12-16.2 of
14 the Criminal Code of 1961 against the defendant. The court
15 shall order that the cost of any such test shall be paid by the
16 county and may be taxed as costs against the convicted
17 defendant.

18 (i) All fines and penalties imposed under this Section for
19 any violation of Chapters 3, 4, 6, and 11 of the Illinois
20 Vehicle Code, or a similar provision of a local ordinance, and
21 any violation of the Child Passenger Protection Act, or a
22 similar provision of a local ordinance, shall be collected and
23 disbursed by the circuit clerk as provided under Section 27.5
24 of the Clerks of Courts Act.

25 (j) In cases when prosecution for any violation of Section
26 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,

1 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
2 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
3 Code of 1961, any violation of the Illinois Controlled
4 Substances Act, any violation of the Cannabis Control Act, or
5 any violation of the Methamphetamine Control and Community
6 Protection Act results in conviction, a disposition of court
7 supervision, or an order of probation granted under Section 10
8 of the Cannabis Control Act, Section 410 of the Illinois
9 Controlled Substance Act, or Section 70 of the Methamphetamine
10 Control and Community Protection Act of a defendant, the court
11 shall determine whether the defendant is employed by a facility
12 or center as defined under the Child Care Act of 1969, a public
13 or private elementary or secondary school, or otherwise works
14 with children under 18 years of age on a daily basis. When a
15 defendant is so employed, the court shall order the Clerk of
16 the Court to send a copy of the judgment of conviction or order
17 of supervision or probation to the defendant's employer by
18 certified mail. If the employer of the defendant is a school,
19 the Clerk of the Court shall direct the mailing of a copy of
20 the judgment of conviction or order of supervision or probation
21 to the appropriate regional superintendent of schools. The
22 regional superintendent of schools shall notify the State Board
23 of Education of any notification under this subsection.

24 (j-5) A defendant at least 17 years of age who is convicted
25 of a felony and who has not been previously convicted of a
26 misdemeanor or felony and who is sentenced to a term of

1 imprisonment in the Illinois Department of Corrections shall as
2 a condition of his or her sentence be required by the court to
3 attend educational courses designed to prepare the defendant
4 for a high school diploma and to work toward a high school
5 diploma or to work toward passing the high school level Test of
6 General Educational Development (GED) or to work toward
7 completing a vocational training program offered by the
8 Department of Corrections. If a defendant fails to complete the
9 educational training required by his or her sentence during the
10 term of incarceration, the Prisoner Review Board shall, as a
11 condition of mandatory supervised release, require the
12 defendant, at his or her own expense, to pursue a course of
13 study toward a high school diploma or passage of the GED test.
14 The Prisoner Review Board shall revoke the mandatory supervised
15 release of a defendant who wilfully fails to comply with this
16 subsection (j-5) upon his or her release from confinement in a
17 penal institution while serving a mandatory supervised release
18 term; however, the inability of the defendant after making a
19 good faith effort to obtain financial aid or pay for the
20 educational training shall not be deemed a wilful failure to
21 comply. The Prisoner Review Board shall recommit the defendant
22 whose mandatory supervised release term has been revoked under
23 this subsection (j-5) as provided in Section 3-3-9. This
24 subsection (j-5) does not apply to a defendant who has a high
25 school diploma or has successfully passed the GED test. This
26 subsection (j-5) does not apply to a defendant who is

1 determined by the court to be developmentally disabled or
2 otherwise mentally incapable of completing the educational or
3 vocational program.

4 (k) A court may not impose a sentence or disposition for a
5 felony or misdemeanor that requires the defendant to be
6 implanted or injected with or to use any form of birth control.

7 (l) (A) Except as provided in paragraph (C) of subsection
8 (l), whenever a defendant, who is an alien as defined by
9 the Immigration and Nationality Act, is convicted of any
10 felony or misdemeanor offense, the court after sentencing
11 the defendant may, upon motion of the State's Attorney,
12 hold sentence in abeyance and remand the defendant to the
13 custody of the Attorney General of the United States or his
14 or her designated agent to be deported when:

15 (1) a final order of deportation has been issued
16 against the defendant pursuant to proceedings under
17 the Immigration and Nationality Act, and

18 (2) the deportation of the defendant would not
19 deprecate the seriousness of the defendant's conduct
20 and would not be inconsistent with the ends of justice.

21 Otherwise, the defendant shall be sentenced as
22 provided in this Chapter V.

23 (B) If the defendant has already been sentenced for a
24 felony or misdemeanor offense, or has been placed on
25 probation under Section 10 of the Cannabis Control Act,
26 Section 410 of the Illinois Controlled Substances Act, or

1 Section 70 of the Methamphetamine Control and Community
2 Protection Act, the court may, upon motion of the State's
3 Attorney to suspend the sentence imposed, commit the
4 defendant to the custody of the Attorney General of the
5 United States or his or her designated agent when:

6 (1) a final order of deportation has been issued
7 against the defendant pursuant to proceedings under
8 the Immigration and Nationality Act, and

9 (2) the deportation of the defendant would not
10 deprecate the seriousness of the defendant's conduct
11 and would not be inconsistent with the ends of justice.

12 (C) This subsection (1) does not apply to offenders who
13 are subject to the provisions of paragraph (2) of
14 subsection (a) of Section 3-6-3.

15 (D) Upon motion of the State's Attorney, if a defendant
16 sentenced under this Section returns to the jurisdiction of
17 the United States, the defendant shall be recommitted to
18 the custody of the county from which he or she was
19 sentenced. Thereafter, the defendant shall be brought
20 before the sentencing court, which may impose any sentence
21 that was available under Section 5-5-3 at the time of
22 initial sentencing. In addition, the defendant shall not be
23 eligible for additional good conduct credit for
24 meritorious service as provided under Section 3-6-6.

25 (m) A person convicted of criminal defacement of property
26 under Section 21-1.3 of the Criminal Code of 1961, in which the

1 property damage exceeds \$300 and the property damaged is a
2 school building, shall be ordered to perform community service
3 that may include cleanup, removal, or painting over the
4 defacement.

5 (n) The court may sentence a person convicted of a
6 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal
7 Code of 1961 (i) to an impact incarceration program if the
8 person is otherwise eligible for that program under Section
9 5-8-1.1, (ii) to community service, or (iii) if the person is
10 an addict or alcoholic, as defined in the Alcoholism and Other
11 Drug Abuse and Dependency Act, to a substance or alcohol abuse
12 program licensed under that Act.

13 (o) Whenever a person is convicted of a sex offense as
14 defined in Section 2 of the Sex Offender Registration Act, the
15 defendant's driver's license or permit shall be subject to
16 renewal on an annual basis in accordance with the provisions of
17 license renewal established by the Secretary of State.

18 (Source: P.A. 94-72, eff. 1-1-06; 94-556, eff. 9-11-05; 94-993,
19 eff. 1-1-07; 94-1035, eff. 7-1-07; 95-188, eff. 8-16-07;
20 95-259, eff 8-17-07; 95-331, eff. 8-21-07; 95-377, eff. 1-1-08;
21 revised 11-19-07.)

22 (Text of Section after amendment by P.A. 95-579)

23 Sec. 5-5-3. Disposition.

24 (a) Except as provided in Section 11-501 of the Illinois
25 Vehicle Code, every person convicted of an offense shall be

1 sentenced as provided in this Section.

2 (b) The following options shall be appropriate
3 dispositions, alone or in combination, for all felonies and
4 misdemeanors other than those identified in subsection (c) of
5 this Section:

6 (1) A period of probation.

7 (2) A term of periodic imprisonment.

8 (3) A term of conditional discharge.

9 (4) A term of imprisonment.

10 (5) An order directing the offender to clean up and
11 repair the damage, if the offender was convicted under
12 paragraph (h) of Section 21-1 of the Criminal Code of 1961
13 (now repealed).

14 (6) A fine.

15 (7) An order directing the offender to make restitution
16 to the victim under Section 5-5-6 of this Code.

17 (8) A sentence of participation in a county impact
18 incarceration program under Section 5-8-1.2 of this Code.

19 (9) A term of imprisonment in combination with a term
20 of probation when the offender has been admitted into a
21 drug court program under Section 20 of the Drug Court
22 Treatment Act.

23 Neither a fine nor restitution shall be the sole
24 disposition for a felony and either or both may be imposed only
25 in conjunction with another disposition.

26 (c) (1) When a defendant is found guilty of first degree

1 murder the State may either seek a sentence of imprisonment
2 under Section 5-8-1 of this Code, or where appropriate seek
3 a sentence of death under Section 9-1 of the Criminal Code
4 of 1961.

5 (2) A period of probation, a term of periodic
6 imprisonment or conditional discharge shall not be imposed
7 for the following offenses. The court shall sentence the
8 offender to not less than the minimum term of imprisonment
9 set forth in this Code for the following offenses, and may
10 order a fine or restitution or both in conjunction with
11 such term of imprisonment:

12 (A) First degree murder where the death penalty is
13 not imposed.

14 (B) Attempted first degree murder.

15 (C) A Class X felony.

16 (D) A violation of Section 401.1 or 407 of the
17 Illinois Controlled Substances Act, or a violation of
18 subdivision (c)(1), (c)(1.5), or (c)(2) of Section 401
19 of that Act which relates to more than 5 grams of a
20 substance containing heroin, cocaine, fentanyl, or an
21 analog thereof.

22 (E) A violation of Section 5.1 or 9 of the Cannabis
23 Control Act.

24 (F) A Class 2 or greater felony if the offender had
25 been convicted of a Class 2 or greater felony within 10
26 years of the date on which the offender committed the

1 offense for which he or she is being sentenced, except
2 as otherwise provided in Section 40-10 of the
3 Alcoholism and Other Drug Abuse and Dependency Act.

4 (F-5) A violation of Section 24-1, 24-1.1, or
5 24-1.6 of the Criminal Code of 1961 for which
6 imprisonment is prescribed in those Sections.

7 (G) Residential burglary, except as otherwise
8 provided in Section 40-10 of the Alcoholism and Other
9 Drug Abuse and Dependency Act.

10 (H) Criminal sexual assault.

11 (I) Aggravated battery of a senior citizen.

12 (J) A forcible felony if the offense was related to
13 the activities of an organized gang.

14 Before July 1, 1994, for the purposes of this
15 paragraph, "organized gang" means an association of 5
16 or more persons, with an established hierarchy, that
17 encourages members of the association to perpetrate
18 crimes or provides support to the members of the
19 association who do commit crimes.

20 Beginning July 1, 1994, for the purposes of this
21 paragraph, "organized gang" has the meaning ascribed
22 to it in Section 10 of the Illinois Streetgang
23 Terrorism Omnibus Prevention Act.

24 (K) Vehicular hijacking.

25 (L) A second or subsequent conviction for the
26 offense of hate crime when the underlying offense upon

1 which the hate crime is based is felony aggravated
2 assault or felony mob action.

3 (M) A second or subsequent conviction for the
4 offense of institutional vandalism if the damage to the
5 property exceeds \$300.

6 (N) A Class 3 felony violation of paragraph (1) of
7 subsection (a) of Section 2 of the Firearm Owners
8 Identification Card Act.

9 (O) A violation of Section 12-6.1 of the Criminal
10 Code of 1961.

11 (P) A violation of paragraph (1), (2), (3), (4),
12 (5), or (7) of subsection (a) of Section 11-20.1 of the
13 Criminal Code of 1961.

14 (Q) A violation of Section 20-1.2 or 20-1.3 of the
15 Criminal Code of 1961.

16 (R) A violation of Section 24-3A of the Criminal
17 Code of 1961.

18 (S) (Blank).

19 (T) A second or subsequent violation of the
20 Methamphetamine Control and Community Protection Act.

21 (U) A second or subsequent violation of Section
22 6-303 of the Illinois Vehicle Code committed while his
23 or her driver's license, permit, or privilege was
24 revoked because of a violation of Section 9-3 of the
25 Criminal Code of 1961, relating to the offense of
26 reckless homicide, or a similar provision of a law of

1 another state.

2 (V) ~~(U)~~ A violation of paragraph (4) of subsection
3 (c) of Section 11-20.3 of the Criminal Code of 1961.

4 (3) (Blank).

5 (4) A minimum term of imprisonment of not less than 10
6 consecutive days or 30 days of community service shall be
7 imposed for a violation of paragraph (c) of Section 6-303
8 of the Illinois Vehicle Code.

9 (4.1) (Blank).

10 (4.2) Except as provided in paragraphs (4.3) and (4.8)
11 of this subsection (c), a minimum of 100 hours of community
12 service shall be imposed for a second violation of Section
13 6-303 of the Illinois Vehicle Code.

14 (4.3) A minimum term of imprisonment of 30 days or 300
15 hours of community service, as determined by the court,
16 shall be imposed for a second violation of subsection (c)
17 of Section 6-303 of the Illinois Vehicle Code.

18 (4.4) Except as provided in paragraphs (4.5), (4.6),
19 and (4.9) of this subsection (c), a minimum term of
20 imprisonment of 30 days or 300 hours of community service,
21 as determined by the court, shall be imposed for a third or
22 subsequent violation of Section 6-303 of the Illinois
23 Vehicle Code.

24 (4.5) A minimum term of imprisonment of 30 days shall
25 be imposed for a third violation of subsection (c) of
26 Section 6-303 of the Illinois Vehicle Code.

1 (4.6) Except as provided in paragraph (4.10) of this
2 subsection (c), a minimum term of imprisonment of 180 days
3 shall be imposed for a fourth or subsequent violation of
4 subsection (c) of Section 6-303 of the Illinois Vehicle
5 Code.

6 (4.7) A minimum term of imprisonment of not less than
7 30 consecutive days, or 300 hours of community service,
8 shall be imposed for a violation of subsection (a-5) of
9 Section 6-303 of the Illinois Vehicle Code, as provided in
10 subsection (b-5) of that Section.

11 (4.8) A mandatory prison sentence shall be imposed for
12 a second violation of subsection (a-5) of Section 6-303 of
13 the Illinois Vehicle Code, as provided in subsection (c-5)
14 of that Section. The person's driving privileges shall be
15 revoked for a period of not less than 5 years from the date
16 of his or her release from prison.

17 (4.9) A mandatory prison sentence of not less than 4
18 and not more than 15 years shall be imposed for a third
19 violation of subsection (a-5) of Section 6-303 of the
20 Illinois Vehicle Code, as provided in subsection (d-2.5) of
21 that Section. The person's driving privileges shall be
22 revoked for the remainder 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
26 violation of subsection (a-5) of Section 6-303 of the

1 Illinois Vehicle Code, as provided in subsection (d-3.5) of
2 that Section. The person's driving privileges shall be
3 revoked for the remainder of his or her life.

4 (5) The court may sentence an offender convicted of a
5 business offense or a petty offense or a corporation or
6 unincorporated association convicted of any offense to:

7 (A) a period of conditional discharge;

8 (B) a fine;

9 (C) make restitution to the victim under Section
10 5-5-6 of this Code.

11 (5.1) In addition to any penalties imposed under
12 paragraph (5) of this subsection (c), and except as
13 provided in paragraph (5.2) or (5.3), a person convicted of
14 violating subsection (c) of Section 11-907 of the Illinois
15 Vehicle Code shall have his or her driver's license,
16 permit, or privileges suspended for at least 90 days but
17 not more than one year, if the violation resulted in damage
18 to the property of another person.

19 (5.2) In addition to any penalties imposed under
20 paragraph (5) of this subsection (c), and except as
21 provided in paragraph (5.3), a person convicted of
22 violating subsection (c) of Section 11-907 of the Illinois
23 Vehicle Code shall have his or her driver's license,
24 permit, or privileges suspended for at least 180 days but
25 not more than 2 years, if the violation resulted in injury
26 to another person.

1 (5.3) In addition to any penalties imposed under
2 paragraph (5) of this subsection (c), a person convicted of
3 violating subsection (c) of Section 11-907 of the Illinois
4 Vehicle Code shall have his or her driver's license,
5 permit, or privileges suspended for 2 years, if the
6 violation resulted in the death of another person.

7 (5.4) In addition to any penalties imposed under
8 paragraph (5) of this subsection (c), a person convicted of
9 violating Section 3-707 of the Illinois Vehicle Code shall
10 have his or her driver's license, permit, or privileges
11 suspended for 3 months and until he or she has paid a
12 reinstatement fee of \$100.

13 (5.5) In addition to any penalties imposed under
14 paragraph (5) of this subsection (c), a person convicted of
15 violating Section 3-707 of the Illinois Vehicle Code during
16 a period in which his or her driver's license, permit, or
17 privileges were suspended for a previous violation of that
18 Section shall have his or her driver's license, permit, or
19 privileges suspended for an additional 6 months after the
20 expiration of the original 3-month suspension and until he
21 or she has paid a reinstatement fee of \$100.

22 (6) In no case shall an offender be eligible for a
23 disposition of probation or conditional discharge for a
24 Class 1 felony committed while he was serving a term of
25 probation or conditional discharge for a felony.

26 (7) When a defendant is adjudged a habitual criminal

1 under Article 33B of the Criminal Code of 1961, the court
2 shall sentence the defendant to a term of natural life
3 imprisonment.

4 (8) When a defendant, over the age of 21 years, is
5 convicted of a Class 1 or Class 2 felony, after having
6 twice been convicted in any state or federal court of an
7 offense that contains the same elements as an offense now
8 classified in Illinois as a Class 2 or greater Class felony
9 and such charges are separately brought and tried and arise
10 out of different series of acts, such defendant shall be
11 sentenced as a Class X offender. This paragraph shall not
12 apply unless (1) the first felony was committed after the
13 effective date of this amendatory Act of 1977; and (2) the
14 second felony was committed after conviction on the first;
15 and (3) the third felony was committed after conviction on
16 the second. A person sentenced as a Class X offender under
17 this paragraph is not eligible to apply for treatment as a
18 condition of probation as provided by Section 40-10 of the
19 Alcoholism and Other Drug Abuse and Dependency Act.

20 (9) A defendant convicted of a second or subsequent
21 offense of ritualized abuse of a child may be sentenced to
22 a term of natural life imprisonment.

23 (10) (Blank).

24 (11) The court shall impose a minimum fine of \$1,000
25 for a first offense and \$2,000 for a second or subsequent
26 offense upon a person convicted of or placed on supervision

1 for battery when the individual harmed was a sports
2 official or coach at any level of competition and the act
3 causing harm to the sports official or coach occurred
4 within an athletic facility or within the immediate
5 vicinity of the athletic facility at which the sports
6 official or coach was an active participant of the athletic
7 contest held at the athletic facility. For the purposes of
8 this paragraph (11), "sports official" means a person at an
9 athletic contest who enforces the rules of the contest,
10 such as an umpire or referee; "athletic facility" means an
11 indoor or outdoor playing field or recreational area where
12 sports activities are conducted; and "coach" means a person
13 recognized as a coach by the sanctioning authority that
14 conducted the sporting event.

15 (12) A person may not receive a disposition of court
16 supervision for a violation of Section 5-16 of the Boat
17 Registration and Safety Act if that person has previously
18 received a disposition of court supervision for a violation
19 of that Section.

20 (13) A person convicted of or placed on court
21 supervision for an assault or aggravated assault when the
22 victim and the offender are family or household members as
23 defined in Section 103 of the Illinois Domestic Violence
24 Act of 1986 or convicted of domestic battery or aggravated
25 domestic battery may be required to attend a Partner Abuse
26 Intervention Program under protocols set forth by the

1 Illinois Department of Human Services under such terms and
2 conditions imposed by the court. The costs of such classes
3 shall be paid by the offender.

4 (d) In any case in which a sentence originally imposed is
5 vacated, the case shall be remanded to the trial court. The
6 trial court shall hold a hearing under Section 5-4-1 of the
7 Unified Code of Corrections which may include evidence of the
8 defendant's life, moral character and occupation during the
9 time since the original sentence was passed. The trial court
10 shall then impose sentence upon the defendant. The trial court
11 may impose any sentence which could have been imposed at the
12 original trial subject to Section 5-5-4 of the Unified Code of
13 Corrections. If a sentence is vacated on appeal or on
14 collateral attack due to the failure of the trier of fact at
15 trial to determine beyond a reasonable doubt the existence of a
16 fact (other than a prior conviction) necessary to increase the
17 punishment for the offense beyond the statutory maximum
18 otherwise applicable, either the defendant may be re-sentenced
19 to a term within the range otherwise provided or, if the State
20 files notice of its intention to again seek the extended
21 sentence, the defendant shall be afforded a new trial.

22 (e) In cases where prosecution for aggravated criminal
23 sexual abuse under Section 12-16 of the Criminal Code of 1961
24 results in conviction of a defendant who was a family member of
25 the victim at the time of the commission of the offense, the
26 court shall consider the safety and welfare of the victim and

1 may impose a sentence of probation only where:

2 (1) the court finds (A) or (B) or both are appropriate:

3 (A) the defendant is willing to undergo a court
4 approved counseling program for a minimum duration of 2
5 years; or

6 (B) the defendant is willing to participate in a
7 court approved plan including but not limited to the
8 defendant's:

9 (i) removal from the household;

10 (ii) restricted contact with the victim;

11 (iii) continued financial support of the
12 family;

13 (iv) restitution for harm done to the victim;

14 and

15 (v) compliance with any other measures that
16 the court may deem appropriate; and

17 (2) the court orders the defendant to pay for the
18 victim's counseling services, to the extent that the court
19 finds, after considering the defendant's income and
20 assets, that the defendant is financially capable of paying
21 for such services, if the victim was under 18 years of age
22 at the time the offense was committed and requires
23 counseling as a result of the offense.

24 Probation may be revoked or modified pursuant to Section
25 5-6-4; except where the court determines at the hearing that
26 the defendant violated a condition of his or her probation

1 restricting contact with the victim or other family members or
2 commits another offense with the victim or other family
3 members, the court shall revoke the defendant's probation and
4 impose a term of imprisonment.

5 For the purposes of this Section, "family member" and
6 "victim" shall have the meanings ascribed to them in Section
7 12-12 of the Criminal Code of 1961.

8 (f) This Article shall not deprive a court in other
9 proceedings to order a forfeiture of property, to suspend or
10 cancel a license, to remove a person from office, or to impose
11 any other civil penalty.

12 (g) Whenever a defendant is convicted of an offense under
13 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
14 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
15 of the Criminal Code of 1961, the defendant shall undergo
16 medical testing to determine whether the defendant has any
17 sexually transmissible disease, including a test for infection
18 with human immunodeficiency virus (HIV) or any other identified
19 causative agent of acquired immunodeficiency syndrome (AIDS).
20 Any such medical test shall be performed only by appropriately
21 licensed medical practitioners and may include an analysis of
22 any bodily fluids as well as an examination of the defendant's
23 person. Except as otherwise provided by law, the results of
24 such test shall be kept strictly confidential by all medical
25 personnel involved in the testing and must be personally
26 delivered in a sealed envelope to the judge of the court in

1 which the conviction was entered for the judge's inspection in
2 camera. Acting in accordance with the best interests of the
3 victim and the public, the judge shall have the discretion to
4 determine to whom, if anyone, the results of the testing may be
5 revealed. The court shall notify the defendant of the test
6 results. The court shall also notify the victim if requested by
7 the victim, and if the victim is under the age of 15 and if
8 requested by the victim's parents or legal guardian, the court
9 shall notify the victim's parents or legal guardian of the test
10 results. The court shall provide information on the
11 availability of HIV testing and counseling at Department of
12 Public Health facilities to all parties to whom the results of
13 the testing are revealed and shall direct the State's Attorney
14 to provide the information to the victim when possible. A
15 State's Attorney may petition the court to obtain the results
16 of any HIV test administered under this Section, and the court
17 shall grant the disclosure if the State's Attorney shows it is
18 relevant in order to prosecute a charge of criminal
19 transmission of HIV under Section 12-16.2 of the Criminal Code
20 of 1961 against the defendant. The court shall order that the
21 cost of any such test shall be paid by the county and may be
22 taxed as costs against the convicted defendant.

23 (g-5) When an inmate is tested for an airborne communicable
24 disease, as determined by the Illinois Department of Public
25 Health including but not limited to tuberculosis, the results
26 of the test shall be personally delivered by the warden or his

1 or her designee in a sealed envelope to the judge of the court
2 in which the inmate must appear for the judge's inspection in
3 camera if requested by the judge. Acting in accordance with the
4 best interests of those in the courtroom, the judge shall have
5 the discretion to determine what if any precautions need to be
6 taken to prevent transmission of the disease in the courtroom.

7 (h) Whenever a defendant is convicted of an offense under
8 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
9 defendant shall undergo medical testing to determine whether
10 the defendant has been exposed to human immunodeficiency virus
11 (HIV) or any other identified causative agent of acquired
12 immunodeficiency syndrome (AIDS). Except as otherwise provided
13 by law, the results of such test shall be kept strictly
14 confidential by all medical personnel involved in the testing
15 and must be personally delivered in a sealed envelope to the
16 judge of the court in which the conviction was entered for the
17 judge's inspection in camera. Acting in accordance with the
18 best interests of the public, the judge shall have the
19 discretion to determine to whom, if anyone, the results of the
20 testing may be revealed. The court shall notify the defendant
21 of a positive test showing an infection with the human
22 immunodeficiency virus (HIV). The court shall provide
23 information on the availability of HIV testing and counseling
24 at Department of Public Health facilities to all parties to
25 whom the results of the testing are revealed and shall direct
26 the State's Attorney to provide the information to the victim

1 when possible. A State's Attorney may petition the court to
2 obtain the results of any HIV test administered under this
3 Section, and the court shall grant the disclosure if the
4 State's Attorney shows it is relevant in order to prosecute a
5 charge of criminal transmission of HIV under Section 12-16.2 of
6 the Criminal Code of 1961 against the defendant. The court
7 shall order that the cost of any such test shall be paid by the
8 county and may be taxed as costs against the convicted
9 defendant.

10 (i) All fines and penalties imposed under this Section for
11 any violation of Chapters 3, 4, 6, and 11 of the Illinois
12 Vehicle Code, or a similar provision of a local ordinance, and
13 any violation of the Child Passenger Protection Act, or a
14 similar provision of a local ordinance, shall be collected and
15 disbursed by the circuit clerk as provided under Section 27.5
16 of the Clerks of Courts Act.

17 (j) In cases when prosecution for any violation of Section
18 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
19 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
20 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
21 Code of 1961, 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 Substance 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 the high school level Test of
24 General Educational Development (GED) or to work toward
25 completing a vocational training program offered by the
26 Department of Corrections. If a defendant fails to complete the

1 educational training required by his or her sentence during the
2 term of incarceration, the Prisoner Review Board shall, as a
3 condition of mandatory supervised release, require the
4 defendant, at his or her own expense, to pursue a course of
5 study toward a high school diploma or passage of the GED test.
6 The 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 the GED test. This
18 subsection (j-5) does not apply to a defendant who is
19 determined by the court to be developmentally disabled or
20 otherwise mentally incapable of completing the educational or
21 vocational program.

22 (k) A court may not impose a sentence or disposition for a
23 felony or misdemeanor that requires the defendant to be
24 implanted or injected with or to use any form of birth control.

25 (l) (A) Except as provided in paragraph (C) of subsection

26 (1), whenever a defendant, who is an alien as defined by

1 the Immigration and Nationality Act, is convicted of any
2 felony or misdemeanor offense, the court after sentencing
3 the defendant may, upon motion of the State's Attorney,
4 hold sentence in abeyance and remand the defendant to the
5 custody of the Attorney General of the United States or his
6 or her designated agent to be deported when:

7 (1) a final order of deportation has been issued
8 against the defendant pursuant to proceedings under
9 the Immigration and Nationality Act, and

10 (2) the deportation of the defendant would not
11 deprecate the seriousness of the defendant's conduct
12 and would not be inconsistent with the ends of justice.

13 Otherwise, the defendant shall be sentenced as
14 provided in this Chapter V.

15 (B) If the defendant has already been sentenced for a
16 felony or misdemeanor offense, or has been placed on
17 probation under Section 10 of the Cannabis Control Act,
18 Section 410 of the Illinois Controlled Substances Act, or
19 Section 70 of the Methamphetamine Control and Community
20 Protection Act, the court may, upon motion of the State's
21 Attorney to suspend the sentence imposed, commit the
22 defendant to the custody of the Attorney General of the
23 United States or his or her designated agent when:

24 (1) a final order of deportation has been issued
25 against the defendant pursuant to proceedings under
26 the Immigration and Nationality Act, and

1 (2) the deportation of the defendant would not
2 deprecate the seriousness of the defendant's conduct
3 and would not be inconsistent with the ends of justice.

4 (C) This subsection (1) does not apply to offenders who
5 are subject to the provisions of paragraph (2) of
6 subsection (a) of Section 3-6-3.

7 (D) Upon motion of the State's Attorney, if a defendant
8 sentenced under this Section returns to the jurisdiction of
9 the United States, the defendant shall be recommitted to
10 the custody of the county from which he or she was
11 sentenced. Thereafter, the defendant shall be brought
12 before the sentencing court, which may impose any sentence
13 that was available under Section 5-5-3 at the time of
14 initial sentencing. In addition, the defendant shall not be
15 eligible for additional good conduct credit for
16 meritorious service as provided under Section 3-6-6.

17 (m) A person convicted of criminal defacement of property
18 under Section 21-1.3 of the Criminal Code of 1961, in which the
19 property damage exceeds \$300 and the property damaged is a
20 school building, shall be ordered to perform community service
21 that may include cleanup, removal, or painting over the
22 defacement.

23 (n) The court may sentence a person convicted of a
24 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal
25 Code of 1961 (i) to an impact incarceration program if the
26 person is otherwise eligible for that program under Section

1 5-8-1.1, (ii) to community service, or (iii) if the person is
2 an addict or alcoholic, as defined in the Alcoholism and Other
3 Drug Abuse and Dependency Act, to a substance or alcohol abuse
4 program licensed under that Act.

5 (o) Whenever a person is convicted of a sex offense as
6 defined in Section 2 of the Sex Offender Registration Act, the
7 defendant's driver's license or permit shall be subject to
8 renewal on an annual basis in accordance with the provisions of
9 license renewal established by the Secretary of State.

10 (Source: P.A. 94-72, eff. 1-1-06; 94-556, eff. 9-11-05; 94-993,
11 eff. 1-1-07; 94-1035, eff. 7-1-07; 95-188, eff. 8-16-07;
12 95-259, eff. 8-17-07; 95-331, eff. 8-21-07; 95-377, eff.
13 1-1-08; 95-579, eff. 6-1-08; revised 11-19-07.)

14 (730 ILCS 5/5-5-3.2) (from Ch. 38, par. 1005-5-3.2)

15 (Text of Section before amendment by P.A. 95-569)

16 Sec. 5-5-3.2. Factors in Aggravation.

17 (a) The following factors shall be accorded weight in favor
18 of imposing a term of imprisonment or may be considered by the
19 court as reasons to impose a more severe sentence under Section
20 5-8-1:

21 (1) the defendant's conduct caused or threatened
22 serious harm;

23 (2) the defendant received compensation for committing
24 the offense;

25 (3) the defendant has a history of prior delinquency or

1 criminal activity;

2 (4) the defendant, by the duties of his office or by
3 his position, was obliged to prevent the particular offense
4 committed or to bring the offenders committing it to
5 justice;

6 (5) the defendant held public office at the time of the
7 offense, and the offense related to the conduct of that
8 office;

9 (6) the defendant utilized his professional reputation
10 or position in the community to commit the offense, or to
11 afford him an easier means of committing it;

12 (7) the sentence is necessary to deter others from
13 committing the same crime;

14 (8) the defendant committed the offense against a
15 person 60 years of age or older or such person's property;

16 (9) the defendant committed the offense against a
17 person who is physically handicapped or such person's
18 property;

19 (10) by reason of another individual's actual or
20 perceived race, color, creed, religion, ancestry, gender,
21 sexual orientation, physical or mental disability, or
22 national origin, the defendant committed the offense
23 against (i) the person or property of that individual; (ii)
24 the person or property of a person who has an association
25 with, is married to, or has a friendship with the other
26 individual; or (iii) the person or property of a relative

1 (by blood or marriage) of a person described in clause (i)
2 or (ii). For the purposes of this Section, "sexual
3 orientation" means heterosexuality, homosexuality, or
4 bisexuality;

5 (11) the offense took place in a place of worship or on
6 the grounds of a place of worship, immediately prior to,
7 during or immediately following worship services. For
8 purposes of this subparagraph, "place of worship" shall
9 mean any church, synagogue or other building, structure or
10 place used primarily for religious worship;

11 (12) the defendant was convicted of a felony committed
12 while he was released on bail or his own recognizance
13 pending trial for a prior felony and was convicted of such
14 prior felony, or the defendant was convicted of a felony
15 committed while he was serving a period of probation,
16 conditional discharge, or mandatory supervised release
17 under subsection (d) of Section 5-8-1 for a prior felony;

18 (13) the defendant committed or attempted to commit a
19 felony while he was wearing a bulletproof vest. For the
20 purposes of this paragraph (13), a bulletproof vest is any
21 device which is designed for the purpose of protecting the
22 wearer from bullets, shot or other lethal projectiles;

23 (14) the defendant held a position of trust or
24 supervision such as, but not limited to, family member as
25 defined in Section 12-12 of the Criminal Code of 1961,
26 teacher, scout leader, baby sitter, or day care worker, in

1 relation to a victim under 18 years of age, and the
2 defendant committed an offense in violation of Section
3 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,
4 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961
5 against that victim;

6 (15) the defendant committed an offense related to the
7 activities of an organized gang. For the purposes of this
8 factor, "organized gang" has the meaning ascribed to it in
9 Section 10 of the Streetgang Terrorism Omnibus Prevention
10 Act;

11 (16) the defendant committed an offense in violation of
12 one of the following Sections while in a school, regardless
13 of the time of day or time of year; on any conveyance
14 owned, leased, or contracted by a school to transport
15 students to or from school or a school related activity; on
16 the real property of a school; or on a public way within
17 1,000 feet of the real property comprising any school:
18 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
19 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
20 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
21 33A-2 of the Criminal Code of 1961;

22 (16.5) the defendant committed an offense in violation
23 of one of the following Sections while in a day care
24 center, regardless of the time of day or time of year; on
25 the real property of a day care center, regardless of the
26 time of day or time of year; or on a public way within

1 1,000 feet of the real property comprising any day care
2 center, regardless of the time of day or time of year:
3 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
4 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
5 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
6 33A-2 of the Criminal Code of 1961;

7 (17) the defendant committed the offense by reason of
8 any person's activity as a community policing volunteer or
9 to prevent any person from engaging in activity as a
10 community policing volunteer. For the purpose of this
11 Section, "community policing volunteer" has the meaning
12 ascribed to it in Section 2-3.5 of the Criminal Code of
13 1961;

14 (18) the defendant committed the offense in a nursing
15 home or on the real property comprising a nursing home. For
16 the purposes of this paragraph (18), "nursing home" means a
17 skilled nursing or intermediate long term care facility
18 that is subject to license by the Illinois Department of
19 Public Health under the Nursing Home Care Act;

20 (19) the defendant was a federally licensed firearm
21 dealer and was previously convicted of a violation of
22 subsection (a) of Section 3 of the Firearm Owners
23 Identification Card Act and has now committed either a
24 felony violation of the Firearm Owners Identification Card
25 Act or an act of armed violence while armed with a firearm;

26 (20) the defendant (i) committed the offense of

1 reckless homicide under Section 9-3 of the Criminal Code of
2 1961 or the offense of driving under the influence of
3 alcohol, other drug or drugs, intoxicating compound or
4 compounds or any combination thereof under Section 11-501
5 of the Illinois Vehicle Code or a similar provision of a
6 local ordinance and (ii) was operating a motor vehicle in
7 excess of 20 miles per hour over the posted speed limit as
8 provided in Article VI of Chapter 11 of the Illinois
9 Vehicle Code;

10 (21) the defendant (i) committed the offense of
11 reckless driving or aggravated reckless driving under
12 Section 11-503 of the Illinois Vehicle Code and (ii) was
13 operating a motor vehicle in excess of 20 miles per hour
14 over the posted speed limit as provided in Article VI of
15 Chapter 11 of the Illinois Vehicle Code; or

16 (22) the defendant committed the offense against a
17 person that the defendant knew, or reasonably should have
18 known, was a member of the Armed Forces of the United
19 States serving on active duty. For purposes of this clause
20 (22), the term "Armed Forces" means any of the Armed Forces
21 of the United States, including a member of any reserve
22 component thereof or National Guard unit called to active
23 duty.

24 For the purposes of this Section:

25 "School" is defined as a public or private elementary or
26 secondary school, community college, college, or university.

1 "Day care center" means a public or private State certified
2 and licensed day care center as defined in Section 2.09 of the
3 Child Care Act of 1969 that displays a sign in plain view
4 stating that the property is a day care center.

5 (b) The following factors may be considered by the court as
6 reasons to impose an extended term sentence under Section 5-8-2
7 upon any offender:

8 (1) When a defendant is convicted of any felony, after
9 having been previously convicted in Illinois or any other
10 jurisdiction of the same or similar class felony or greater
11 class felony, when such conviction has occurred within 10
12 years after the previous conviction, excluding time spent
13 in custody, and such charges are separately brought and
14 tried and arise out of different series of acts; or

15 (2) When a defendant is convicted of any felony and the
16 court finds that the offense was accompanied by
17 exceptionally brutal or heinous behavior indicative of
18 wanton cruelty; or

19 (3) When a defendant is convicted of voluntary
20 manslaughter, second degree murder, involuntary
21 manslaughter or reckless homicide in which the defendant
22 has been convicted of causing the death of more than one
23 individual; or

24 (4) When a defendant is convicted of any felony
25 committed against:

26 (i) a person under 12 years of age at the time of

1 the offense or such person's property;

2 (ii) a person 60 years of age or older at the time
3 of the offense or such person's property; or

4 (iii) a person physically handicapped at the time
5 of the offense or such person's property; or

6 (5) In the case of a defendant convicted of aggravated
7 criminal sexual assault or criminal sexual assault, when
8 the court finds that aggravated criminal sexual assault or
9 criminal sexual assault was also committed on the same
10 victim by one or more other individuals, and the defendant
11 voluntarily participated in the crime with the knowledge of
12 the participation of the others in the crime, and the
13 commission of the crime was part of a single course of
14 conduct during which there was no substantial change in the
15 nature of the criminal objective; or

16 (6) When a defendant is convicted of any felony and the
17 offense involved any of the following types of specific
18 misconduct committed as part of a ceremony, rite,
19 initiation, observance, performance, practice or activity
20 of any actual or ostensible religious, fraternal, or social
21 group:

22 (i) the brutalizing or torturing of humans or
23 animals;

24 (ii) the theft of human corpses;

25 (iii) the kidnapping of humans;

26 (iv) the desecration of any cemetery, religious,

1 fraternal, business, governmental, educational, or
2 other building or property; or

3 (v) ritualized abuse of a child; or

4 (7) When a defendant is convicted of first degree
5 murder, after having been previously convicted in Illinois
6 of any offense listed under paragraph (c)(2) of Section
7 5-5-3, when such conviction has occurred within 10 years
8 after the previous conviction, excluding time spent in
9 custody, and such charges are separately brought and tried
10 and arise out of different series of acts; or

11 (8) When a defendant is convicted of a felony other
12 than conspiracy and the court finds that the felony was
13 committed under an agreement with 2 or more other persons
14 to commit that offense and the defendant, with respect to
15 the other individuals, occupied a position of organizer,
16 supervisor, financier, or any other position of management
17 or leadership, and the court further finds that the felony
18 committed was related to or in furtherance of the criminal
19 activities of an organized gang or was motivated by the
20 defendant's leadership in an organized gang; or

21 (9) When a defendant is convicted of a felony violation
22 of Section 24-1 of the Criminal Code of 1961 and the court
23 finds that the defendant is a member of an organized gang;
24 or

25 (10) When a defendant committed the offense using a
26 firearm with a laser sight attached to it. For purposes of

1 this paragraph (10), "laser sight" has the meaning ascribed
2 to it in Section 24.6-5 of the Criminal Code of 1961; or

3 (11) When a defendant who was at least 17 years of age
4 at the time of the commission of the offense is convicted
5 of a felony and has been previously adjudicated a
6 delinquent minor under the Juvenile Court Act of 1987 for
7 an act that if committed by an adult would be a Class X or
8 Class 1 felony when the conviction has occurred within 10
9 years after the previous adjudication, excluding time
10 spent in custody; or

11 (12) When a defendant commits an offense involving the
12 illegal manufacture of a controlled substance under
13 Section 401 of the Illinois Controlled Substances Act, the
14 illegal manufacture of methamphetamine under Section 25 of
15 the Methamphetamine Control and Community Protection Act,
16 or the illegal possession of explosives and an emergency
17 response officer in the performance of his or her duties is
18 killed or injured at the scene of the offense while
19 responding to the emergency caused by the commission of the
20 offense. In this paragraph (12), "emergency" means a
21 situation in which a person's life, health, or safety is in
22 jeopardy; and "emergency response officer" means a peace
23 officer, community policing volunteer, fireman, emergency
24 medical technician-ambulance, emergency medical
25 technician-intermediate, emergency medical
26 technician-paramedic, ambulance driver, other medical

1 assistance or first aid personnel, or hospital emergency
2 room personnel; or

3 (13) When a defendant commits any felony and the
4 defendant used, possessed, exercised control over, or
5 otherwise directed an animal to assault a law enforcement
6 officer engaged in the execution of his or her official
7 duties or in furtherance of the criminal activities of an
8 organized gang in which the defendant is engaged.

9 (b-1) For the purposes of this Section, "organized gang"
10 has the meaning ascribed to it in Section 10 of the Illinois
11 Streetgang Terrorism Omnibus Prevention Act.

12 (c) The court may impose an extended term sentence under
13 Section 5-8-2 upon any offender who was convicted of aggravated
14 criminal sexual assault or predatory criminal sexual assault of
15 a child under subsection (a)(1) of Section 12-14.1 of the
16 Criminal Code of 1961 where the victim was under 18 years of
17 age at the time of the commission of the offense.

18 (d) The court may impose an extended term sentence under
19 Section 5-8-2 upon any offender who was convicted of unlawful
20 use of weapons under Section 24-1 of the Criminal Code of 1961
21 for possessing a weapon that is not readily distinguishable as
22 one of the weapons enumerated in Section 24-1 of the Criminal
23 Code of 1961.

24 (e) The court may impose an extended term sentence under
25 Section 5-8-2 upon an offender who has been convicted of first
26 degree murder when the offender has previously been convicted

1 of domestic battery or aggravated domestic battery committed
2 against the murdered individual or has previously been
3 convicted of violation of an order of protection in which the
4 murdered individual was the protected person.

5 (Source: P.A. 94-131, eff. 7-7-05; 94-375, eff. 1-1-06; 94-556,
6 eff. 9-11-05; 94-819, eff. 5-31-06; 95-85, eff. 1-1-08; 95-362,
7 eff. 1-1-08; revised 11-19-07.)

8 (Text of Section after amendment by P.A. 95-569)

9 Sec. 5-5-3.2. Factors in Aggravation.

10 (a) The following factors shall be accorded weight in favor
11 of imposing a term of imprisonment or may be considered by the
12 court as reasons to impose a more severe sentence under Section
13 5-8-1:

14 (1) the defendant's conduct caused or threatened
15 serious harm;

16 (2) the defendant received compensation for committing
17 the offense;

18 (3) the defendant has a history of prior delinquency or
19 criminal activity;

20 (4) the defendant, by the duties of his office or by
21 his position, was obliged to prevent the particular offense
22 committed or to bring the offenders committing it to
23 justice;

24 (5) the defendant held public office at the time of the
25 offense, and the offense related to the conduct of that

1 office;

2 (6) the defendant utilized his professional reputation
3 or position in the community to commit the offense, or to
4 afford him an easier means of committing it;

5 (7) the sentence is necessary to deter others from
6 committing the same crime;

7 (8) the defendant committed the offense against a
8 person 60 years of age or older or such person's property;

9 (9) the defendant committed the offense against a
10 person who is physically handicapped or such person's
11 property;

12 (10) by reason of another individual's actual or
13 perceived race, color, creed, religion, ancestry, gender,
14 sexual orientation, physical or mental disability, or
15 national origin, the defendant committed the offense
16 against (i) the person or property of that individual; (ii)
17 the person or property of a person who has an association
18 with, is married to, or has a friendship with the other
19 individual; or (iii) the person or property of a relative
20 (by blood or marriage) of a person described in clause (i)
21 or (ii). For the purposes of this Section, "sexual
22 orientation" means heterosexuality, homosexuality, or
23 bisexuality;

24 (11) the offense took place in a place of worship or on
25 the grounds of a place of worship, immediately prior to,
26 during or immediately following worship services. For

1 purposes of this subparagraph, "place of worship" shall
2 mean any church, synagogue or other building, structure or
3 place used primarily for religious worship;

4 (12) the defendant was convicted of a felony committed
5 while he was released on bail or his own recognizance
6 pending trial for a prior felony and was convicted of such
7 prior felony, or the defendant was convicted of a felony
8 committed while he was serving a period of probation,
9 conditional discharge, or mandatory supervised release
10 under subsection (d) of Section 5-8-1 for a prior felony;

11 (13) the defendant committed or attempted to commit a
12 felony while he was wearing a bulletproof vest. For the
13 purposes of this paragraph (13), a bulletproof vest is any
14 device which is designed for the purpose of protecting the
15 wearer from bullets, shot or other lethal projectiles;

16 (14) the defendant held a position of trust or
17 supervision such as, but not limited to, family member as
18 defined in Section 12-12 of the Criminal Code of 1961,
19 teacher, scout leader, baby sitter, or day care worker, in
20 relation to a victim under 18 years of age, and the
21 defendant committed an offense in violation of Section
22 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,
23 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961
24 against that victim;

25 (15) the defendant committed an offense related to the
26 activities of an organized gang. For the purposes of this

1 factor, "organized gang" has the meaning ascribed to it in
2 Section 10 of the Streetgang Terrorism Omnibus Prevention
3 Act;

4 (16) the defendant committed an offense in violation of
5 one of the following Sections while in a school, regardless
6 of the time of day or time of year; on any conveyance
7 owned, leased, or contracted by a school to transport
8 students to or from school or a school related activity; on
9 the real property of a school; or on a public way within
10 1,000 feet of the real property comprising any school:
11 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
12 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
13 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
14 33A-2 of the Criminal Code of 1961;

15 (16.5) the defendant committed an offense in violation
16 of one of the following Sections while in a day care
17 center, regardless of the time of day or time of year; on
18 the real property of a day care center, regardless of the
19 time of day or time of year; or on a public way within
20 1,000 feet of the real property comprising any day care
21 center, regardless of the time of day or time of year:
22 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
23 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
24 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
25 33A-2 of the Criminal Code of 1961;

26 (17) the defendant committed the offense by reason of

1 any person's activity as a community policing volunteer or
2 to prevent any person from engaging in activity as a
3 community policing volunteer. For the purpose of this
4 Section, "community policing volunteer" has the meaning
5 ascribed to it in Section 2-3.5 of the Criminal Code of
6 1961;

7 (18) the defendant committed the offense in a nursing
8 home or on the real property comprising a nursing home. For
9 the purposes of this paragraph (18), "nursing home" means a
10 skilled nursing or intermediate long term care facility
11 that is subject to license by the Illinois Department of
12 Public Health under the Nursing Home Care Act;

13 (19) the defendant was a federally licensed firearm
14 dealer and was previously convicted of a violation of
15 subsection (a) of Section 3 of the Firearm Owners
16 Identification Card Act and has now committed either a
17 felony violation of the Firearm Owners Identification Card
18 Act or an act of armed violence while armed with a firearm;

19 (20) the defendant (i) committed the offense of
20 reckless homicide under Section 9-3 of the Criminal Code of
21 1961 or the offense of driving under the influence of
22 alcohol, other drug or drugs, intoxicating compound or
23 compounds or any combination thereof under Section 11-501
24 of the Illinois Vehicle Code or a similar provision of a
25 local ordinance and (ii) was operating a motor vehicle in
26 excess of 20 miles per hour over the posted speed limit as

1 provided in Article VI of Chapter 11 of the Illinois
2 Vehicle Code;

3 (21) the defendant (i) committed the offense of
4 reckless driving or aggravated reckless driving under
5 Section 11-503 of the Illinois Vehicle Code and (ii) was
6 operating a motor vehicle in excess of 20 miles per hour
7 over the posted speed limit as provided in Article VI of
8 Chapter 11 of the Illinois Vehicle Code; ~~or~~

9 (22) the defendant committed the offense against a
10 person that the defendant knew, or reasonably should have
11 known, was a member of the Armed Forces of the United
12 States serving on active duty. For purposes of this clause
13 (22), the term "Armed Forces" means any of the Armed Forces
14 of the United States, including a member of any reserve
15 component thereof or National Guard unit called to active
16 duty; or ~~or~~

17 (23) ~~(22)~~ the defendant committed the offense against a
18 person who was elderly, disabled, or infirm by taking
19 advantage of a family or fiduciary relationship with the
20 elderly, disabled, or infirm person.

21 For the purposes of this Section:

22 "School" is defined as a public or private elementary or
23 secondary school, community college, college, or university.

24 "Day care center" means a public or private State certified
25 and licensed day care center as defined in Section 2.09 of the
26 Child Care Act of 1969 that displays a sign in plain view

1 stating that the property is a day care center.

2 (b) The following factors may be considered by the court as
3 reasons to impose an extended term sentence under Section 5-8-2
4 upon any offender:

5 (1) When a defendant is convicted of any felony, after
6 having been previously convicted in Illinois or any other
7 jurisdiction of the same or similar class felony or greater
8 class felony, when such conviction has occurred within 10
9 years after the previous conviction, excluding time spent
10 in custody, and such charges are separately brought and
11 tried and arise out of different series of acts; or

12 (2) When a defendant is convicted of any felony and the
13 court finds that the offense was accompanied by
14 exceptionally brutal or heinous behavior indicative of
15 wanton cruelty; or

16 (3) When a defendant is convicted of voluntary
17 manslaughter, second degree murder, involuntary
18 manslaughter or reckless homicide in which the defendant
19 has been convicted of causing the death of more than one
20 individual; or

21 (4) When a defendant is convicted of any felony
22 committed against:

23 (i) a person under 12 years of age at the time of
24 the offense or such person's property;

25 (ii) a person 60 years of age or older at the time
26 of the offense or such person's property; or

1 (iii) a person physically handicapped at the time
2 of the offense or such person's property; or

3 (5) In the case of a defendant convicted of aggravated
4 criminal sexual assault or criminal sexual assault, when
5 the court finds that aggravated criminal sexual assault or
6 criminal sexual assault was also committed on the same
7 victim by one or more other individuals, and the defendant
8 voluntarily participated in the crime with the knowledge of
9 the participation of the others in the crime, and the
10 commission of the crime was part of a single course of
11 conduct during which there was no substantial change in the
12 nature of the criminal objective; or

13 (6) When a defendant is convicted of any felony and the
14 offense involved any of the following types of specific
15 misconduct committed as part of a ceremony, rite,
16 initiation, observance, performance, practice or activity
17 of any actual or ostensible religious, fraternal, or social
18 group:

19 (i) the brutalizing or torturing of humans or
20 animals;

21 (ii) the theft of human corpses;

22 (iii) the kidnapping of humans;

23 (iv) the desecration of any cemetery, religious,
24 fraternal, business, governmental, educational, or
25 other building or property; or

26 (v) ritualized abuse of a child; or

1 (7) When a defendant is convicted of first degree
2 murder, after having been previously convicted in Illinois
3 of any offense listed under paragraph (c)(2) of Section
4 5-5-3, when such conviction has occurred within 10 years
5 after the previous conviction, excluding time spent in
6 custody, and such charges are separately brought and tried
7 and arise out of different series of acts; or

8 (8) When a defendant is convicted of a felony other
9 than conspiracy and the court finds that the felony was
10 committed under an agreement with 2 or more other persons
11 to commit that offense and the defendant, with respect to
12 the other individuals, occupied a position of organizer,
13 supervisor, financier, or any other position of management
14 or leadership, and the court further finds that the felony
15 committed was related to or in furtherance of the criminal
16 activities of an organized gang or was motivated by the
17 defendant's leadership in an organized gang; or

18 (9) When a defendant is convicted of a felony violation
19 of Section 24-1 of the Criminal Code of 1961 and the court
20 finds that the defendant is a member of an organized gang;
21 or

22 (10) When a defendant committed the offense using a
23 firearm with a laser sight attached to it. For purposes of
24 this paragraph (10), "laser sight" has the meaning ascribed
25 to it in Section 24.6-5 of the Criminal Code of 1961; or

26 (11) When a defendant who was at least 17 years of age

1 at the time of the commission of the offense is convicted
2 of a felony and has been previously adjudicated a
3 delinquent minor under the Juvenile Court Act of 1987 for
4 an act that if committed by an adult would be a Class X or
5 Class 1 felony when the conviction has occurred within 10
6 years after the previous adjudication, excluding time
7 spent in custody; or

8 (12) When a defendant commits an offense involving the
9 illegal manufacture of a controlled substance under
10 Section 401 of the Illinois Controlled Substances Act, the
11 illegal manufacture of methamphetamine under Section 25 of
12 the Methamphetamine Control and Community Protection Act,
13 or the illegal possession of explosives and an emergency
14 response officer in the performance of his or her duties is
15 killed or injured at the scene of the offense while
16 responding to the emergency caused by the commission of the
17 offense. In this paragraph (12), "emergency" means a
18 situation in which a person's life, health, or safety is in
19 jeopardy; and "emergency response officer" means a peace
20 officer, community policing volunteer, fireman, emergency
21 medical technician-ambulance, emergency medical
22 technician-intermediate, emergency medical
23 technician-paramedic, ambulance driver, other medical
24 assistance or first aid personnel, or hospital emergency
25 room personnel; or

26 (13) When a defendant commits any felony and the

1 defendant used, possessed, exercised control over, or
2 otherwise directed an animal to assault a law enforcement
3 officer engaged in the execution of his or her official
4 duties or in furtherance of the criminal activities of an
5 organized gang in which the defendant is engaged.

6 (b-1) For the purposes of this Section, "organized gang"
7 has the meaning ascribed to it in Section 10 of the Illinois
8 Streetgang Terrorism Omnibus Prevention Act.

9 (c) The court may impose an extended term sentence under
10 Section 5-8-2 upon any offender who was convicted of aggravated
11 criminal sexual assault or predatory criminal sexual assault of
12 a child under subsection (a)(1) of Section 12-14.1 of the
13 Criminal Code of 1961 where the victim was under 18 years of
14 age at the time of the commission of the offense.

15 (d) The court may impose an extended term sentence under
16 Section 5-8-2 upon any offender who was convicted of unlawful
17 use of weapons under Section 24-1 of the Criminal Code of 1961
18 for possessing a weapon that is not readily distinguishable as
19 one of the weapons enumerated in Section 24-1 of the Criminal
20 Code of 1961.

21 (e) The court may impose an extended term sentence under
22 Section 5-8-2 upon an offender who has been convicted of first
23 degree murder when the offender has previously been convicted
24 of domestic battery or aggravated domestic battery committed
25 against the murdered individual or has previously been
26 convicted of violation of an order of protection in which the

1 murdered individual was the protected person.

2 (Source: P.A. 94-131, eff. 7-7-05; 94-375, eff. 1-1-06; 94-556,
3 eff. 9-11-05; 94-819, eff. 5-31-06; 95-85, eff. 1-1-08; 95-362,
4 eff. 1-1-08; 95-569, eff. 6-1-08; revised 11-19-07.)

5 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

6 (Text of Section before amendment by P.A. 95-400)

7 Sec. 5-6-1. Sentences of Probation and of Conditional
8 Discharge and Disposition of Supervision. The General Assembly
9 finds that in order to protect the public, the criminal justice
10 system must compel compliance with the conditions of probation
11 by responding to violations with swift, certain and fair
12 punishments and intermediate sanctions. The Chief Judge of each
13 circuit shall adopt a system of structured, intermediate
14 sanctions for violations of the terms and conditions of a
15 sentence of probation, conditional discharge or disposition of
16 supervision.

17 (a) Except where specifically prohibited by other
18 provisions of this Code, the court shall impose a sentence of
19 probation or conditional discharge upon an offender unless,
20 having regard to the nature and circumstance of the offense,
21 and to the history, character and condition of the offender,
22 the court is of the opinion that:

23 (1) his imprisonment or periodic imprisonment is
24 necessary for the protection of the public; or

25 (2) probation or conditional discharge would deprecate

1 the seriousness of the offender's conduct and would be
2 inconsistent with the ends of justice; or

3 (3) a combination of imprisonment with concurrent or
4 consecutive probation when an offender has been admitted
5 into a drug court program under Section 20 of the Drug
6 Court Treatment Act is necessary for the protection of the
7 public and for the rehabilitation of the offender.

8 The court shall impose as a condition of a sentence of
9 probation, conditional discharge, or supervision, that the
10 probation agency may invoke any sanction from the list of
11 intermediate sanctions adopted by the chief judge of the
12 circuit court for violations of the terms and conditions of the
13 sentence of probation, conditional discharge, or supervision,
14 subject to the provisions of Section 5-6-4 of this Act.

15 (b) The court may impose a sentence of conditional
16 discharge for an offense if the court is of the opinion that
17 neither a sentence of imprisonment nor of periodic imprisonment
18 nor of probation supervision is appropriate.

19 (b-1) Subsections (a) and (b) of this Section do not apply
20 to a defendant charged with a misdemeanor or felony under the
21 Illinois Vehicle Code or reckless homicide under Section 9-3 of
22 the Criminal Code of 1961 if the defendant within the past 12
23 months has been convicted of or pleaded guilty to a misdemeanor
24 or felony under the Illinois Vehicle Code or reckless homicide
25 under Section 9-3 of the Criminal Code of 1961.

26 (c) The court may, upon a plea of guilty or a stipulation

1 by the defendant of the facts supporting the charge or a
2 finding of guilt, defer further proceedings and the imposition
3 of a sentence, and enter an order for supervision of the
4 defendant, if the defendant is not charged with: (i) a Class A
5 misdemeanor, as defined by the following provisions of the
6 Criminal Code of 1961: Sections 11-9.1; 12-3.2; 12-15; 26-5;
7 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1;
8 paragraph (1) through (5), (8), (10), and (11) of subsection
9 (a) of Section 24-1; (ii) a Class A misdemeanor violation of
10 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals
11 Act; or (iii) felony. If the defendant is not barred from
12 receiving an order for supervision as provided in this
13 subsection, the court may enter an order for supervision after
14 considering the circumstances of the offense, and the history,
15 character and condition of the offender, if the court is of the
16 opinion that:

17 (1) the offender is not likely to commit further
18 crimes;

19 (2) the defendant and the public would be best served
20 if the defendant were not to receive a criminal record; and

21 (3) in the best interests of justice an order of
22 supervision is more appropriate than a sentence otherwise
23 permitted under this Code.

24 (c-5) Subsections (a), (b), and (c) of this Section do not
25 apply to a defendant charged with a second or subsequent
26 violation of Section 6-303 of the Illinois Vehicle Code

1 committed while his or her driver's license, permit or
2 privileges were revoked because of a violation of Section 9-3
3 of the Criminal Code of 1961, relating to the offense of
4 reckless homicide, or a similar provision of a law of another
5 state.

6 (d) The provisions of paragraph (c) shall not apply to a
7 defendant charged with violating Section 11-501 of the Illinois
8 Vehicle Code or a similar provision of a local ordinance when
9 the defendant has previously been:

10 (1) convicted for a violation of Section 11-501 of the
11 Illinois Vehicle Code or a similar provision of a local
12 ordinance or any similar law or ordinance of another state;
13 or

14 (2) assigned supervision for a violation of Section
15 11-501 of the Illinois Vehicle Code or a similar provision
16 of a local ordinance or any similar law or ordinance of
17 another state; or

18 (3) pleaded guilty to or stipulated to the facts
19 supporting a charge or a finding of guilty to a violation
20 of Section 11-503 of the Illinois Vehicle Code or a similar
21 provision of a local ordinance or any similar law or
22 ordinance of another state, and the plea or stipulation was
23 the result of a plea agreement.

24 The court shall consider the statement of the prosecuting
25 authority with regard to the standards set forth in this
26 Section.

1 (e) The provisions of paragraph (c) shall not apply to a
2 defendant charged with violating Section 16A-3 of the Criminal
3 Code of 1961 if said defendant has within the last 5 years
4 been:

5 (1) convicted for a violation of Section 16A-3 of the
6 Criminal Code of 1961; or

7 (2) assigned supervision for a violation of Section
8 16A-3 of the Criminal Code of 1961.

9 The court shall consider the statement of the prosecuting
10 authority with regard to the standards set forth in this
11 Section.

12 (f) The provisions of paragraph (c) shall not apply to a
13 defendant charged with violating Sections 15-111, 15-112,
14 15-301, paragraph (b) of Section 6-104, Section 11-605, Section
15 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a
16 similar provision of a local ordinance.

17 (g) Except as otherwise provided in paragraph (i) of this
18 Section, the provisions of paragraph (c) shall not apply to a
19 defendant charged with violating Section 3-707, 3-708, 3-710,
20 or 5-401.3 of the Illinois Vehicle Code or a similar provision
21 of a local ordinance if the defendant has within the last 5
22 years been:

23 (1) convicted for a violation of Section 3-707, 3-708,
24 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
25 provision of a local ordinance; or

26 (2) assigned supervision for a violation of Section

1 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
2 Code or a similar provision of a local ordinance.

3 The court shall consider the statement of the prosecuting
4 authority with regard to the standards set forth in this
5 Section.

6 (h) The provisions of paragraph (c) shall not apply to a
7 defendant under the age of 21 years charged with violating a
8 serious traffic offense as defined in Section 1-187.001 of the
9 Illinois Vehicle Code:

10 (1) unless the defendant, upon payment of the fines,
11 penalties, and costs provided by law, agrees to attend and
12 successfully complete a traffic safety program approved by
13 the court under standards set by the Conference of Chief
14 Circuit Judges. The accused shall be responsible for
15 payment of any traffic safety program fees. If the accused
16 fails to file a certificate of successful completion on or
17 before the termination date of the supervision order, the
18 supervision shall be summarily revoked and conviction
19 entered. The provisions of Supreme Court Rule 402 relating
20 to pleas of guilty do not apply in cases when a defendant
21 enters a guilty plea under this provision; or

22 (2) if the defendant has previously been sentenced
23 under the provisions of paragraph (c) on or after January
24 1, 1998 for any serious traffic offense as defined in
25 Section 1-187.001 of the Illinois Vehicle Code.

26 (h-1) The provisions of paragraph (c) shall not apply to a

1 defendant under the age of 21 years charged with an offense
2 against traffic regulations governing the movement of vehicles
3 or any violation of Section 6-107 or Section 12-603.1 of the
4 Illinois Vehicle Code, unless the defendant, upon payment of
5 the fines, penalties, and costs provided by law, agrees to
6 attend and successfully complete a traffic safety program
7 approved by the court under standards set by the Conference of
8 Chief Circuit Judges. The accused shall be responsible for
9 payment of any traffic safety program fees. If the accused
10 fails to file a certificate of successful completion on or
11 before the termination date of the supervision order, the
12 supervision shall be summarily revoked and conviction entered.
13 The provisions of Supreme Court Rule 402 relating to pleas of
14 guilty do not apply in cases when a defendant enters a guilty
15 plea under this provision.

16 (i) The provisions of paragraph (c) shall not apply to a
17 defendant charged with violating Section 3-707 of the Illinois
18 Vehicle Code or a similar provision of a local ordinance if the
19 defendant has been assigned supervision for a violation of
20 Section 3-707 of the Illinois Vehicle Code or a similar
21 provision of a local ordinance.

22 (j) The provisions of paragraph (c) shall not apply to a
23 defendant charged with violating Section 6-303 of the Illinois
24 Vehicle Code or a similar provision of a local ordinance when
25 the revocation or suspension was for a violation of Section
26 11-501 or a similar provision of a local ordinance or a

1 violation of Section 11-501.1 or paragraph (b) of Section
2 11-401 of the Illinois Vehicle Code, if the defendant has
3 within the last 10 years been:

4 (1) convicted for a violation of Section 6-303 of the
5 Illinois Vehicle Code or a similar provision of a local
6 ordinance; or

7 (2) assigned supervision for a violation of Section
8 6-303 of the Illinois Vehicle Code or a similar provision
9 of a local ordinance.

10 (k) The provisions of paragraph (c) shall not apply to a
11 defendant charged with violating any provision of the Illinois
12 Vehicle Code or a similar provision of a local ordinance that
13 governs the movement of vehicles if, within the 12 months
14 preceding the date of the defendant's arrest, the defendant has
15 been assigned court supervision on 2 occasions for a violation
16 that governs the movement of vehicles under the Illinois
17 Vehicle Code or a similar provision of a local ordinance.

18 (l) A defendant charged with violating any provision of the
19 Illinois Vehicle Code or a similar provision of a local
20 ordinance who, after a court appearance in the same matter,
21 receives a disposition of supervision under subsection (c)
22 shall pay an additional fee of \$20, to be collected as provided
23 in Sections 27.5 and 27.6 of the Clerks of Courts Act. In
24 addition to the \$20 fee, the person shall also pay a fee of \$5,
25 which, if not waived by the court, shall be collected as
26 provided in Sections 27.5 and 27.6 of the Clerks of Courts Act.

1 The \$20 fee shall be disbursed as provided in Section 16-104c
2 of the Illinois Vehicle Code. If the \$5 fee is collected, \$4.50
3 of the fee shall be deposited into the Circuit Court Clerk
4 Operation and Administrative Fund created by the Clerk of the
5 Circuit Court and 50 cents of the fee shall be deposited into
6 the Prisoner Review Board Vehicle and Equipment Fund in the
7 State treasury.

8 (m) Any person convicted of or pleading guilty to a serious
9 traffic violation, as defined in Section 1-187.001 of the
10 Illinois Vehicle Code, shall pay an additional fee of \$20, to
11 be disbursed as provided in Section 16-104d of that Code.

12 This subsection (m) becomes inoperative 7 years after
13 October 13, 2007 (the effective date of Public Act 95-154) ~~this~~
14 ~~amendatory Act of the 95th General Assembly.~~

15 (n) ~~(m)~~ The provisions of paragraph (c) shall not apply to
16 any person under the age of 18 who commits an offense against
17 traffic regulations governing the movement of vehicles or any
18 violation of Section 6-107 or Section 12-603.1 of the Illinois
19 Vehicle Code, except upon personal appearance of the defendant
20 in court and upon the written consent of the defendant's parent
21 or legal guardian, executed before the presiding judge. The
22 presiding judge shall have the authority to waive this
23 requirement upon the showing of good cause by the defendant.

24 (Source: P.A. 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375,
25 eff. 1-1-06; 94-1009, eff. 1-1-07; 95-154, eff. 10-13-07;
26 95-302, eff. 1-1-08; 95-310, eff. 1-1-08; 95-377, eff. 1-1-08;

1 95-428, 8-24-07; revised 11-19-07.)

2 (Text of Section after amendment by P.A. 95-400)

3 Sec. 5-6-1. Sentences of Probation and of Conditional
4 Discharge and Disposition of Supervision. The General Assembly
5 finds that in order to protect the public, the criminal justice
6 system must compel compliance with the conditions of probation
7 by responding to violations with swift, certain and fair
8 punishments and intermediate sanctions. The Chief Judge of each
9 circuit shall adopt a system of structured, intermediate
10 sanctions for violations of the terms and conditions of a
11 sentence of probation, conditional discharge or disposition of
12 supervision.

13 (a) Except where specifically prohibited by other
14 provisions of this Code, the court shall impose a sentence of
15 probation or conditional discharge upon an offender unless,
16 having regard to the nature and circumstance of the offense,
17 and to the history, character and condition of the offender,
18 the court is of the opinion that:

19 (1) his imprisonment or periodic imprisonment is
20 necessary for the protection of the public; or

21 (2) probation or conditional discharge would deprecate
22 the seriousness of the offender's conduct and would be
23 inconsistent with the ends of justice; or

24 (3) a combination of imprisonment with concurrent or
25 consecutive probation when an offender has been admitted

1 into a drug court program under Section 20 of the Drug
2 Court Treatment Act is necessary for the protection of the
3 public and for the rehabilitation of the offender.

4 The court shall impose as a condition of a sentence of
5 probation, conditional discharge, or supervision, that the
6 probation agency may invoke any sanction from the list of
7 intermediate sanctions adopted by the chief judge of the
8 circuit court for violations of the terms and conditions of the
9 sentence of probation, conditional discharge, or supervision,
10 subject to the provisions of Section 5-6-4 of this Act.

11 (b) The court may impose a sentence of conditional
12 discharge for an offense if the court is of the opinion that
13 neither a sentence of imprisonment nor of periodic imprisonment
14 nor of probation supervision is appropriate.

15 (b-1) Subsections (a) and (b) of this Section do not apply
16 to a defendant charged with a misdemeanor or felony under the
17 Illinois Vehicle Code or reckless homicide under Section 9-3 of
18 the Criminal Code of 1961 if the defendant within the past 12
19 months has been convicted of or pleaded guilty to a misdemeanor
20 or felony under the Illinois Vehicle Code or reckless homicide
21 under Section 9-3 of the Criminal Code of 1961.

22 (c) The court may, upon a plea of guilty or a stipulation
23 by the defendant of the facts supporting the charge or a
24 finding of guilt, defer further proceedings and the imposition
25 of a sentence, and enter an order for supervision of the
26 defendant, if the defendant is not charged with: (i) a Class A

1 misdemeanor, as defined by the following provisions of the
2 Criminal Code of 1961: Sections 11-9.1; 12-3.2; 12-15; 26-5;
3 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1;
4 paragraph (1) through (5), (8), (10), and (11) of subsection
5 (a) of Section 24-1; (ii) a Class A misdemeanor violation of
6 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals
7 Act; or (iii) felony. If the defendant is not barred from
8 receiving an order for supervision as provided in this
9 subsection, the court may enter an order for supervision after
10 considering the circumstances of the offense, and the history,
11 character and condition of the offender, if the court is of the
12 opinion that:

13 (1) the offender is not likely to commit further
14 crimes;

15 (2) the defendant and the public would be best served
16 if the defendant were not to receive a criminal record; and

17 (3) in the best interests of justice an order of
18 supervision is more appropriate than a sentence otherwise
19 permitted under this Code.

20 (c-5) Subsections (a), (b), and (c) of this Section do not
21 apply to a defendant charged with a second or subsequent
22 violation of Section 6-303 of the Illinois Vehicle Code
23 committed while his or her driver's license, permit or
24 privileges were revoked because of a violation of Section 9-3
25 of the Criminal Code of 1961, relating to the offense of
26 reckless homicide, or a similar provision of a law of another

1 state.

2 (d) The provisions of paragraph (c) shall not apply to a
3 defendant charged with violating Section 11-501 of the Illinois
4 Vehicle Code or a similar provision of a local ordinance when
5 the defendant has previously been:

6 (1) convicted for a violation of Section 11-501 of the
7 Illinois Vehicle Code or a similar provision of a local
8 ordinance or any similar law or ordinance of another state;
9 or

10 (2) assigned supervision for a violation of Section
11 11-501 of the Illinois Vehicle Code or a similar provision
12 of a local ordinance or any similar law or ordinance of
13 another state; or

14 (3) pleaded guilty to or stipulated to the facts
15 supporting a charge or a finding of guilty to a violation
16 of Section 11-503 of the Illinois Vehicle Code or a similar
17 provision of a local ordinance or any similar law or
18 ordinance of another state, and the plea or stipulation was
19 the result of a plea agreement.

20 The court shall consider the statement of the prosecuting
21 authority with regard to the standards set forth in this
22 Section.

23 (e) The provisions of paragraph (c) shall not apply to a
24 defendant charged with violating Section 16A-3 of the Criminal
25 Code of 1961 if said defendant has within the last 5 years
26 been:

1 (1) convicted for a violation of Section 16A-3 of the
2 Criminal Code of 1961; or

3 (2) assigned supervision for a violation of Section
4 16A-3 of the Criminal Code of 1961.

5 The court shall consider the statement of the prosecuting
6 authority with regard to the standards set forth in this
7 Section.

8 (f) The provisions of paragraph (c) shall not apply to a
9 defendant charged with violating Sections 15-111, 15-112,
10 15-301, paragraph (b) of Section 6-104, Section 11-605, Section
11 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a
12 similar provision of a local ordinance.

13 (g) Except as otherwise provided in paragraph (i) of this
14 Section, the provisions of paragraph (c) shall not apply to a
15 defendant charged with violating Section 3-707, 3-708, 3-710,
16 or 5-401.3 of the Illinois Vehicle Code or a similar provision
17 of a local ordinance if the defendant has within the last 5
18 years been:

19 (1) convicted for a violation of Section 3-707, 3-708,
20 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
21 provision of a local ordinance; or

22 (2) assigned supervision for a violation of Section
23 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
24 Code or a similar provision of a local ordinance.

25 The court shall consider the statement of the prosecuting
26 authority with regard to the standards set forth in this

1 Section.

2 (h) The provisions of paragraph (c) shall not apply to a
3 defendant under the age of 21 years charged with violating a
4 serious traffic offense as defined in Section 1-187.001 of the
5 Illinois Vehicle Code:

6 (1) unless the defendant, upon payment of the fines,
7 penalties, and costs provided by law, agrees to attend and
8 successfully complete a traffic safety program approved by
9 the court under standards set by the Conference of Chief
10 Circuit Judges. The accused shall be responsible for
11 payment of any traffic safety program fees. If the accused
12 fails to file a certificate of successful completion on or
13 before the termination date of the supervision order, the
14 supervision shall be summarily revoked and conviction
15 entered. The provisions of Supreme Court Rule 402 relating
16 to pleas of guilty do not apply in cases when a defendant
17 enters a guilty plea under this provision; or

18 (2) if the defendant has previously been sentenced
19 under the provisions of paragraph (c) on or after January
20 1, 1998 for any serious traffic offense as defined in
21 Section 1-187.001 of the Illinois Vehicle Code.

22 (h-1) The provisions of paragraph (c) shall not apply to a
23 defendant under the age of 21 years charged with an offense
24 against traffic regulations governing the movement of vehicles
25 or any violation of Section 6-107 or Section 12-603.1 of the
26 Illinois Vehicle Code, unless the defendant, upon payment of

1 the fines, penalties, and costs provided by law, agrees to
2 attend and successfully complete a traffic safety program
3 approved by the court under standards set by the Conference of
4 Chief Circuit Judges. The accused shall be responsible for
5 payment of any traffic safety program fees. If the accused
6 fails to file a certificate of successful completion on or
7 before the termination date of the supervision order, the
8 supervision shall be summarily revoked and conviction entered.
9 The provisions of Supreme Court Rule 402 relating to pleas of
10 guilty do not apply in cases when a defendant enters a guilty
11 plea under this provision.

12 (i) The provisions of paragraph (c) shall not apply to a
13 defendant charged with violating Section 3-707 of the Illinois
14 Vehicle Code or a similar provision of a local ordinance if the
15 defendant has been assigned supervision for a violation of
16 Section 3-707 of the Illinois Vehicle Code or a similar
17 provision of a local ordinance.

18 (j) The provisions of paragraph (c) shall not apply to a
19 defendant charged with violating Section 6-303 of the Illinois
20 Vehicle Code or a similar provision of a local ordinance when
21 the revocation or suspension was for a violation of Section
22 11-501 or a similar provision of a local ordinance or a
23 violation of Section 11-501.1 or paragraph (b) of Section
24 11-401 of the Illinois Vehicle Code, if the defendant has
25 within the last 10 years been:

26 (1) convicted for a violation of Section 6-303 of the

1 Illinois Vehicle Code or a similar provision of a local
2 ordinance; or

3 (2) assigned supervision for a violation of Section
4 6-303 of the Illinois Vehicle Code or a similar provision
5 of a local ordinance.

6 (k) The provisions of paragraph (c) shall not apply to a
7 defendant charged with violating any provision of the Illinois
8 Vehicle Code or a similar provision of a local ordinance that
9 governs the movement of vehicles if, within the 12 months
10 preceding the date of the defendant's arrest, the defendant has
11 been assigned court supervision on 2 occasions for a violation
12 that governs the movement of vehicles under the Illinois
13 Vehicle Code or a similar provision of a local ordinance.

14 (l) A defendant charged with violating any provision of the
15 Illinois Vehicle Code or a similar provision of a local
16 ordinance who, after a court appearance in the same matter,
17 receives a disposition of supervision under subsection (c)
18 shall pay an additional fee of \$20, to be collected as provided
19 in Sections 27.5 and 27.6 of the Clerks of Courts Act. In
20 addition to the \$20 fee, the person shall also pay a fee of \$5,
21 which, if not waived by the court, shall be collected as
22 provided in Sections 27.5 and 27.6 of the Clerks of Courts Act.
23 The \$20 fee shall be disbursed as provided in Section 16-104c
24 of the Illinois Vehicle Code. If the \$5 fee is collected, \$4.50
25 of the fee shall be deposited into the Circuit Court Clerk
26 Operation and Administrative Fund created by the Clerk of the

1 Circuit Court and 50 cents of the fee shall be deposited into
2 the Prisoner Review Board Vehicle and Equipment Fund in the
3 State treasury.

4 (m) Any person convicted of or pleading guilty to a serious
5 traffic violation, as defined in Section 1-187.001 of the
6 Illinois Vehicle Code, shall pay an additional fee of \$20, to
7 be disbursed as provided in Section 16-104d of that Code.

8 This subsection (m) becomes inoperative 7 years after
9 October 13, 2007 (the effective date of Public Act 95-154) ~~this~~
10 ~~amendatory Act of the 95th General Assembly.~~

11 (n) ~~(m)~~ The provisions of paragraph (c) shall not apply to
12 any person under the age of 18 who commits an offense against
13 traffic regulations governing the movement of vehicles or any
14 violation of Section 6-107 or Section 12-603.1 of the Illinois
15 Vehicle Code, except upon personal appearance of the defendant
16 in court and upon the written consent of the defendant's parent
17 or legal guardian, executed before the presiding judge. The
18 presiding judge shall have the authority to waive this
19 requirement upon the showing of good cause by the defendant.

20 (o) ~~(m)~~ The provisions of paragraph (c) shall not apply to
21 a defendant charged with violating Section 6-303 of the
22 Illinois Vehicle Code or a similar provision of a local
23 ordinance when the suspension was for a violation of Section
24 11-501.1 of the Illinois Vehicle Code and when:

25 (1) at the time of the violation of Section 11-501.1 of
26 the Illinois Vehicle Code, the defendant was a first

1 offender pursuant to Section 11-500 of the Illinois Vehicle
2 Code and the defendant failed to obtain a monitoring device
3 driving permit; or

4 (2) at the time of the violation of Section 11-501.1 of
5 the Illinois Vehicle Code, the defendant was a first
6 offender pursuant to Section 11-500 of the Illinois Vehicle
7 Code, had subsequently obtained a monitoring device
8 driving permit, but was driving a vehicle not equipped with
9 a breath alcohol ignition interlock device as defined in
10 Section 1-129.1 of the Illinois Vehicle Code.

11 (Source: P.A. 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375,
12 eff. 1-1-06; 94-1009, eff. 1-1-07; 95-154, eff. 10-13-07;
13 95-302, eff. 1-1-08; 95-310, eff. 1-1-08; 95-377, eff. 1-1-08;
14 95-400, eff. 1-1-09; 95-428, 8-24-07; revised 11-19-07.)

15 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

16 (Text of Section before amendment by P.A. 95-464, 95-578,
17 and 95-696)

18 Sec. 5-6-3. Conditions of Probation and of Conditional
19 Discharge.

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

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

24 (2) report to or appear in person before such person or
25 agency as directed by the court;

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

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

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

15 (6) perform no less than 30 hours of community service
16 and not more than 120 hours of community service, if
17 community service is available in the jurisdiction and is
18 funded and approved by the county board where the offense
19 was committed, where the offense was related to or in
20 furtherance of the criminal activities of an organized gang
21 and was motivated by the offender's membership in or
22 allegiance to an organized gang. The community service
23 shall include, but not be limited to, the cleanup and
24 repair of any damage caused by a violation of Section
25 21-1.3 of the Criminal Code of 1961 and similar damage to
26 property located within the municipality or county in which

1 the violation occurred. When possible and reasonable, the
2 community service should be performed in the offender's
3 neighborhood. For purposes of this Section, "organized
4 gang" has the meaning ascribed to it in Section 10 of the
5 Illinois Streetgang Terrorism Omnibus Prevention Act;

6 (7) if he or she is at least 17 years of age and has
7 been sentenced to probation or conditional discharge for a
8 misdemeanor or felony in a county of 3,000,000 or more
9 inhabitants and has not been previously convicted of a
10 misdemeanor or felony, may be required by the sentencing
11 court to attend educational courses designed to prepare the
12 defendant for a high school diploma and to work toward a
13 high school diploma or to work toward passing the high
14 school level Test of General Educational Development (GED)
15 or to work toward completing a vocational training program
16 approved by the court. The person on probation or
17 conditional discharge must attend a public institution of
18 education to obtain the educational or vocational training
19 required by this clause (7). The court shall revoke the
20 probation or conditional discharge of a person who wilfully
21 fails to comply with this clause (7). The person on
22 probation or conditional discharge shall be required to pay
23 for the cost of the educational courses or GED test, if a
24 fee is charged for those courses or test. The court shall
25 resentence the offender whose probation or conditional
26 discharge has been revoked as provided in Section 5-6-4.

1 This clause (7) does not apply to a person who has a high
2 school diploma or has successfully passed the GED test.

3 This clause (7) does not apply to a person who is
4 determined by the court to be developmentally disabled or
5 otherwise mentally incapable of completing the educational
6 or vocational program;

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

20 (8.5) if convicted of a felony sex offense as defined
21 in the Sex Offender Management Board Act, the person shall
22 undergo and successfully complete sex offender treatment
23 by a treatment provider approved by the Board and conducted
24 in conformance with the standards developed under the Sex
25 Offender Management Board Act;

26 (8.6) if convicted of a sex offense as defined in the

1 Sex Offender Management Board Act, refrain from residing at
2 the same address or in the same condominium unit or
3 apartment unit or in the same condominium complex or
4 apartment complex with another person he or she knows or
5 reasonably should know is a convicted sex offender or has
6 been placed on supervision for a sex offense; the
7 provisions of this paragraph do not apply to a person
8 convicted of a sex offense who is placed in a Department of
9 Corrections licensed transitional housing facility for sex
10 offenders;

11 (9) if convicted of a felony, physically surrender at a
12 time and place designated by the court, his or her Firearm
13 Owner's Identification Card and any and all firearms in his
14 or her possession; and

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

25 (b) The Court may in addition to other reasonable
26 conditions relating to the nature of the offense or the

1 rehabilitation of the defendant as determined for each
2 defendant in the proper discretion of the Court require that
3 the person:

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

7 (2) pay a fine and costs;

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

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

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

14 (6) support his dependents;

15 (7) and in addition, if a minor:

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

17 (ii) attend school;

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

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

21 (v) with the consent of the superintendent of the
22 facility, attend an educational program at a facility
23 other than the school in which the offense was
24 committed if he or she is convicted of a crime of
25 violence as defined in Section 2 of the Crime Victims
26 Compensation Act committed in a school, on the real

1 property comprising a school, or within 1,000 feet of
2 the real property comprising a school;

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

5 (9) perform some reasonable public or community
6 service;

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

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

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

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

22 (iv) for persons convicted of any alcohol,
23 cannabis or controlled substance violation who are
24 placed on an approved monitoring device as a condition
25 of probation or conditional discharge, the court shall
26 impose a reasonable fee for each day of the use of the

1 device, as established by the county board in
2 subsection (g) of this Section, unless after
3 determining the inability of the offender to pay the
4 fee, the court assesses a lesser fee or no fee as the
5 case may be. This fee shall be imposed in addition to
6 the fees imposed under subsections (g) and (i) of this
7 Section. The fee shall be collected by the clerk of the
8 circuit court. The clerk of the circuit court shall pay
9 all monies collected from this fee to the county
10 treasurer for deposit in the substance abuse services
11 fund under Section 5-1086.1 of the Counties Code; and

12 (v) for persons convicted of offenses other than
13 those referenced in clause (iv) above and who are
14 placed on an approved monitoring device as a condition
15 of probation or conditional discharge, the court shall
16 impose a reasonable fee for each day of the use of the
17 device, as established by the county board in
18 subsection (g) of this Section, unless after
19 determining the inability of the defendant to pay the
20 fee, the court assesses a lesser fee or no fee as the
21 case may be. This fee shall be imposed in addition to
22 the fees imposed under subsections (g) and (i) of this
23 Section. The fee shall be collected by the clerk of the
24 circuit court. The clerk of the circuit court shall pay
25 all monies collected from this fee to the county
26 treasurer who shall use the monies collected to defray

1 the costs of corrections. The county treasurer shall
2 deposit the fee collected in the county working cash
3 fund under Section 6-27001 or Section 6-29002 of the
4 Counties Code, as the case may be.

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

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

18 (13) contribute a reasonable sum of money, not to
19 exceed the maximum amount of the fine authorized for the
20 offense for which the defendant was sentenced, to a "local
21 anti-crime program", as defined in Section 7 of the
22 Anti-Crime Advisory Council Act;

23 (14) refrain from entering into a designated
24 geographic area except upon such terms as the court finds
25 appropriate. Such terms may include consideration of the
26 purpose of the entry, the time of day, other persons

1 accompanying the defendant, and advance approval by a
2 probation officer, if the defendant has been placed on
3 probation or advance approval by the court, if the
4 defendant was placed on conditional discharge;

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

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

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

26 (d) An offender sentenced to probation or to conditional

1 discharge shall be given a certificate setting forth the
2 conditions thereof.

3 (e) Except where the offender has committed a fourth or
4 subsequent violation of subsection (c) of Section 6-303 of the
5 Illinois Vehicle Code, the court shall not require as a
6 condition of the sentence of probation or conditional discharge
7 that the offender be committed to a period of imprisonment in
8 excess of 6 months. This 6 month limit shall not include
9 periods of confinement given pursuant to a sentence of county
10 impact incarceration under Section 5-8-1.2. This 6 month limit
11 does not apply to a person sentenced to probation as a result
12 of a conviction of a fourth or subsequent violation of
13 subsection (c-4) of Section 11-501 of the Illinois Vehicle Code
14 or a similar provision of a local ordinance.

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

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

22 (g) An offender sentenced to probation or to conditional
23 discharge and who during the term of either undergoes mandatory
24 drug or alcohol testing, or both, or is assigned to be placed
25 on an approved electronic monitoring device, shall be ordered
26 to pay all costs incidental to such mandatory drug or alcohol

1 testing, or both, and all costs incidental to such approved
2 electronic monitoring in accordance with the defendant's
3 ability to pay those costs. The county board with the
4 concurrence of the Chief Judge of the judicial circuit in which
5 the county is located shall establish reasonable fees for the
6 cost of maintenance, testing, and incidental expenses related
7 to the mandatory drug or alcohol testing, or both, and all
8 costs incidental to approved electronic monitoring, involved
9 in a successful probation program for the county. The
10 concurrence of the Chief Judge shall be in the form of an
11 administrative order. The fees shall be collected by the clerk
12 of the circuit court. The clerk of the circuit court shall pay
13 all moneys collected from these fees to the county treasurer
14 who shall use the moneys collected to defray the costs of drug
15 testing, alcohol testing, and electronic monitoring. The
16 county treasurer shall deposit the fees collected in the county
17 working cash fund under Section 6-27001 or Section 6-29002 of
18 the Counties Code, as the case may be.

19 (h) Jurisdiction over an offender may be transferred from
20 the sentencing court to the court of another circuit with the
21 concurrence of both courts. Further transfers or retransfers of
22 jurisdiction are also authorized in the same manner. The court
23 to which jurisdiction has been transferred shall have the same
24 powers as the sentencing court.

25 (i) The court shall impose upon an offender sentenced to
26 probation after January 1, 1989 or to conditional discharge

1 after January 1, 1992 or to community service under the
2 supervision of a probation or court services department after
3 January 1, 2004, as a condition of such probation or
4 conditional discharge or supervised community service, a fee of
5 \$50 for each month of probation or conditional discharge
6 supervision or supervised community service ordered by the
7 court, unless after determining the inability of the person
8 sentenced to probation or conditional discharge or supervised
9 community service to pay the fee, the court assesses a lesser
10 fee. The court may not impose the fee on a minor who is made a
11 ward of the State under the Juvenile Court Act of 1987 while
12 the minor is in placement. The fee shall be imposed only upon
13 an offender who is actively supervised by the probation and
14 court services department. The fee shall be collected by the
15 clerk of the circuit court. The clerk of the circuit court
16 shall pay all monies collected from this fee to the county
17 treasurer for deposit in the probation and court services fund
18 under Section 15.1 of the Probation and Probation Officers Act.

19 A circuit court may not impose a probation fee under this
20 subsection (i) in excess of \$25 per month unless: (1) the
21 circuit court has adopted, by administrative order issued by
22 the chief judge, a standard probation fee guide determining an
23 offender's ability to pay, under guidelines developed by the
24 Administrative Office of the Illinois Courts; and (2) the
25 circuit court has authorized, by administrative order issued by
26 the chief judge, the creation of a Crime Victim's Services

1 Fund, to be administered by the Chief Judge or his or her
2 designee, for services to crime victims and their families. Of
3 the amount collected as a probation fee, up to \$5 of that fee
4 collected per month may be used to provide services to crime
5 victims and their families.

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

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

21 (j) All fines and costs imposed under this Section for any
22 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
23 Code, or a similar provision of a local ordinance, and any
24 violation of the Child Passenger Protection Act, or a similar
25 provision of a local ordinance, shall be collected and
26 disbursed by the circuit clerk as provided under Section 27.5

1 of the Clerks of Courts Act.

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

11 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
12 94-556, eff. 9-11-05; 95-331, eff. 8-21-07.)

13 (Text of Section after amendment by P.A. 95-464, 95-578,
14 and 95-696)

15 Sec. 5-6-3. Conditions of Probation and of Conditional
16 Discharge.

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

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

21 (2) report to or appear in person before such person or
22 agency as directed by the court;

23 (3) refrain from possessing a firearm or other
24 dangerous weapon;

25 (4) not leave the State without the consent of the

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

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

12 (6) perform no less than 30 hours of community service
13 and not more than 120 hours of community service, if
14 community service is available in the jurisdiction and is
15 funded and approved by the county board where the offense
16 was committed, where the offense was related to or in
17 furtherance of the criminal activities of an organized gang
18 and was motivated by the offender's membership in or
19 allegiance to an organized gang. The community service
20 shall include, but not be limited to, the cleanup and
21 repair of any damage caused by a violation of Section
22 21-1.3 of the Criminal Code of 1961 and similar damage to
23 property located within the municipality or county in which
24 the violation occurred. When possible and reasonable, the
25 community service should be performed in the offender's
26 neighborhood. For purposes of this Section, "organized

1 gang" has the meaning ascribed to it in Section 10 of the
2 Illinois Streetgang Terrorism Omnibus Prevention Act;

3 (7) if he or she is at least 17 years of age and has
4 been sentenced to probation or conditional discharge for a
5 misdemeanor or felony in a county of 3,000,000 or more
6 inhabitants and has not been previously convicted of a
7 misdemeanor or felony, may be required by the sentencing
8 court to attend educational courses designed to prepare the
9 defendant for a high school diploma and to work toward a
10 high school diploma or to work toward passing the high
11 school level Test of General Educational Development (GED)
12 or to work toward completing a vocational training program
13 approved by the court. The person on probation or
14 conditional discharge must attend a public institution of
15 education to obtain the educational or vocational training
16 required by this clause (7). The court shall revoke the
17 probation or conditional discharge of a person who wilfully
18 fails to comply with this clause (7). The person on
19 probation or conditional discharge shall be required to pay
20 for the cost of the educational courses or GED test, if a
21 fee is charged for those courses or test. The court shall
22 resentence the offender whose probation or conditional
23 discharge has been revoked as provided in Section 5-6-4.
24 This clause (7) does not apply to a person who has a high
25 school diploma or has successfully passed the GED test.
26 This clause (7) does not apply to a person who is

1 determined by the court to be developmentally disabled or
2 otherwise mentally incapable of completing the educational
3 or vocational program;

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

17 (8.5) if convicted of a felony sex offense as defined
18 in the Sex Offender Management Board Act, the person shall
19 undergo and successfully complete sex offender treatment
20 by a treatment provider approved by the Board and conducted
21 in conformance with the standards developed under the Sex
22 Offender Management Board Act;

23 (8.6) if convicted of a sex offense as defined in the
24 Sex Offender Management Board Act, refrain from residing at
25 the same address or in the same condominium unit or
26 apartment unit or in the same condominium complex or

1 apartment complex with another person he or she knows or
2 reasonably should know is a convicted sex offender or has
3 been placed on supervision for a sex offense; the
4 provisions of this paragraph do not apply to a person
5 convicted of a sex offense who is placed in a Department of
6 Corrections licensed transitional housing facility for sex
7 offenders;

8 (8.7) if convicted for an offense committed on or after
9 the effective date of this amendatory Act of the 95th
10 General Assembly that would qualify the accused as a child
11 sex offender as defined in Section 11-9.3 or 11-9.4 of the
12 Criminal Code of 1961, refrain from communicating with or
13 contacting, by means of the Internet, a person who is not
14 related to the accused and whom the accused reasonably
15 believes to be under 18 years of age; for purposes of this
16 paragraph (8.7), "Internet" has the meaning ascribed to it
17 in Section 16J-5 of the Criminal Code of 1961, ~~as added by~~
18 ~~Public Act 94-179~~; and a person is not related to the
19 accused if the person is not: (i) the spouse, brother, or
20 sister of the accused; (ii) a descendant of the accused;
21 (iii) a first or second cousin of the accused; or (iv) a
22 step-child or adopted child of the accused;

23 (9) if convicted of a felony, physically surrender at a
24 time and place designated by the court, his or her Firearm
25 Owner's Identification Card and any and all firearms in his
26 or her possession; and

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

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

16 (1) serve a term of periodic imprisonment under Article
17 7 for a period not to exceed that specified in paragraph
18 (d) of Section 5-7-1;

19 (2) pay a fine and costs;

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

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

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

26 (6) support his dependents;

- 1 (7) and in addition, if a minor:
- 2 (i) reside with his parents or in a foster home;
- 3 (ii) attend school;
- 4 (iii) attend a non-residential program for youth;
- 5 (iv) contribute to his own support at home or in a
- 6 foster home;
- 7 (v) with the consent of the superintendent of the
- 8 facility, attend an educational program at a facility
- 9 other than the school in which the offense was
- 10 committed if he or she is convicted of a crime of
- 11 violence as defined in Section 2 of the Crime Victims
- 12 Compensation Act committed in a school, on the real
- 13 property comprising a school, or within 1,000 feet of
- 14 the real property comprising a school;
- 15 (8) make restitution as provided in Section 5-5-6 of
- 16 this Code;
- 17 (9) perform some reasonable public or community
- 18 service;
- 19 (10) serve a term of home confinement. In addition to
- 20 any other applicable condition of probation or conditional
- 21 discharge, the conditions of home confinement shall be that
- 22 the offender:
- 23 (i) remain within the interior premises of the
- 24 place designated for his confinement during the hours
- 25 designated by the court;
- 26 (ii) admit any person or agent designated by the

1 court into the offender's place of confinement at any
2 time for purposes of verifying the offender's
3 compliance with the conditions of his confinement; and

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

8 (iv) for persons convicted of any alcohol,
9 cannabis or controlled substance violation who are
10 placed on an approved monitoring device as a condition
11 of probation or conditional discharge, the court shall
12 impose a reasonable fee for each day of the use of the
13 device, as established by the county board in
14 subsection (g) of this Section, unless after
15 determining the inability of the offender to pay the
16 fee, the court assesses a lesser fee or no fee as the
17 case may be. This fee shall be imposed in addition to
18 the fees imposed under subsections (g) and (i) of this
19 Section. The fee shall be collected by the clerk of the
20 circuit court. The clerk of the circuit court shall pay
21 all monies collected from this fee to the county
22 treasurer for deposit in the substance abuse services
23 fund under Section 5-1086.1 of the Counties Code; and

24 (v) for persons convicted of offenses other than
25 those referenced in clause (iv) above and who are
26 placed on an approved monitoring device as a condition

1 of probation or conditional discharge, the court shall
2 impose a reasonable fee for each day of the use of the
3 device, as established by the county board in
4 subsection (g) of this Section, unless after
5 determining the inability of the defendant to pay the
6 fee, the court assesses a lesser fee or no fee as the
7 case may be. This fee shall be imposed in addition to
8 the fees imposed under subsections (g) and (i) of this
9 Section. The fee shall be collected by the clerk of the
10 circuit court. The clerk of the circuit court shall pay
11 all monies collected from this fee to the county
12 treasurer who shall use the monies collected to defray
13 the costs of corrections. The county treasurer shall
14 deposit the fee collected in the county working cash
15 fund under Section 6-27001 or Section 6-29002 of the
16 Counties Code, as the case may be.

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

24 (12) reimburse any "local anti-crime program" as
25 defined in Section 7 of the Anti-Crime Advisory Council Act
26 for any reasonable expenses incurred by the program on the

1 offender's case, not to exceed the maximum amount of the
2 fine authorized for the offense for which the defendant was
3 sentenced;

4 (13) contribute a reasonable sum of money, not to
5 exceed the maximum amount of the fine authorized for the
6 offense for which the defendant was sentenced, (i) to a
7 "local anti-crime program", as defined in Section 7 of the
8 Anti-Crime Advisory Council Act, or (ii) for offenses under
9 the jurisdiction of the Department of Natural Resources, to
10 the fund established by the Department of Natural Resources
11 for the purchase of evidence for investigation purposes and
12 to conduct investigations as outlined in Section 805-105 of
13 the Department of Natural Resources (Conservation) Law;

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

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

26 (16) refrain from having in his or her body the

1 presence of any illicit drug prohibited by the Cannabis
2 Control Act, the Illinois Controlled Substances Act, or the
3 Methamphetamine Control and Community Protection Act,
4 unless prescribed by a physician, and submit samples of his
5 or her blood or urine or both for tests to determine the
6 presence of any illicit drug; and

7 (17) if convicted for an offense committed on or after
8 the effective date of this amendatory Act of the 95th
9 General Assembly that would qualify the accused as a child
10 sex offender as defined in Section 11-9.3 or 11-9.4 of the
11 Criminal Code of 1961, refrain from communicating with or
12 contacting, by means of the Internet, a person who is
13 related to the accused and whom the accused reasonably
14 believes to be under 18 years of age; for purposes of this
15 paragraph (17), "Internet" has the meaning ascribed to it
16 in Section 16J-5 of the Criminal Code of 1961,~~as added by~~
17 ~~Public Act 94-179~~; and a person is related to the accused
18 if the person is: (i) the spouse, brother, or sister of the
19 accused; (ii) a descendant of the accused; (iii) a first or
20 second cousin of the accused; or (iv) a step-child or
21 adopted child of the accused.

22 (c) The court may as a condition of probation or of
23 conditional discharge require that a person under 18 years of
24 age found guilty of any alcohol, cannabis or controlled
25 substance violation, refrain from acquiring a driver's license
26 during the period of probation or conditional discharge. If

1 such person is in possession of a permit or license, the court
2 may require that the minor refrain from driving or operating
3 any motor vehicle during the period of probation or conditional
4 discharge, except as may be necessary in the course of the
5 minor's lawful employment.

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

9 (e) Except where the offender has committed a fourth or
10 subsequent violation of subsection (c) of Section 6-303 of the
11 Illinois Vehicle Code, the court shall not require as a
12 condition of the sentence of probation or conditional discharge
13 that the offender be committed to a period of imprisonment in
14 excess of 6 months. This 6 month limit shall not include
15 periods of confinement given pursuant to a sentence of county
16 impact incarceration under Section 5-8-1.2.

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

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

24 (g) An offender sentenced to probation or to conditional
25 discharge and who during the term of either undergoes mandatory
26 drug or alcohol testing, or both, or is assigned to be placed

1 on an approved electronic monitoring device, shall be ordered
2 to pay all costs incidental to such mandatory drug or alcohol
3 testing, or both, and all costs incidental to such approved
4 electronic monitoring in accordance with the defendant's
5 ability to pay those costs. The county board with the
6 concurrence of the Chief Judge of the judicial circuit in which
7 the county is located shall establish reasonable fees for the
8 cost of maintenance, testing, and incidental expenses related
9 to the mandatory drug or alcohol testing, or both, and all
10 costs incidental to approved electronic monitoring, involved
11 in a successful probation program for the county. The
12 concurrence of the Chief Judge shall be in the form of an
13 administrative order. The fees shall be collected by the clerk
14 of the circuit court. The clerk of the circuit court shall pay
15 all moneys collected from these fees to the county treasurer
16 who shall use the moneys collected to defray the costs of drug
17 testing, alcohol testing, and electronic monitoring. The
18 county treasurer shall deposit the fees collected in the county
19 working cash fund under Section 6-27001 or Section 6-29002 of
20 the Counties Code, as the case may be.

21 (h) Jurisdiction over an offender may be transferred from
22 the sentencing court to the court of another circuit with the
23 concurrence of both courts. Further transfers or retransfers of
24 jurisdiction are also authorized in the same manner. The court
25 to which jurisdiction has been transferred shall have the same
26 powers as the sentencing court.

1 (i) The court shall impose upon an offender sentenced to
2 probation after January 1, 1989 or to conditional discharge
3 after January 1, 1992 or to community service under the
4 supervision of a probation or court services department after
5 January 1, 2004, as a condition of such probation or
6 conditional discharge or supervised community service, a fee of
7 \$50 for each month of probation or conditional discharge
8 supervision or supervised community service ordered by the
9 court, unless after determining the inability of the person
10 sentenced to probation or conditional discharge or supervised
11 community service to pay the fee, the court assesses a lesser
12 fee. The court may not impose the fee on a minor who is made a
13 ward of the State under the Juvenile Court Act of 1987 while
14 the minor is in placement. The fee shall be imposed only upon
15 an offender who is actively supervised by the probation and
16 court services department. The fee shall be collected by the
17 clerk of the circuit court. The clerk of the circuit court
18 shall pay all monies collected from this fee to the county
19 treasurer for deposit in the probation and court services fund
20 under Section 15.1 of the Probation and Probation Officers Act.

21 A circuit court may not impose a probation fee under this
22 subsection (i) in excess of \$25 per month unless: (1) the
23 circuit court has adopted, by administrative order issued by
24 the chief judge, a standard probation fee guide determining an
25 offender's ability to pay, under guidelines developed by the
26 Administrative Office of the Illinois Courts; and (2) the

1 circuit court has authorized, by administrative order issued by
2 the chief judge, the creation of a Crime Victim's Services
3 Fund, to be administered by the Chief Judge or his or her
4 designee, for services to crime victims and their families. Of
5 the amount collected as a probation fee, up to \$5 of that fee
6 collected per month may be used to provide services to crime
7 victims and their families.

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

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

23 (j) All fines and costs imposed under this Section for any
24 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
25 Code, or a similar provision of a local ordinance, and any
26 violation of the Child Passenger Protection Act, or a similar

1 provision of a local ordinance, shall be collected and
2 disbursed by the circuit clerk as provided under Section 27.5
3 of the Clerks of Courts Act.

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

13 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
14 94-556, eff. 9-11-05; 95-331, eff. 8-21-07; 95-464, eff.
15 6-1-08; 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; revised
16 12-26-07.)

17 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

18 (Text of Section before amendment by P.A. 95-464 and
19 95-696)

20 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

21 (a) When a defendant is placed on supervision, the court
22 shall enter an order for supervision specifying the period of
23 such supervision, and shall defer further proceedings in the
24 case until the conclusion of the period.

25 (b) The period of supervision shall be reasonable under all

1 of the circumstances of the case, but may not be longer than 2
2 years, unless the defendant has failed to pay the assessment
3 required by Section 10.3 of the Cannabis Control Act, Section
4 411.2 of the Illinois Controlled Substances Act, or Section 80
5 of the Methamphetamine Control and Community Protection Act, in
6 which case the court may extend supervision beyond 2 years.
7 Additionally, the court shall order the defendant to perform no
8 less than 30 hours of community service and not more than 120
9 hours of community service, if community service is available
10 in the jurisdiction and is funded and approved by the county
11 board where the offense was committed, when the offense (1) was
12 related to or in furtherance of the criminal activities of an
13 organized gang or was motivated by the defendant's membership
14 in or allegiance to an organized gang; or (2) is a violation of
15 any Section of Article 24 of the Criminal Code of 1961 where a
16 disposition of supervision is not prohibited by Section 5-6-1
17 of this Code. The community service shall include, but not be
18 limited to, the cleanup and repair of any damage caused by
19 violation of Section 21-1.3 of the Criminal Code of 1961 and
20 similar damages to property located within the municipality or
21 county in which the violation occurred. Where possible and
22 reasonable, the community service should be performed in the
23 offender's neighborhood.

24 For the purposes of this Section, "organized gang" has the
25 meaning ascribed to it in Section 10 of the Illinois Streetgang
26 Terrorism Omnibus Prevention Act.

1 (c) The court may in addition to other reasonable
2 conditions relating to the nature of the offense or the
3 rehabilitation of the defendant as determined for each
4 defendant in the proper discretion of the court require that
5 the person:

6 (1) make a report to and appear in person before or
7 participate with the court or such courts, person, or
8 social service agency as directed by the court in the order
9 of supervision;

10 (2) pay a fine and costs;

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

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

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

17 (6) support his dependents;

18 (7) refrain from possessing a firearm or other
19 dangerous weapon;

20 (8) and in addition, if a minor:

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

22 (ii) attend school;

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

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

26 (v) with the consent of the superintendent of the

1 facility, attend an educational program at a facility
2 other than the school in which the offense was
3 committed if he or she is placed on supervision for a
4 crime of violence as defined in Section 2 of the Crime
5 Victims Compensation Act committed in a school, on the
6 real property comprising a school, or within 1,000 feet
7 of the real property comprising a school;

8 (9) make restitution or reparation in an amount not to
9 exceed actual loss or damage to property and pecuniary loss
10 or make restitution under Section 5-5-6 to a domestic
11 violence shelter. The court shall determine the amount and
12 conditions of payment;

13 (10) perform some reasonable public or community
14 service;

15 (11) comply with the terms and conditions of an order
16 of protection issued by the court pursuant to the Illinois
17 Domestic Violence Act of 1986 or an order of protection
18 issued by the court of another state, tribe, or United
19 States territory. If the court has ordered the defendant to
20 make a report and appear in person under paragraph (1) of
21 this subsection, a copy of the order of protection shall be
22 transmitted to the person or agency so designated by the
23 court;

24 (12) reimburse any "local anti-crime program" as
25 defined in Section 7 of the Anti-Crime Advisory Council Act
26 for any reasonable expenses incurred by the program on the

1 offender's case, not to exceed the maximum amount of the
2 fine authorized for the offense for which the defendant was
3 sentenced;

4 (13) contribute a reasonable sum of money, not to
5 exceed the maximum amount of the fine authorized for the
6 offense for which the defendant was sentenced, to a "local
7 anti-crime program", as defined in Section 7 of the
8 Anti-Crime Advisory Council Act;

9 (14) refrain from entering into a designated
10 geographic area except upon such terms as the court finds
11 appropriate. Such terms may include consideration of the
12 purpose of the entry, the time of day, other persons
13 accompanying the defendant, and advance approval by a
14 probation officer;

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

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

26 (17) refrain from operating any motor vehicle not

1 equipped with an ignition interlock device as defined in
2 Section 1-129.1 of the Illinois Vehicle Code; under ~~Under~~
3 this condition the court may allow a defendant who is not
4 self-employed to operate a vehicle owned by the defendant's
5 employer that is not equipped with an ignition interlock
6 device in the course and scope of the defendant's
7 employment; and

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

19 (d) The court shall defer entering any judgment on the
20 charges until the conclusion of the supervision.

21 (e) At the conclusion of the period of supervision, if the
22 court determines that the defendant has successfully complied
23 with all of the conditions of supervision, the court shall
24 discharge the defendant and enter a judgment dismissing the
25 charges.

26 (f) Discharge and dismissal upon a successful conclusion of

1 a disposition of supervision shall be deemed without
2 adjudication of guilt and shall not be termed a conviction for
3 purposes of disqualification or disabilities imposed by law
4 upon conviction of a crime. Two years after the discharge and
5 dismissal under this Section, unless the disposition of
6 supervision was for a violation of Sections 3-707, 3-708,
7 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
8 similar provision of a local ordinance, or for a violation of
9 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which
10 case it shall be 5 years after discharge and dismissal, a
11 person may have his record of arrest sealed or expunged as may
12 be provided by law. However, any defendant placed on
13 supervision before January 1, 1980, may move for sealing or
14 expungement of his arrest record, as provided by law, at any
15 time after discharge and dismissal under this Section. A person
16 placed on supervision for a sexual offense committed against a
17 minor as defined in subsection (g) of Section 5 of the Criminal
18 Identification Act or for a violation of Section 11-501 of the
19 Illinois Vehicle Code or a similar provision of a local
20 ordinance shall not have his or her record of arrest sealed or
21 expunged.

22 (g) A defendant placed on supervision and who during the
23 period of supervision undergoes mandatory drug or alcohol
24 testing, or both, or is assigned to be placed on an approved
25 electronic monitoring device, shall be ordered to pay the costs
26 incidental to such mandatory drug or alcohol testing, or both,

1 and costs incidental to such approved electronic monitoring in
2 accordance with the defendant's ability to pay those costs. The
3 county board with the concurrence of the Chief Judge of the
4 judicial circuit in which the county is located shall establish
5 reasonable fees for the cost of maintenance, testing, and
6 incidental expenses related to the mandatory drug or alcohol
7 testing, or both, and all costs incidental to approved
8 electronic monitoring, of all defendants placed on
9 supervision. The concurrence of the Chief Judge shall be in the
10 form of an administrative order. The fees shall be collected by
11 the clerk of the circuit court. The clerk of the circuit court
12 shall pay all moneys collected from these fees to the county
13 treasurer who shall use the moneys collected to defray the
14 costs of drug testing, alcohol testing, and electronic
15 monitoring. The county treasurer shall deposit the fees
16 collected in the county working cash fund under Section 6-27001
17 or Section 6-29002 of the Counties Code, as the case may be.

18 (h) A disposition of supervision is a final order for the
19 purposes of appeal.

20 (i) The court shall impose upon a defendant placed on
21 supervision after January 1, 1992 or to community service under
22 the supervision of a probation or court services department
23 after January 1, 2004, as a condition of supervision or
24 supervised community service, a fee of \$50 for each month of
25 supervision or supervised community service ordered by the
26 court, unless after determining the inability of the person

1 placed on supervision or supervised community service to pay
2 the fee, the court assesses a lesser fee. The court may not
3 impose the fee on a minor who is made a ward of the State under
4 the Juvenile Court Act of 1987 while the minor is in placement.
5 The fee shall be imposed only upon a defendant who is actively
6 supervised by the probation and court services department. The
7 fee shall be collected by the clerk of the circuit court. The
8 clerk of the circuit court shall pay all monies collected from
9 this fee to the county treasurer for deposit in the probation
10 and court services fund pursuant to Section 15.1 of the
11 Probation and Probation Officers Act.

12 A circuit court may not impose a probation fee in excess of
13 \$25 per month unless: (1) the circuit court has adopted, by
14 administrative order issued by the chief judge, a standard
15 probation fee guide determining an offender's ability to pay,
16 under guidelines developed by the Administrative Office of the
17 Illinois Courts; and (2) the circuit court has authorized, by
18 administrative order issued by the chief judge, the creation of
19 a Crime Victim's Services Fund, to be administered by the Chief
20 Judge or his or her designee, for services to crime victims and
21 their families. Of the amount collected as a probation fee, not
22 to exceed \$5 of that fee collected per month may be used to
23 provide services to crime victims and their families.

24 (j) All fines and costs imposed under this Section for any
25 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
26 Code, or a similar provision of a local ordinance, and any

1 violation of the Child Passenger Protection Act, or a similar
2 provision of a local ordinance, shall be collected and
3 disbursed by the circuit clerk as provided under Section 27.5
4 of the Clerks of Courts Act.

5 (k) A defendant at least 17 years of age who is placed on
6 supervision for a misdemeanor in a county of 3,000,000 or more
7 inhabitants and who has not been previously convicted of a
8 misdemeanor or felony may as a condition of his or her
9 supervision be required by the court to attend educational
10 courses designed to prepare the defendant for a high school
11 diploma and to work toward a high school diploma or to work
12 toward passing the high school level Test of General
13 Educational Development (GED) or to work toward completing a
14 vocational training program approved by the court. The
15 defendant placed on supervision must attend a public
16 institution of education to obtain the educational or
17 vocational training required by this subsection (k). The
18 defendant placed on supervision shall be required to pay for
19 the cost of the educational courses or GED test, if a fee is
20 charged for those courses or test. The court shall revoke the
21 supervision of a person who wilfully fails to comply with this
22 subsection (k). The court shall resentence the defendant upon
23 revocation of supervision as provided in Section 5-6-4. This
24 subsection (k) does not apply to a defendant who has a high
25 school diploma or has successfully passed the GED test. This
26 subsection (k) does not apply to a defendant who is determined

1 by the court to be developmentally disabled or otherwise
2 mentally incapable of completing the educational or vocational
3 program.

4 (1) The court shall require a defendant placed on
5 supervision for possession of a substance prohibited by the
6 Cannabis Control Act, the Illinois Controlled Substances Act,
7 or the Methamphetamine Control and Community Protection Act
8 after a previous conviction or disposition of supervision for
9 possession of a substance prohibited by the Cannabis Control
10 Act, the Illinois Controlled Substances Act, or the
11 Methamphetamine Control and Community Protection Act or a
12 sentence of probation under Section 10 of the Cannabis Control
13 Act or Section 410 of the Illinois Controlled Substances Act
14 and after a finding by the court that the person is addicted,
15 to undergo treatment at a substance abuse program approved by
16 the court.

17 (m) The Secretary of State shall require anyone placed on
18 court supervision for a violation of Section 3-707 of the
19 Illinois Vehicle Code or a similar provision of a local
20 ordinance to give proof of his or her financial responsibility
21 as defined in Section 7-315 of the Illinois Vehicle Code. The
22 proof shall be maintained by the individual in a manner
23 satisfactory to the Secretary of State for a minimum period of
24 3 years after the date the proof is first filed. The proof
25 shall be limited to a single action per arrest and may not be
26 affected by any post-sentence disposition. The Secretary of

1 State shall suspend the driver's license of any person
2 determined by the Secretary to be in violation of this
3 subsection.

4 (n) Any offender placed on supervision for any offense that
5 the court or probation department has determined to be sexually
6 motivated as defined in the Sex Offender Management Board Act
7 shall be required to refrain from any contact, directly or
8 indirectly, with any persons specified by the court and shall
9 be available for all evaluations and treatment programs
10 required by the court or the probation department.

11 (o) An offender placed on supervision for a sex offense as
12 defined in the Sex Offender Management Board Act shall refrain
13 from residing at the same address or in the same condominium
14 unit or apartment unit or in the same condominium complex or
15 apartment complex with another person he or she knows or
16 reasonably should know is a convicted sex offender or has been
17 placed on supervision for a sex offense. The provisions of this
18 subsection (o) do not apply to a person convicted of a sex
19 offense who is placed in a Department of Corrections licensed
20 transitional housing facility for sex offenders.

21 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
22 94-556, eff. 9-11-05; 95-211, eff. 1-1-08; 95-331, eff.
23 8-21-07.)

24 (Text of Section after amendment by P.A. 95-464 and 95-696)
25 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

1 (a) When a defendant is placed on supervision, the court
2 shall enter an order for supervision specifying the period of
3 such supervision, and shall defer further proceedings in the
4 case until the conclusion of the period.

5 (b) The period of supervision shall be reasonable under all
6 of the circumstances of the case, but may not be longer than 2
7 years, unless the defendant has failed to pay the assessment
8 required by Section 10.3 of the Cannabis Control Act, Section
9 411.2 of the Illinois Controlled Substances Act, or Section 80
10 of the Methamphetamine Control and Community Protection Act, in
11 which case the court may extend supervision beyond 2 years.
12 Additionally, the court shall order the defendant to perform no
13 less than 30 hours of community service and not more than 120
14 hours of community service, if community service is available
15 in the jurisdiction and is funded and approved by the county
16 board where the offense was committed, when the offense (1) was
17 related to or in furtherance of the criminal activities of an
18 organized gang or was motivated by the defendant's membership
19 in or allegiance to an organized gang; or (2) is a violation of
20 any Section of Article 24 of the Criminal Code of 1961 where a
21 disposition of supervision is not prohibited by Section 5-6-1
22 of this Code. The community service shall include, but not be
23 limited to, the cleanup and repair of any damage caused by
24 violation of Section 21-1.3 of the Criminal Code of 1961 and
25 similar damages to property located within the municipality or
26 county in which the violation occurred. Where possible and

1 reasonable, the community service should be performed in the
2 offender's neighborhood.

3 For the purposes of this Section, "organized gang" has the
4 meaning ascribed to it in Section 10 of the Illinois Streetgang
5 Terrorism Omnibus Prevention Act.

6 (c) The court may in addition to other reasonable
7 conditions relating to the nature of the offense or the
8 rehabilitation of the defendant as determined for each
9 defendant in the proper discretion of the court require that
10 the person:

11 (1) make a report to and appear in person before or
12 participate with the court or such courts, person, or
13 social service agency as directed by the court in the order
14 of supervision;

15 (2) pay a fine and costs;

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

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

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

22 (6) support his dependents;

23 (7) refrain from possessing a firearm or other
24 dangerous weapon;

25 (8) and in addition, if a minor:

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

- 1 (ii) attend school;
- 2 (iii) attend a non-residential program for youth;
- 3 (iv) contribute to his own support at home or in a
4 foster home; or
- 5 (v) with the consent of the superintendent of the
6 facility, attend an educational program at a facility
7 other than the school in which the offense was
8 committed if he or she is placed on supervision for a
9 crime of violence as defined in Section 2 of the Crime
10 Victims Compensation Act committed in a school, on the
11 real property comprising a school, or within 1,000 feet
12 of the real property comprising a school;
- 13 (9) make restitution or reparation in an amount not to
14 exceed actual loss or damage to property and pecuniary loss
15 or make restitution under Section 5-5-6 to a domestic
16 violence shelter. The court shall determine the amount and
17 conditions of payment;
- 18 (10) perform some reasonable public or community
19 service;
- 20 (11) comply with the terms and conditions of an order
21 of protection issued by the court pursuant to the Illinois
22 Domestic Violence Act of 1986 or an order of protection
23 issued by the court of another state, tribe, or United
24 States territory. If the court has ordered the defendant to
25 make a report and appear in person under paragraph (1) of
26 this subsection, a copy of the order of protection shall be

1 transmitted to the person or agency so designated by the
2 court;

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

9 (13) contribute a reasonable sum of money, not to
10 exceed the maximum amount of the fine authorized for the
11 offense for which the defendant was sentenced, (i) to a
12 "local anti-crime program", as defined in Section 7 of the
13 Anti-Crime Advisory Council Act, or (ii) for offenses under
14 the jurisdiction of the Department of Natural Resources, to
15 the fund established by the Department of Natural Resources
16 for the purchase of evidence for investigation purposes and
17 to conduct investigations as outlined in Section 805-105 of
18 the Department of Natural Resources (Conservation) Law;

19 (14) refrain from entering into a designated
20 geographic area except upon such terms as the court finds
21 appropriate. Such terms may include consideration of the
22 purpose of the entry, the time of day, other persons
23 accompanying the defendant, and advance approval by a
24 probation officer;

25 (15) refrain from having any contact, directly or
26 indirectly, with certain specified persons or particular

1 types of person, including but not limited to members of
2 street gangs and drug users or dealers;

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

10 (17) refrain from operating any motor vehicle not
11 equipped with an ignition interlock device as defined in
12 Section 1-129.1 of the Illinois Vehicle Code; under. ~~Under~~
13 this condition the court may allow a defendant who is not
14 self-employed to operate a vehicle owned by the defendant's
15 employer that is not equipped with an ignition interlock
16 device in the course and scope of the defendant's
17 employment; and

18 (18) if placed on supervision for a sex offense as
19 defined in subsection (a-5) of Section 3-1-2 of this Code,
20 unless the offender is a parent or guardian of the person
21 under 18 years of age present in the home and no
22 non-familial minors are present, not participate in a
23 holiday event involving children under 18 years of age,
24 such as distributing candy or other items to children on
25 Halloween, wearing a Santa Claus costume on or preceding
26 Christmas, being employed as a department store Santa

1 Claus, or wearing an Easter Bunny costume on or preceding
2 Easter.

3 (d) The court shall defer entering any judgment on the
4 charges until the conclusion of the supervision.

5 (e) At the conclusion of the period of supervision, if the
6 court determines that the defendant has successfully complied
7 with all of the conditions of supervision, the court shall
8 discharge the defendant and enter a judgment dismissing the
9 charges.

10 (f) Discharge and dismissal upon a successful conclusion of
11 a disposition of supervision shall be deemed without
12 adjudication of guilt and shall not be termed a conviction for
13 purposes of disqualification or disabilities imposed by law
14 upon conviction of a crime. Two years after the discharge and
15 dismissal under this Section, unless the disposition of
16 supervision was for a violation of Sections 3-707, 3-708,
17 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
18 similar provision of a local ordinance, or for a violation of
19 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which
20 case it shall be 5 years after discharge and dismissal, a
21 person may have his record of arrest sealed or expunged as may
22 be provided by law. However, any defendant placed on
23 supervision before January 1, 1980, may move for sealing or
24 expungement of his arrest record, as provided by law, at any
25 time after discharge and dismissal under this Section. A person
26 placed on supervision for a sexual offense committed against a

1 minor as defined in subsection (g) of Section 5 of the Criminal
2 Identification Act or for a violation of Section 11-501 of the
3 Illinois Vehicle Code or a similar provision of a local
4 ordinance shall not have his or her record of arrest sealed or
5 expunged.

6 (g) A defendant placed on supervision and who during the
7 period of supervision undergoes mandatory drug or alcohol
8 testing, or both, or is assigned to be placed on an approved
9 electronic monitoring device, shall be ordered to pay the costs
10 incidental to such mandatory drug or alcohol testing, or both,
11 and costs incidental to such approved electronic monitoring in
12 accordance with the defendant's ability to pay those costs. The
13 county board with the concurrence of the Chief Judge of the
14 judicial circuit in which the county is located shall establish
15 reasonable fees for the cost of maintenance, testing, and
16 incidental expenses related to the mandatory drug or alcohol
17 testing, or both, and all costs incidental to approved
18 electronic monitoring, of all defendants placed on
19 supervision. The concurrence of the Chief Judge shall be in the
20 form of an administrative order. The fees shall be collected by
21 the clerk of the circuit court. The clerk of the circuit court
22 shall pay all moneys collected from these fees to the county
23 treasurer who shall use the moneys collected to defray the
24 costs of drug testing, alcohol testing, and electronic
25 monitoring. The county treasurer shall deposit the fees
26 collected in the county working cash fund under Section 6-27001

1 or Section 6-29002 of the Counties Code, as the case may be.

2 (h) A disposition of supervision is a final order for the
3 purposes of appeal.

4 (i) The court shall impose upon a defendant placed on
5 supervision after January 1, 1992 or to community service under
6 the supervision of a probation or court services department
7 after January 1, 2004, as a condition of supervision or
8 supervised community service, a fee of \$50 for each month of
9 supervision or supervised community service ordered by the
10 court, unless after determining the inability of the person
11 placed on supervision or supervised community service to pay
12 the fee, the court assesses a lesser fee. The court may not
13 impose the fee on a minor who is made a ward of the State under
14 the Juvenile Court Act of 1987 while the minor is in placement.
15 The fee shall be imposed only upon a defendant who is actively
16 supervised by the probation and court services department. The
17 fee shall be collected by the clerk of the circuit court. The
18 clerk of the circuit court shall pay all monies collected from
19 this fee to the county treasurer for deposit in the probation
20 and court services fund pursuant to Section 15.1 of the
21 Probation and Probation Officers Act.

22 A circuit court may not impose a probation fee in excess of
23 \$25 per month unless: (1) the circuit court has adopted, by
24 administrative order issued by the chief judge, a standard
25 probation fee guide determining an offender's ability to pay,
26 under guidelines developed by the Administrative Office of the

1 Illinois Courts; and (2) the circuit court has authorized, by
2 administrative order issued by the chief judge, the creation of
3 a Crime Victim's Services Fund, to be administered by the Chief
4 Judge or his or her designee, for services to crime victims and
5 their families. Of the amount collected as a probation fee, not
6 to exceed \$5 of that fee collected per month may be used to
7 provide services to crime victims and their families.

8 (j) All fines and costs imposed under this Section for any
9 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
10 Code, or a similar provision of a local ordinance, and any
11 violation of the Child Passenger Protection Act, or a similar
12 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 (k) A defendant at least 17 years of age who is placed on
16 supervision for a misdemeanor in a county of 3,000,000 or more
17 inhabitants and who has not been previously convicted of a
18 misdemeanor or felony may as a condition of his or her
19 supervision be required by the court to attend educational
20 courses designed to prepare the defendant for a high school
21 diploma and to work toward a high school diploma or to work
22 toward passing the high school level Test of General
23 Educational Development (GED) or to work toward completing a
24 vocational training program approved by the court. The
25 defendant placed on supervision must attend a public
26 institution of education to obtain the educational or

1 vocational training required by this subsection (k). The
2 defendant placed on supervision shall be required to pay for
3 the cost of the educational courses or GED test, if a fee is
4 charged for those courses or test. The court shall revoke the
5 supervision of a person who wilfully fails to comply with this
6 subsection (k). The court shall resentence the defendant upon
7 revocation of supervision as provided in Section 5-6-4. This
8 subsection (k) does not apply to a defendant who has a high
9 school diploma or has successfully passed the GED test. This
10 subsection (k) does not apply to a defendant who is determined
11 by the court to be developmentally disabled or otherwise
12 mentally incapable of completing the educational or vocational
13 program.

14 (1) The court shall require a defendant placed on
15 supervision for possession of a substance prohibited by the
16 Cannabis Control Act, the Illinois Controlled Substances Act,
17 or the Methamphetamine Control and Community Protection Act
18 after a previous conviction or disposition of supervision for
19 possession of a substance prohibited by the Cannabis Control
20 Act, the Illinois Controlled Substances Act, or the
21 Methamphetamine Control and Community Protection Act or a
22 sentence of probation under Section 10 of the Cannabis Control
23 Act or Section 410 of the Illinois Controlled Substances Act
24 and after a finding by the court that the person is addicted,
25 to undergo treatment at a substance abuse program approved by
26 the court.

1 (m) The Secretary of State shall require anyone placed on
2 court supervision for a violation of Section 3-707 of the
3 Illinois Vehicle Code or a similar provision of a local
4 ordinance to give proof of his or her financial responsibility
5 as defined in Section 7-315 of the Illinois Vehicle Code. The
6 proof shall be maintained by the individual in a manner
7 satisfactory to the Secretary of State for a minimum period of
8 3 years after the date the proof is first filed. The proof
9 shall be limited to a single action per arrest and may not be
10 affected by any post-sentence disposition. The Secretary of
11 State shall suspend the driver's license of any person
12 determined by the Secretary to be in violation of this
13 subsection.

14 (n) Any offender placed on supervision for any offense that
15 the court or probation department has determined to be sexually
16 motivated as defined in the Sex Offender Management Board Act
17 shall be required to refrain from any contact, directly or
18 indirectly, with any persons specified by the court and shall
19 be available for all evaluations and treatment programs
20 required by the court or the probation department.

21 (o) An offender placed on supervision for a sex offense as
22 defined in the Sex Offender Management Board Act shall refrain
23 from residing at the same address or in the same condominium
24 unit or apartment unit or in the same condominium complex or
25 apartment complex with another person he or she knows or
26 reasonably should know is a convicted sex offender or has been

1 placed on supervision for a sex offense. The provisions of this
2 subsection (o) do not apply to a person convicted of a sex
3 offense who is placed in a Department of Corrections licensed
4 transitional housing facility for sex offenders.

5 (p) An offender placed on supervision for an offense
6 committed on or after June 1, 2008 (the effective date of
7 Public Act 95-464) ~~this amendatory Act of the 95th General~~
8 ~~Assembly~~ that would qualify the accused as a child sex offender
9 as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
10 1961 shall refrain from communicating with or contacting, by
11 means of the Internet, a person who is not related to the
12 accused and whom the accused reasonably believes to be under 18
13 years of age. For purposes of this subsection (p), "Internet"
14 has the meaning ascribed to it in Section 16J-5 of the Criminal
15 Code of 1961, ~~as added by Public Act 94-179~~; and a person is
16 not related to the accused if the person is not: (i) the
17 spouse, brother, or sister of the accused; (ii) a descendant of
18 the accused; (iii) a first or second cousin of the accused; or
19 (iv) a step-child or adopted child of the accused.

20 (q) An offender placed on supervision for an offense
21 committed on or after June 1, 2008 (the effective date of
22 Public Act 95-464) ~~this amendatory Act of the 95th General~~
23 ~~Assembly~~ that would qualify the accused as a child sex offender
24 as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
25 1961 shall, if so ordered by the court, refrain from
26 communicating with or contacting, by means of the Internet, a

1 person who is related to the accused and whom the accused
2 reasonably believes to be under 18 years of age. For purposes
3 of this subsection (q), "Internet" has the meaning ascribed to
4 it in Section 16J-5 of the Criminal Code of 1961, ~~as added by~~
5 ~~Public Act 94-179~~; and a person is related to the accused if
6 the person is: (i) the spouse, brother, or sister of the
7 accused; (ii) a descendant of the accused; (iii) a first or
8 second cousin of the accused; or (iv) a step-child or adopted
9 child of the accused.

10 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
11 94-556, eff. 9-11-05; 95-211, eff. 1-1-08; 95-331, eff.
12 8-21-07; 95-464, eff. 6-1-08; 95-696, eff. 6-1-08; revised
13 11-19-07.)

14 (730 ILCS 5/5-9-1.14)

15 Sec. 5-9-1.14. Additional child pornography fines. In
16 addition to any other penalty imposed, a fine of \$500 shall be
17 imposed upon a person convicted of child pornography under
18 Section 11-20.1 of the Criminal Code of 1961. Such additional
19 fine shall be assessed by the court imposing sentence and shall
20 be collected by the circuit clerk. Of this fee, \$5 shall be
21 deposited into the Circuit Court Clerk Operation and
22 Administrative Fund created by the Clerk of the Circuit Court
23 to be used to offset the costs incurred by the Circuit Court
24 Clerk in performing the additional duties required to collect
25 and disburse funds to entities of State and local government as

1 provided by law. Each such additional fine shall be remitted by
2 the Circuit Court Clerk within one month after receipt to the
3 unit of local government whose law enforcement officers
4 investigated the case that gave rise to the conviction of the
5 defendant for child pornography.

6 (Source: P.A. 95-191, eff. 1-1-08.)

7 (730 ILCS 5/5-9-1.15)

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

10 Sec. 5-9-1.15 ~~5-9-1.14~~. Sex offender fines.

11 (a) There shall be added to every penalty imposed in
12 sentencing for a sex offense as defined in Section 2 of the Sex
13 Offender Registration Act an additional fine in the amount of
14 \$500 to be imposed upon a plea of guilty, stipulation of facts
15 or finding of guilty resulting in a judgment of conviction or
16 order of supervision.

17 (b) Such additional amount shall be assessed by the court
18 imposing sentence and shall be collected by the circuit clerk
19 in addition to the fine, if any, and costs in the case. Each
20 such additional penalty shall be remitted by the circuit clerk
21 within one month after receipt to the State Treasurer for
22 deposit into the Sex Offender Investigation Fund. The circuit
23 clerk shall retain 10% of such penalty for deposit into the
24 Circuit Court Clerk Operation and Administrative Fund created
25 by the Clerk of the Circuit Court to cover the costs incurred

1 in administering and enforcing this Section. Such additional
2 penalty shall not be considered a part of the fine for purposes
3 of any reduction in the fine for time served either before or
4 after sentencing.

5 (c) Not later than March 1 of each year the clerk of the
6 circuit court shall submit to the State Comptroller a report of
7 the amount of funds remitted by him or her to the State
8 Treasurer under this Section during the preceding calendar
9 year. Except as otherwise provided by Supreme Court Rules, if a
10 court in sentencing an offender levies a gross amount for fine,
11 costs, fees and penalties, the amount of the additional penalty
12 provided for herein shall be collected from the amount
13 remaining after deducting from the gross amount levied all fees
14 of the circuit clerk, the State's Attorney, and the sheriff.
15 After deducting from the gross amount levied the fees and
16 additional penalty provided for herein, less any other
17 additional penalties provided by law, the clerk shall remit
18 \$100 of each \$500 additional fine imposed under this Section to
19 the State's Attorney of the county which prosecuted the case or
20 the local law enforcement agency that investigated the case
21 leading to the defendant's judgment of conviction or order of
22 supervision and after such remission the net balance remaining
23 to the entity authorized by law to receive the fine imposed in
24 the case. For purposes of this Section "fees of the circuit
25 clerk" shall include, if applicable, the fee provided for under
26 Section 27.3a of the Clerks of Courts Act and the fee, if

1 applicable, payable to the county in which the violation
2 occurred under Section 5-1101 of the Counties Code.

3 (d) Subject to appropriation, moneys in the Sex Offender
4 Investigation Fund shall be used by the Department of State
5 Police to investigate alleged sex offenses and to make grants
6 to local law enforcement agencies to investigate alleged sex
7 offenses as such grants are awarded by the Director of State
8 Police under rules established by the Director of State Police.
9 (Source: P.A. 95-600, eff. 6-1-08; revised 12-10-07.)

10 (730 ILCS 5/5-9-3) (from Ch. 38, par. 1005-9-3)

11 (Text of Section before amendment by P.A. 95-606)

12 Sec. 5-9-3. Default.

13 (a) An offender who defaults in the payment of a fine or
14 any installment of that fine may be held in contempt and
15 imprisoned for nonpayment. The court may issue a summons for
16 his appearance or a warrant of arrest.

17 (b) Unless the offender shows that his default was not due
18 to his intentional refusal to pay, or not due to a failure on
19 his part to make a good faith effort to pay, the court may
20 order the offender imprisoned for a term not to exceed 6 months
21 if the fine was for a felony, or 30 days if the fine was for a
22 misdemeanor, a petty offense or a business offense. Payment of
23 the fine at any time will entitle the offender to be released,
24 but imprisonment under this Section shall not satisfy the
25 payment of the fine.

1 (c) If it appears that the default in the payment of a fine
2 is not intentional under paragraph (b) of this Section, the
3 court may enter an order allowing the offender additional time
4 for payment, reducing the amount of the fine or of each
5 installment, or revoking the fine or the unpaid portion.

6 (d) When a fine is imposed on a corporation or
7 unincorporated organization or association, it is the duty of
8 the person or persons authorized to make disbursement of
9 assets, and their superiors, to pay the fine from assets of the
10 corporation or unincorporated organization or association. The
11 failure of such persons to do so shall render them subject to
12 proceedings under paragraphs (a) and (b) of this Section.

13 (e) A default in the payment of a fine, judgment order of
14 forfeiture, order of restitution, or any installment thereof
15 may be collected by any and all means authorized for the
16 collection of money judgments. The State's Attorney of the
17 county in which the fine, judgment order of forfeiture, or
18 order of restitution was imposed may retain attorneys and
19 private collection agents for the purpose of collecting any
20 default in payment of any fine, judgment order of forfeiture,
21 order of restitution, or installment thereof. The fees and
22 costs incurred by the State's Attorney in any such collection
23 and the fees and charges of attorneys and private collection
24 agents retained by the State's Attorney for those purposes
25 shall be charged to the offender.

26 (Source: P.A. 95-514, eff. 1-1-08.)

1 (Text of Section after amendment by P.A. 95-606)

2 Sec. 5-9-3. Default.

3 (a) An offender who defaults in the payment of a fine or
4 any installment of that fine may be held in contempt and
5 imprisoned for nonpayment. The court may issue a summons for
6 his appearance or a warrant of arrest.

7 (b) Unless the offender shows that his default was not due
8 to his intentional refusal to pay, or not due to a failure on
9 his part to make a good faith effort to pay, the court may
10 order the offender imprisoned for a term not to exceed 6 months
11 if the fine was for a felony, or 30 days if the fine was for a
12 misdemeanor, a petty offense or a business offense. Payment of
13 the fine at any time will entitle the offender to be released,
14 but imprisonment under this Section shall not satisfy the
15 payment of the fine.

16 (c) If it appears that the default in the payment of a fine
17 is not intentional under paragraph (b) of this Section, the
18 court may enter an order allowing the offender additional time
19 for payment, reducing the amount of the fine or of each
20 installment, or revoking the fine or the unpaid portion.

21 (d) When a fine is imposed on a corporation or
22 unincorporated organization or association, it is the duty of
23 the person or persons authorized to make disbursement of
24 assets, and their superiors, to pay the fine from assets of the
25 corporation or unincorporated organization or association. The

1 failure of such persons to do so shall render them subject to
2 proceedings under paragraphs (a) and (b) of this Section.

3 (e) A default in the payment of a fine, fee, cost, order of
4 restitution, ~~or~~ judgment of bond forfeiture, judgment order of
5 forfeiture, ~~order of restitution,~~ or any installment thereof
6 may be collected by any and all means authorized for the
7 collection of money judgments. The State's Attorney of the
8 county in which the fine, fee, cost, order of restitution, ~~or~~
9 judgment of bond forfeiture, or judgment order of forfeiture,
10 ~~or order of restitution~~ was imposed may retain attorneys and
11 private collection agents for the purpose of collecting any
12 default in payment of any fine, fee, cost, order of
13 restitution, ~~or~~ judgment of bond forfeiture, judgment order of
14 forfeiture, ~~order of restitution,~~ or installment thereof, ~~fee,~~
15 ~~cost, restitution, or judgment of bond forfeiture.~~ An
16 additional fee of 30% of the delinquent amount is to be charged
17 to the offender for any amount of the fine, fee, cost,
18 restitution, or judgment of bond forfeiture or installment of
19 the fine, fee, cost, restitution, or judgment of bond
20 forfeiture that remains unpaid after the time fixed for payment
21 of the fine, fee, cost, restitution, or judgment of bond
22 forfeiture by the court. The additional fee shall be payable to
23 the State's Attorney in order to compensate the State's
24 Attorney for costs incurred in collecting the delinquent
25 amount. The State's Attorney may enter into agreements
26 assigning any portion of the fee to the retained attorneys or

1 the private collection agent retained by the State's Attorney.
2 Any agreement between the State's Attorney and the retained
3 attorneys or collection agents shall require the approval of
4 the Circuit Clerk of that county. A default in payment of a
5 fine, fee, cost, restitution, or judgment of bond forfeiture
6 shall draw interest at the rate of 9% per annum.

7 (Source: P.A. 95-514, eff. 1-1-08; 95-606, eff. 6-1-08; revised
8 11-19-07.)

9 Section 360. The Sex Offender Registration Act is amended
10 by changing Sections 2, 3, 6, and 7 as follows:

11 (730 ILCS 150/2) (from Ch. 38, par. 222)

12 (Text of Section before amendment by P.A. 95-579 and
13 95-625)

14 Sec. 2. Definitions.

15 (A) As used in this Article, "sex offender" means any
16 person who is:

17 (1) charged pursuant to Illinois law, or any
18 substantially similar federal, Uniform Code of Military
19 Justice, sister state, or foreign country law, with a sex
20 offense set forth in subsection (B) of this Section or the
21 attempt to commit an included sex offense, and:

22 (a) is convicted of such offense or an attempt to
23 commit such offense; or

24 (b) is found not guilty by reason of insanity of

1 such offense or an attempt to commit such offense; or

2 (c) is found not guilty by reason of insanity
3 pursuant to Section 104-25(c) of the Code of Criminal
4 Procedure of 1963 of such offense or an attempt to
5 commit such offense; or

6 (d) is the subject of a finding not resulting in an
7 acquittal at a hearing conducted pursuant to Section
8 104-25(a) of the Code of Criminal Procedure of 1963 for
9 the alleged commission or attempted commission of such
10 offense; or

11 (e) is found not guilty by reason of insanity
12 following a hearing conducted pursuant to a federal,
13 Uniform Code of Military Justice, sister state, or
14 foreign country law substantially similar to Section
15 104-25(c) of the Code of Criminal Procedure of 1963 of
16 such offense or of the attempted commission of such
17 offense; or

18 (f) is the subject of a finding not resulting in an
19 acquittal at a hearing conducted pursuant to a federal,
20 Uniform Code of Military Justice, sister state, or
21 foreign country law substantially similar to Section
22 104-25(a) of the Code of Criminal Procedure of 1963 for
23 the alleged violation or attempted commission of such
24 offense; or

25 (2) certified as a sexually dangerous person pursuant
26 to the Illinois Sexually Dangerous Persons Act, or any

1 substantially similar federal, Uniform Code of Military
2 Justice, sister state, or foreign country law; or

3 (3) subject to the provisions of Section 2 of the
4 Interstate Agreements on Sexually Dangerous Persons Act;
5 or

6 (4) found to be a sexually violent person pursuant to
7 the Sexually Violent Persons Commitment Act or any
8 substantially similar federal, Uniform Code of Military
9 Justice, sister state, or foreign country law; or

10 (5) adjudicated a juvenile delinquent as the result of
11 committing or attempting to commit an act which, if
12 committed by an adult, would constitute any of the offenses
13 specified in item (B), (C), or (C-5) of this Section or a
14 violation of any substantially similar federal, Uniform
15 Code of Military Justice, sister state, or foreign country
16 law, or found guilty under Article V of the Juvenile Court
17 Act of 1987 of committing or attempting to commit an act
18 which, if committed by an adult, would constitute any of
19 the offenses specified in item (B), (C), or (C-5) of this
20 Section or a violation of any substantially similar
21 federal, Uniform Code of Military Justice, sister state, or
22 foreign country law.

23 Convictions that result from or are connected with the same
24 act, or result from offenses committed at the same time, shall
25 be counted for the purpose of this Article as one conviction.
26 Any conviction set aside pursuant to law is not a conviction

1 for purposes of this Article.

2 For purposes of this Section, "convicted" shall have the
3 same meaning as "adjudicated".

4 (B) As used in this Article, "sex offense" means:

5 (1) A violation of any of the following Sections of the
6 Criminal Code of 1961:

7 11-20.1 (child pornography),

8 11-6 (indecent solicitation of a child),

9 11-9.1 (sexual exploitation of a child),

10 11-9.2 (custodial sexual misconduct),

11 11-9.5 (sexual misconduct with a person with a
12 disability),

13 11-15.1 (soliciting for a juvenile prostitute),

14 11-18.1 (patronizing a juvenile prostitute),

15 11-17.1 (keeping a place of juvenile
16 prostitution),

17 11-19.1 (juvenile pimping),

18 11-19.2 (exploitation of a child),

19 12-13 (criminal sexual assault),

20 12-14 (aggravated criminal sexual assault),

21 12-14.1 (predatory criminal sexual assault of a
22 child),

23 12-15 (criminal sexual abuse),

24 12-16 (aggravated criminal sexual abuse),

25 12-33 (ritualized abuse of a child).

26 An attempt to commit any of these offenses.

1 (1.5) A violation of any of the following Sections of
2 the Criminal Code of 1961, when the victim is a person
3 under 18 years of age, the defendant is not a parent of the
4 victim, the offense was sexually motivated as defined in
5 Section 10 of the Sex Offender Management Board Act, and
6 the offense was committed on or after January 1, 1996:

7 10-1 (kidnapping),

8 10-2 (aggravated kidnapping),

9 10-3 (unlawful restraint),

10 10-3.1 (aggravated unlawful restraint).

11 (1.6) First degree murder under Section 9-1 of the
12 Criminal Code of 1961, when the victim was a person under
13 18 years of age and the defendant was at least 17 years of
14 age at the time of the commission of the offense, provided
15 the offense was sexually motivated as defined in Section 10
16 of the Sex Offender Management Board Act.

17 (1.7) (Blank).

18 (1.8) A violation or attempted violation of Section
19 11-11 (sexual relations within families) of the Criminal
20 Code of 1961, and the offense was committed on or after
21 June 1, 1997.

22 (1.9) Child abduction under paragraph (10) of
23 subsection (b) of Section 10-5 of the Criminal Code of 1961
24 committed by luring or attempting to lure a child under the
25 age of 16 into a motor vehicle, building, house trailer, or
26 dwelling place without the consent of the parent or lawful

1 custodian of the child for other than a lawful purpose and
2 the offense was committed on or after January 1, 1998,
3 provided the offense was sexually motivated as defined in
4 Section 10 of the Sex Offender Management Board Act.

5 (1.10) A violation or attempted violation of any of the
6 following Sections of the Criminal Code of 1961 when the
7 offense was committed on or after July 1, 1999:

8 10-4 (forcible detention, if the victim is under 18
9 years of age), provided the offense was sexually
10 motivated as defined in Section 10 of the Sex Offender
11 Management Board Act,

12 11-6.5 (indecent solicitation of an adult),

13 11-15 (soliciting for a prostitute, if the victim
14 is under 18 years of age),

15 11-16 (pandering, if the victim is under 18 years
16 of age),

17 11-18 (patronizing a prostitute, if the victim is
18 under 18 years of age),

19 11-19 (pimping, if the victim is under 18 years of
20 age).

21 (1.11) A violation or attempted violation of any of the
22 following Sections of the Criminal Code of 1961 when the
23 offense was committed on or after August 22, 2002:

24 11-9 (public indecency for a third or subsequent
25 conviction).

26 (1.12) A violation or attempted violation of Section

1 5.1 of the Wrongs to Children Act (permitting sexual abuse)
2 when the offense was committed on or after August 22, 2002.

3 (2) A violation of any former law of this State
4 substantially equivalent to any offense listed in
5 subsection (B) of this Section.

6 (C) A conviction for an offense of federal law, Uniform
7 Code of Military Justice, or the law of another state or a
8 foreign country that is substantially equivalent to any offense
9 listed in subsections (B), (C), and (E) of this Section shall
10 constitute a conviction for the purpose of this Article. A
11 finding or adjudication as a sexually dangerous person or a
12 sexually violent person under any federal law, Uniform Code of
13 Military Justice, or the law of another state or foreign
14 country that is substantially equivalent to the Sexually
15 Dangerous Persons Act or the Sexually Violent Persons
16 Commitment Act shall constitute an adjudication for the
17 purposes of this Article.

18 (C-5) A person at least 17 years of age at the time of the
19 commission of the offense who is convicted of first degree
20 murder under Section 9-1 of the Criminal Code of 1961, against
21 a person under 18 years of age, shall be required to register
22 for natural life. A conviction for an offense of federal,
23 Uniform Code of Military Justice, sister state, or foreign
24 country law that is substantially equivalent to any offense
25 listed in subsection (C-5) of this Section shall constitute a
26 conviction for the purpose of this Article. This subsection

1 (C-5) applies to a person who committed the offense before June
2 1, 1996 only if the person is incarcerated in an Illinois
3 Department of Corrections facility on August 20, 2004 (the
4 effective date of Public Act 93-977).

5 (D) As used in this Article, "law enforcement agency having
6 jurisdiction" means the Chief of Police in each of the
7 municipalities in which the sex offender expects to reside,
8 work, or attend school (1) upon his or her discharge, parole or
9 release or (2) during the service of his or her sentence of
10 probation or conditional discharge, or the Sheriff of the
11 county, in the event no Police Chief exists or if the offender
12 intends to reside, work, or attend school in an unincorporated
13 area. "Law enforcement agency having jurisdiction" includes
14 the location where out-of-state students attend school and
15 where out-of-state employees are employed or are otherwise
16 required to register.

17 (D-1) As used in this Article, "supervising officer" means
18 the assigned Illinois Department of Corrections parole agent or
19 county probation officer.

20 (E) As used in this Article, "sexual predator" means any
21 person who, after July 1, 1999, is:

22 (1) Convicted for an offense of federal, Uniform Code
23 of Military Justice, sister state, or foreign country law
24 that is substantially equivalent to any offense listed in
25 subsection (E) of this Section shall constitute a
26 conviction for the purpose of this Article. Convicted of a

1 violation or attempted violation of any of the following
2 Sections of the Criminal Code of 1961, if the conviction
3 occurred after July 1, 1999:

4 11-17.1 (keeping a place of juvenile
5 prostitution),

6 11-19.1 (juvenile pimping),

7 11-19.2 (exploitation of a child),

8 11-20.1 (child pornography),

9 12-13 (criminal sexual assault),

10 12-14 (aggravated criminal sexual assault),

11 12-14.1 (predatory criminal sexual assault of a
12 child),

13 12-16 (aggravated criminal sexual abuse),

14 12-33 (ritualized abuse of a child); or

15 (2) (blank); or

16 (3) certified as a sexually dangerous person pursuant
17 to the Sexually Dangerous Persons Act or any substantially
18 similar federal, Uniform Code of Military Justice, sister
19 state, or foreign country law; or

20 (4) found to be a sexually violent person pursuant to
21 the Sexually Violent Persons Commitment Act or any
22 substantially similar federal, Uniform Code of Military
23 Justice, sister state, or foreign country law; or

24 (5) convicted of a second or subsequent offense which
25 requires registration pursuant to this Act. The conviction
26 for the second or subsequent offense must have occurred

1 after July 1, 1999. For purposes of this paragraph (5),
2 "convicted" shall include a conviction under any
3 substantially similar Illinois, federal, Uniform Code of
4 Military Justice, sister state, or foreign country law.

5 (F) As used in this Article, "out-of-state student" means
6 any sex offender, as defined in this Section, or sexual
7 predator who is enrolled in Illinois, on a full-time or
8 part-time basis, in any public or private educational
9 institution, including, but not limited to, any secondary
10 school, trade or professional institution, or institution of
11 higher learning.

12 (G) As used in this Article, "out-of-state employee" means
13 any sex offender, as defined in this Section, or sexual
14 predator who works in Illinois, regardless of whether the
15 individual receives payment for services performed, for a
16 period of time of 10 or more days or for an aggregate period of
17 time of 30 or more days during any calendar year. Persons who
18 operate motor vehicles in the State accrue one day of
19 employment time for any portion of a day spent in Illinois.

20 (H) As used in this Article, "school" means any public or
21 private educational institution, including, but not limited
22 to, any elementary or secondary school, trade or professional
23 institution, or institution of higher education.

24 (I) As used in this Article, "fixed residence" means any
25 and all places that a sex offender resides for an aggregate
26 period of time of 5 or more days in a calendar year.

1 (Source: P.A. 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-945,
2 eff. 6-27-06; 94-1053, eff. 7-24-06; 95-331, eff. 8-21-07;
3 95-658, eff. 10-11-07.)

4 (Text of Section after amendment by P.A. 95-579 and 95-625)
5 Sec. 2. Definitions.

6 (A) As used in this Article, "sex offender" means any
7 person who is:

8 (1) charged pursuant to Illinois law, or any
9 substantially similar federal, Uniform Code of Military
10 Justice, sister state, or foreign country law, with a sex
11 offense set forth in subsection (B) of this Section or the
12 attempt to commit an included sex offense, and:

13 (a) is convicted of such offense or an attempt to
14 commit such offense; or

15 (b) is found not guilty by reason of insanity of
16 such offense or an attempt to commit such offense; or

17 (c) is found not guilty by reason of insanity
18 pursuant to Section 104-25(c) of the Code of Criminal
19 Procedure of 1963 of such offense or an attempt to
20 commit such offense; or

21 (d) is the subject of a finding not resulting in an
22 acquittal at a hearing conducted pursuant to Section
23 104-25(a) of the Code of Criminal Procedure of 1963 for
24 the alleged commission or attempted commission of such
25 offense; or

1 (e) is found not guilty by reason of insanity
2 following a hearing conducted pursuant to a federal,
3 Uniform Code of Military Justice, sister state, or
4 foreign country law substantially similar to Section
5 104-25(c) of the Code of Criminal Procedure of 1963 of
6 such offense or of the attempted commission of such
7 offense; or

8 (f) is the subject of a finding not resulting in an
9 acquittal at a hearing conducted pursuant to a federal,
10 Uniform Code of Military Justice, sister state, or
11 foreign country law substantially similar to Section
12 104-25(a) of the Code of Criminal Procedure of 1963 for
13 the alleged violation or attempted commission of such
14 offense; or

15 (2) certified as a sexually dangerous person pursuant
16 to the Illinois Sexually Dangerous Persons Act, or any
17 substantially similar federal, Uniform Code of Military
18 Justice, sister state, or foreign country law; or

19 (3) subject to the provisions of Section 2 of the
20 Interstate Agreements on Sexually Dangerous Persons Act;
21 or

22 (4) found to be a sexually violent person pursuant to
23 the Sexually Violent Persons Commitment Act or any
24 substantially similar federal, Uniform Code of Military
25 Justice, sister state, or foreign country law; or

26 (5) adjudicated a juvenile delinquent as the result of

1 committing or attempting to commit an act which, if
2 committed by an adult, would constitute any of the offenses
3 specified in item (B), (C), or (C-5) of this Section or a
4 violation of any substantially similar federal, Uniform
5 Code of Military Justice, sister state, or foreign country
6 law, or found guilty under Article V of the Juvenile Court
7 Act of 1987 of committing or attempting to commit an act
8 which, if committed by an adult, would constitute any of
9 the offenses specified in item (B), (C), or (C-5) of this
10 Section or a violation of any substantially similar
11 federal, Uniform Code of Military Justice, sister state, or
12 foreign country law.

13 Convictions that result from or are connected with the same
14 act, or result from offenses committed at the same time, shall
15 be counted for the purpose of this Article as one conviction.
16 Any conviction set aside pursuant to law is not a conviction
17 for purposes of this Article.

18 For purposes of this Section, "convicted" shall have the
19 same meaning as "adjudicated".

20 (B) As used in this Article, "sex offense" means:

21 (1) A violation of any of the following Sections of the
22 Criminal Code of 1961:

23 11-20.1 (child pornography),

24 11-20.3 (aggravated child pornography),

25 11-6 (indecent solicitation of a child),

26 11-9.1 (sexual exploitation of a child),

1 11-9.2 (custodial sexual misconduct),
2 11-9.5 (sexual misconduct with a person with a
3 disability),
4 11-15.1 (soliciting for a juvenile prostitute),
5 11-18.1 (patronizing a juvenile prostitute),
6 11-17.1 (keeping a place of juvenile
7 prostitution),
8 11-19.1 (juvenile pimping),
9 11-19.2 (exploitation of a child),
10 12-13 (criminal sexual assault),
11 12-14 (aggravated criminal sexual assault),
12 12-14.1 (predatory criminal sexual assault of a
13 child),
14 12-15 (criminal sexual abuse),
15 12-16 (aggravated criminal sexual abuse),
16 12-33 (ritualized abuse of a child).

17 An attempt to commit any of these offenses.

18 (1.5) A violation of any of the following Sections of
19 the Criminal Code of 1961, when the victim is a person
20 under 18 years of age, the defendant is not a parent of the
21 victim, the offense was sexually motivated as defined in
22 Section 10 of the Sex Offender Management Board Act, and
23 the offense was committed on or after January 1, 1996:

24 10-1 (kidnapping),
25 10-2 (aggravated kidnapping),
26 10-3 (unlawful restraint),

1 10-3.1 (aggravated unlawful restraint).

2 (1.6) First degree murder under Section 9-1 of the
3 Criminal Code of 1961, when the victim was a person under
4 18 years of age and the defendant was at least 17 years of
5 age at the time of the commission of the offense, provided
6 the offense was sexually motivated as defined in Section 10
7 of the Sex Offender Management Board Act.

8 (1.7) (Blank).

9 (1.8) A violation or attempted violation of Section
10 11-11 (sexual relations within families) of the Criminal
11 Code of 1961, and the offense was committed on or after
12 June 1, 1997.

13 (1.9) Child abduction under paragraph (10) of
14 subsection (b) of Section 10-5 of the Criminal Code of 1961
15 committed by luring or attempting to lure a child under the
16 age of 16 into a motor vehicle, building, house trailer, or
17 dwelling place without the consent of the parent or lawful
18 custodian of the child for other than a lawful purpose and
19 the offense was committed on or after January 1, 1998,
20 provided the offense was sexually motivated as defined in
21 Section 10 of the Sex Offender Management Board Act.

22 (1.10) A violation or attempted violation of any of the
23 following Sections of the Criminal Code of 1961 when the
24 offense was committed on or after July 1, 1999:

25 10-4 (forcible detention, if the victim is under 18
26 years of age), provided the offense was sexually

1 motivated as defined in Section 10 of the Sex Offender
2 Management Board Act,

3 11-6.5 (indecent solicitation of an adult),

4 11-15 (soliciting for a prostitute, if the victim
5 is under 18 years of age),

6 11-16 (pandering, if the victim is under 18 years
7 of age),

8 11-18 (patronizing a prostitute, if the victim is
9 under 18 years of age),

10 11-19 (pimping, if the victim is under 18 years of
11 age).

12 (1.11) A violation or attempted violation of any of the
13 following Sections of the Criminal Code of 1961 when the
14 offense was committed on or after August 22, 2002:

15 11-9 (public indecency for a third or subsequent
16 conviction).

17 (1.12) A violation or attempted violation of Section
18 5.1 of the Wrongs to Children Act (permitting sexual abuse)
19 when the offense was committed on or after August 22, 2002.

20 (2) A violation of any former law of this State
21 substantially equivalent to any offense listed in
22 subsection (B) of this Section.

23 (C) A conviction for an offense of federal law, Uniform
24 Code of Military Justice, or the law of another state or a
25 foreign country that is substantially equivalent to any offense
26 listed in subsections (B), (C), and (E) of this Section shall

1 constitute a conviction for the purpose of this Article. A
2 finding or adjudication as a sexually dangerous person or a
3 sexually violent person under any federal law, Uniform Code of
4 Military Justice, or the law of another state or foreign
5 country that is substantially equivalent to the Sexually
6 Dangerous Persons Act or the Sexually Violent Persons
7 Commitment Act shall constitute an adjudication for the
8 purposes of this Article.

9 (C-5) A person at least 17 years of age at the time of the
10 commission of the offense who is convicted of first degree
11 murder under Section 9-1 of the Criminal Code of 1961, against
12 a person under 18 years of age, shall be required to register
13 for natural life. A conviction for an offense of federal,
14 Uniform Code of Military Justice, sister state, or foreign
15 country law that is substantially equivalent to any offense
16 listed in subsection (C-5) of this Section shall constitute a
17 conviction for the purpose of this Article. This subsection
18 (C-5) applies to a person who committed the offense before June
19 1, 1996 only if the person is incarcerated in an Illinois
20 Department of Corrections facility on August 20, 2004 (the
21 effective date of Public Act 93-977).

22 (D) As used in this Article, "law enforcement agency having
23 jurisdiction" means the Chief of Police in each of the
24 municipalities in which the sex offender expects to reside,
25 work, or attend school (1) upon his or her discharge, parole or
26 release or (2) during the service of his or her sentence of

1 probation or conditional discharge, or the Sheriff of the
2 county, in the event no Police Chief exists or if the offender
3 intends to reside, work, or attend school in an unincorporated
4 area. "Law enforcement agency having jurisdiction" includes
5 the location where out-of-state students attend school and
6 where out-of-state employees are employed or are otherwise
7 required to register.

8 (D-1) As used in this Article, "supervising officer" means
9 the assigned Illinois Department of Corrections parole agent or
10 county probation officer.

11 (E) As used in this Article, "sexual predator" means any
12 person who, after July 1, 1999, is:

13 (1) Convicted for an offense of federal, Uniform Code
14 of Military Justice, sister state, or foreign country law
15 that is substantially equivalent to any offense listed in
16 subsection (E) of this Section shall constitute a
17 conviction for the purpose of this Article. Convicted of a
18 violation or attempted violation of any of the following
19 Sections of the Criminal Code of 1961, if the conviction
20 occurred after July 1, 1999:

21 11-17.1 (keeping a place of juvenile
22 prostitution),

23 11-19.1 (juvenile pimping),

24 11-19.2 (exploitation of a child),

25 11-20.1 (child pornography),

26 11-20.3 (aggravated child pornography),

1 12-13 (criminal sexual assault),
2 12-14 (aggravated criminal sexual assault),
3 12-14.1 (predatory criminal sexual assault of a
4 child),
5 12-16 (aggravated criminal sexual abuse),
6 12-33 (ritualized abuse of a child); ~~or~~
7 (2) (blank); ~~or~~
8 (3) certified as a sexually dangerous person pursuant
9 to the Sexually Dangerous Persons Act or any substantially
10 similar federal, Uniform Code of Military Justice, sister
11 state, or foreign country law; ~~or~~
12 (4) found to be a sexually violent person pursuant to
13 the Sexually Violent Persons Commitment Act or any
14 substantially similar federal, Uniform Code of Military
15 Justice, sister state, or foreign country law;
16 (5) convicted of a second or subsequent offense which
17 requires registration pursuant to this Act. The conviction
18 for the second or subsequent offense must have occurred
19 after July 1, 1999. For purposes of this paragraph (5),
20 "convicted" shall include a conviction under any
21 substantially similar Illinois, federal, Uniform Code of
22 Military Justice, sister state, or foreign country law; or
23 (6) convicted of a second or subsequent offense of
24 luring a minor under Section 10-5.1 of the Criminal Code of
25 1961.
26 (F) As used in this Article, "out-of-state student" means

1 any sex offender, as defined in this Section, or sexual
2 predator who is enrolled in Illinois, on a full-time or
3 part-time basis, in any public or private educational
4 institution, including, but not limited to, any secondary
5 school, trade or professional institution, or institution of
6 higher learning.

7 (G) As used in this Article, "out-of-state employee" means
8 any sex offender, as defined in this Section, or sexual
9 predator who works in Illinois, regardless of whether the
10 individual receives payment for services performed, for a
11 period of time of 10 or more days or for an aggregate period of
12 time of 30 or more days during any calendar year. Persons who
13 operate motor vehicles in the State accrue one day of
14 employment time for any portion of a day spent in Illinois.

15 (H) As used in this Article, "school" means any public or
16 private educational institution, including, but not limited
17 to, any elementary or secondary school, trade or professional
18 institution, or institution of higher education.

19 (I) As used in this Article, "fixed residence" means any
20 and all places that a sex offender resides for an aggregate
21 period of time of 5 or more days in a calendar year.

22 (J) As used in this Article, "Internet protocol address"
23 means the string of numbers by which a location on the Internet
24 is identified by routers or other computers connected to the
25 Internet.

26 (Source: P.A. 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-945,

1 eff. 6-27-06; 94-1053, eff. 7-24-06; 95-331, eff. 8-21-07;
2 95-579, eff. 6-1-08; 95-625, eff. 6-1-08; 95-658, eff.
3 10-11-07; revised 11-19-07.)

4 (730 ILCS 150/3)

5 (Text of Section before amendment by P.A. 95-579 and
6 95-640)

7 Sec. 3. Duty to register.

8 (a) A sex offender, as defined in Section 2 of this Act, or
9 sexual predator shall, within the time period prescribed in
10 subsections (b) and (c), register in person and provide
11 accurate information as required by the Department of State
12 Police. Such information shall include a current photograph,
13 current address, current place of employment, the employer's
14 telephone number, school attended, all e-mail addresses,
15 instant messaging identities, chat room identities, and other
16 Internet communications identities that the sex offender uses
17 or plans to use, all Uniform Resource Locators (URLs)
18 registered or used by the sex offender, all blogs and other
19 Internet sites maintained by the sex offender or to which the
20 sex offender has uploaded any content or posted any messages or
21 information, extensions of the time period for registering as
22 provided in this Article and, if an extension was granted, the
23 reason why the extension was granted and the date the sex
24 offender was notified of the extension. The information shall
25 also include the county of conviction, license plate numbers

1 for every vehicle registered in the name of the sex offender,
2 the age of the sex offender at the time of the commission of
3 the offense, the age of the victim at the time of the
4 commission of the offense, and any distinguishing marks located
5 on the body of the sex offender. The sex offender or sexual
6 predator shall register:

7 (1) with the chief of police in the municipality in
8 which he or she resides or is temporarily domiciled for a
9 period of time of 5 or more days, unless the municipality
10 is the City of Chicago, in which case he or she shall
11 register at the Chicago Police Department Headquarters; or

12 (2) with the sheriff in the county in which he or she
13 resides or is temporarily domiciled for a period of time of
14 5 or more days in an unincorporated area or, if
15 incorporated, no police chief exists.

16 If the sex offender or sexual predator is employed at or
17 attends an institution of higher education, he or she shall
18 register:

19 (i) with the chief of police in the municipality in
20 which he or she is employed at or attends an institution of
21 higher education, unless the municipality is the City of
22 Chicago, in which case he or she shall register at the
23 Chicago Police Department Headquarters; or

24 (ii) with the sheriff in the county in which he or she
25 is employed or attends an institution of higher education
26 located in an unincorporated area, or if incorporated, no

1 police chief exists.

2 For purposes of this Article, the place of residence or
3 temporary domicile is defined as any and all places where the
4 sex offender resides for an aggregate period of time of 5 or
5 more days during any calendar year. Any person required to
6 register under this Article who lacks a fixed address or
7 temporary domicile must notify, in person, the agency of
8 jurisdiction of his or her last known address within 5 days
9 after ceasing to have a fixed residence.

10 Any person who lacks a fixed residence must report weekly,
11 in person, with the sheriff's office of the county in which he
12 or she is located in an unincorporated area, or with the chief
13 of police in the municipality in which he or she is located.
14 The agency of jurisdiction will document each weekly
15 registration to include all the locations where the person has
16 stayed during the past 7 days.

17 The sex offender or sexual predator shall provide accurate
18 information as required by the Department of State Police. That
19 information shall include the sex offender's or sexual
20 predator's current place of employment.

21 (a-5) An out-of-state student or out-of-state employee
22 shall, within 5 days after beginning school or employment in
23 this State, register in person and provide accurate information
24 as required by the Department of State Police. Such information
25 will include current place of employment, school attended, and
26 address in state of residence. The out-of-state student or

1 out-of-state employee shall register:

2 (1) with the chief of police in the municipality in
3 which he or she attends school or is employed for a period
4 of time of 5 or more days or for an aggregate period of
5 time of more than 30 days during any calendar year, unless
6 the municipality is the City of Chicago, in which case he
7 or she shall register at the Chicago Police Department
8 Headquarters; or

9 (2) with the sheriff in the county in which he or she
10 attends school or is employed for a period of time of 5 or
11 more days or for an aggregate period of time of more than
12 30 days during any calendar year in an unincorporated area
13 or, if incorporated, no police chief exists.

14 The out-of-state student or out-of-state employee shall
15 provide accurate information as required by the Department of
16 State Police. That information shall include the out-of-state
17 student's current place of school attendance or the
18 out-of-state employee's current place of employment.

19 (b) Any sex offender, as defined in Section 2 of this Act,
20 or sexual predator, regardless of any initial, prior, or other
21 registration, shall, within 5 days of beginning school, or
22 establishing a residence, place of employment, or temporary
23 domicile in any county, register in person as set forth in
24 subsection (a) or (a-5).

25 (c) The registration for any person required to register
26 under this Article shall be as follows:

1 (1) Any person registered under the Habitual Child Sex
2 Offender Registration Act or the Child Sex Offender
3 Registration Act prior to January 1, 1996, shall be deemed
4 initially registered as of January 1, 1996; however, this
5 shall not be construed to extend the duration of
6 registration set forth in Section 7.

7 (2) Except as provided in subsection (c)(4), any person
8 convicted or adjudicated prior to January 1, 1996, whose
9 liability for registration under Section 7 has not expired,
10 shall register in person prior to January 31, 1996.

11 (2.5) Except as provided in subsection (c)(4), any
12 person who has not been notified of his or her
13 responsibility to register shall be notified by a criminal
14 justice entity of his or her responsibility to register.
15 Upon notification the person must then register within 5
16 days of notification of his or her requirement to register.
17 If notification is not made within the offender's 10 year
18 registration requirement, and the Department of State
19 Police determines no evidence exists or indicates the
20 offender attempted to avoid registration, the offender
21 will no longer be required to register under this Act.

22 (3) Except as provided in subsection (c)(4), any person
23 convicted on or after January 1, 1996, shall register in
24 person within 5 days after the entry of the sentencing
25 order based upon his or her conviction.

26 (4) Any person unable to comply with the registration

1 requirements of this Article because he or she is confined,
2 institutionalized, or imprisoned in Illinois on or after
3 January 1, 1996, shall register in person within 5 days of
4 discharge, parole or release.

5 (5) The person shall provide positive identification
6 and documentation that substantiates proof of residence at
7 the registering address.

8 (6) The person shall pay a \$20 initial registration fee
9 and a \$10 annual renewal fee. The fees shall be used by the
10 registering agency for official purposes. The agency shall
11 establish procedures to document receipt and use of the
12 funds. The law enforcement agency having jurisdiction may
13 waive the registration fee if it determines that the person
14 is indigent and unable to pay the registration fee. Ten
15 dollars for the initial registration fee and \$5 of the
16 annual renewal fee shall be used by the registering agency
17 for official purposes. Ten dollars of the initial
18 registration fee and \$5 of the annual fee shall be
19 deposited into the Sex Offender Management Board Fund under
20 Section 19 of the Sex Offender Management Board Act. Money
21 deposited into the Sex Offender Management Board Fund shall
22 be administered by the Sex Offender Management Board and
23 shall be used to fund practices endorsed or required by the
24 Sex Offender Management Board Act including but not limited
25 to sex offenders evaluation, treatment, or monitoring
26 programs that are or may be developed, as well as for

1 administrative costs, including staff, incurred by the
2 Board.

3 (d) Within 5 days after obtaining or changing employment
4 and, if employed on January 1, 2000, within 5 days after that
5 date, a person required to register under this Section must
6 report, in person to the law enforcement agency having
7 jurisdiction, the business name and address where he or she is
8 employed. If the person has multiple businesses or work
9 locations, every business and work location must be reported to
10 the law enforcement agency having jurisdiction.

11 (Source: P.A. 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-994,
12 eff. 1-1-07; 95-229, eff. 8-16-07; 95-658, eff. 10-11-07;
13 revised 11-19-07.)

14 (Text of Section after amendment by P.A. 95-579 and 95-640)
15 Sec. 3. Duty to register.

16 (a) A sex offender, as defined in Section 2 of this Act, or
17 sexual predator shall, within the time period prescribed in
18 subsections (b) and (c), register in person and provide
19 accurate information as required by the Department of State
20 Police. Such information shall include a current photograph,
21 current address, current place of employment, the employer's
22 telephone number, school attended, all e-mail addresses,
23 instant messaging identities, chat room identities, and other
24 Internet communications identities that the sex offender uses
25 or plans to use, all Uniform Resource Locators (URLs)

1 registered or used by the sex offender, all blogs and other
2 Internet sites maintained by the sex offender or to which the
3 sex offender has uploaded any content or posted any messages or
4 information, extensions of the time period for registering as
5 provided in this Article and, if an extension was granted, the
6 reason why the extension was granted and the date the sex
7 offender was notified of the extension. The information shall
8 also include the county of conviction, license plate numbers
9 for every vehicle registered in the name of the sex offender,
10 the age of the sex offender at the time of the commission of
11 the offense, the age of the victim at the time of the
12 commission of the offense, and any distinguishing marks located
13 on the body of the sex offender. A sex offender convicted under
14 Section 11-6, 11-20.1, 11-20.3, or 11-21 of the Criminal Code
15 of 1961 shall provide all Internet protocol (IP) addresses in
16 his or her residence, registered in his or her name, accessible
17 at his or her place of employment, or otherwise under his or
18 her control or custody. The sex offender or sexual predator
19 shall register:

20 (1) with the chief of police in the municipality in
21 which he or she resides or is temporarily domiciled for a
22 period of time of 5 or more days, unless the municipality
23 is the City of Chicago, in which case he or she shall
24 register at the Chicago Police Department Headquarters; or

25 (2) with the sheriff in the county in which he or she
26 resides or is temporarily domiciled for a period of time of

1 5 or more days in an unincorporated area or, if
2 incorporated, no police chief exists.

3 If the sex offender or sexual predator is employed at or
4 attends an institution of higher education, he or she shall
5 register:

6 (i) with the chief of police in the municipality in
7 which he or she is employed at or attends an institution of
8 higher education, unless the municipality is the City of
9 Chicago, in which case he or she shall register at the
10 Chicago Police Department Headquarters; or

11 (ii) with the sheriff in the county in which he or she
12 is employed or attends an institution of higher education
13 located in an unincorporated area, or if incorporated, no
14 police chief exists.

15 For purposes of this Article, the place of residence or
16 temporary domicile is defined as any and all places where the
17 sex offender resides for an aggregate period of time of 5 or
18 more days during any calendar year. Any person required to
19 register under this Article who lacks a fixed address or
20 temporary domicile must notify, in person, the agency of
21 jurisdiction of his or her last known address within 3 days
22 after ceasing to have a fixed residence.

23 Any person who lacks a fixed residence must report weekly,
24 in person, with the sheriff's office of the county in which he
25 or she is located in an unincorporated area, or with the chief
26 of police in the municipality in which he or she is located.

1 The agency of jurisdiction will document each weekly
2 registration to include all the locations where the person has
3 stayed during the past 7 days.

4 The sex offender or sexual predator shall provide accurate
5 information as required by the Department of State Police. That
6 information shall include the sex offender's or sexual
7 predator's current place of employment.

8 (a-5) An out-of-state student or out-of-state employee
9 shall, within 3 days after beginning school or employment in
10 this State, register in person and provide accurate information
11 as required by the Department of State Police. Such information
12 will include current place of employment, school attended, and
13 address in state of residence. A sex offender convicted under
14 Section 11-6, 11-20.1, 11-20.3, or 11-21 of the Criminal Code
15 of 1961 shall provide all Internet protocol (IP) addresses in
16 his or her residence, registered in his or her name, accessible
17 at his or her place of employment, or otherwise under his or
18 her control or custody. The out-of-state student or
19 out-of-state employee shall register:

20 (1) with the chief of police in the municipality in
21 which he or she attends school or is employed for a period
22 of time of 5 or more days or for an aggregate period of
23 time of more than 30 days during any calendar year, unless
24 the municipality is the City of Chicago, in which case he
25 or she shall register at the Chicago Police Department
26 Headquarters; or

1 (2) with the sheriff in the county in which he or she
2 attends school or is employed for a period of time of 5 or
3 more days or for an aggregate period of time of more than
4 30 days during any calendar year in an unincorporated area
5 or, if incorporated, no police chief exists.

6 The out-of-state student or out-of-state employee shall
7 provide accurate information as required by the Department of
8 State Police. That information shall include the out-of-state
9 student's current place of school attendance or the
10 out-of-state employee's current place of employment.

11 (a-10) Any law enforcement agency registering sex
12 offenders or sexual predators in accordance with subsections
13 (a) or (a-5) of this Section shall forward to the Attorney
14 General a copy of sex offender registration forms from persons
15 convicted under Section 11-6, 11-20.1, 11-20.3, or 11-21 of the
16 Criminal Code of 1961, including periodic and annual
17 registrations under Section 6 of this Act.

18 (b) Any sex offender, as defined in Section 2 of this Act,
19 or sexual predator, regardless of any initial, prior, or other
20 registration, shall, within 3 days of beginning school, or
21 establishing a residence, place of employment, or temporary
22 domicile in any county, register in person as set forth in
23 subsection (a) or (a-5).

24 (c) The registration for any person required to register
25 under this Article shall be as follows:

26 (1) Any person registered under the Habitual Child Sex

1 Offender Registration Act or the Child Sex Offender
2 Registration Act prior to January 1, 1996, shall be deemed
3 initially registered as of January 1, 1996; however, this
4 shall not be construed to extend the duration of
5 registration set forth in Section 7.

6 (2) Except as provided in subsection (c)(4), any person
7 convicted or adjudicated prior to January 1, 1996, whose
8 liability for registration under Section 7 has not expired,
9 shall register in person prior to January 31, 1996.

10 (2.5) Except as provided in subsection (c)(4), any
11 person who has not been notified of his or her
12 responsibility to register shall be notified by a criminal
13 justice entity of his or her responsibility to register.
14 Upon notification the person must then register within 3
15 days of notification of his or her requirement to register.
16 If notification is not made within the offender's 10 year
17 registration requirement, and the Department of State
18 Police determines no evidence exists or indicates the
19 offender attempted to avoid registration, the offender
20 will no longer be required to register under this Act.

21 (3) Except as provided in subsection (c)(4), any person
22 convicted on or after January 1, 1996, shall register in
23 person within 3 days after the entry of the sentencing
24 order based upon his or her conviction.

25 (4) Any person unable to comply with the registration
26 requirements of this Article because he or she is confined,

1 institutionalized, or imprisoned in Illinois on or after
2 January 1, 1996, shall register in person within 3 days of
3 discharge, parole or release.

4 (5) The person shall provide positive identification
5 and documentation that substantiates proof of residence at
6 the registering address.

7 (6) The person shall pay a \$20 initial registration fee
8 and a \$10 annual renewal fee. The fees shall be used by the
9 registering agency for official purposes. The agency shall
10 establish procedures to document receipt and use of the
11 funds. The law enforcement agency having jurisdiction may
12 waive the registration fee if it determines that the person
13 is indigent and unable to pay the registration fee. Ten
14 dollars for the initial registration fee and \$5 of the
15 annual renewal fee shall be used by the registering agency
16 for official purposes. Ten dollars of the initial
17 registration fee and \$5 of the annual fee shall be
18 deposited into the Sex Offender Management Board Fund under
19 Section 19 of the Sex Offender Management Board Act. Money
20 deposited into the Sex Offender Management Board Fund shall
21 be administered by the Sex Offender Management Board and
22 shall be used to fund practices endorsed or required by the
23 Sex Offender Management Board Act including but not limited
24 to sex offenders evaluation, treatment, or monitoring
25 programs that are or may be developed, as well as for
26 administrative costs, including staff, incurred by the

1 Board.

2 (d) Within 3 days after obtaining or changing employment
3 and, if employed on January 1, 2000, within 5 days after that
4 date, a person required to register under this Section must
5 report, in person to the law enforcement agency having
6 jurisdiction, the business name and address where he or she is
7 employed. If the person has multiple businesses or work
8 locations, every business and work location must be reported to
9 the law enforcement agency having jurisdiction.

10 (Source: P.A. 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-994,
11 eff. 1-1-07; 95-229, eff. 8-16-07; 95-579, eff. 6-1-08; 95-640,
12 eff. 6-1-08; 95-658, eff. 10-11-07; revised 11-19-07.)

13 (730 ILCS 150/6) (from Ch. 38, par. 226)

14 (Text of Section before amendment by P.A. 95-640)

15 Sec. 6. Duty to report; change of address, school, or
16 employment; duty to inform. A person who has been adjudicated
17 to be sexually dangerous or is a sexually violent person and is
18 later released, or found to be no longer sexually dangerous or
19 no longer a sexually violent person and discharged, or
20 convicted of a violation of this Act after July 1, 2005, shall
21 report in person to the law enforcement agency with whom he or
22 she last registered no later than 90 days after the date of his
23 or her last registration and every 90 days thereafter and at
24 such other times at the request of the law enforcement agency
25 not to exceed 4 times a year. Such sexually dangerous or

1 sexually violent person must report all new or changed e-mail
2 addresses, all new or changed instant messaging identities, all
3 new or changed chat room identities, and all other new or
4 changed Internet communications identities that the sexually
5 dangerous or sexually violent person uses or plans to use, all
6 new or changed Uniform Resource Locators (URLs) registered or
7 used by the sexually dangerous or sexually violent person, and
8 all new or changed blogs and other Internet sites maintained by
9 the sexually dangerous or sexually violent person or to which
10 the sexually dangerous or sexually violent person has uploaded
11 any content or posted any messages or information. Any person
12 who lacks a fixed residence must report weekly, in person, to
13 the appropriate law enforcement agency where the sex offender
14 is located. Any other person who is required to register under
15 this Article shall report in person to the appropriate law
16 enforcement agency with whom he or she last registered within
17 one year from the date of last registration and every year
18 thereafter and at such other times at the request of the law
19 enforcement agency not to exceed 4 times a year. If any person
20 required to register under this Article lacks a fixed residence
21 or temporary domicile, he or she must notify, in person, the
22 agency of jurisdiction of his or her last known address within
23 5 days after ceasing to have a fixed residence and if the
24 offender leaves the last jurisdiction of residence, he or she,
25 must within 48 hours after leaving register in person with the
26 new agency of jurisdiction. If any other person required to

1 register under this Article changes his or her residence
2 address, place of employment, or school, he or she shall report
3 in person to the law enforcement agency with whom he or she
4 last registered of his or her new address, change in
5 employment, or school, all new or changed e-mail addresses, all
6 new or changed instant messaging identities, all new or changed
7 chat room identities, and all other new or changed Internet
8 communications identities that the sex offender uses or plans
9 to use, all new or changed Uniform Resource Locators (URLs)
10 registered or used by the sex offender, and all new or changed
11 blogs and other Internet sites maintained by the sex offender
12 or to which the sex offender has uploaded any content or posted
13 any messages or information, and register, in person, with the
14 appropriate law enforcement agency within the time period
15 specified in Section 3. The law enforcement agency shall,
16 within 3 days of the reporting in person by the person required
17 to register under this Article, notify the Department of State
18 Police of the new place of residence, change in employment, or
19 school.

20 If any person required to register under this Article
21 intends to establish a residence or employment outside of the
22 State of Illinois, at least 10 days before establishing that
23 residence or employment, he or she shall report in person to
24 the law enforcement agency with which he or she last registered
25 of his or her out-of-state intended residence or employment.
26 The law enforcement agency with which such person last

1 registered shall, within 3 days after the reporting in person
2 of the person required to register under this Article of an
3 address or employment change, notify the Department of State
4 Police. The Department of State Police shall forward such
5 information to the out-of-state law enforcement agency having
6 jurisdiction in the form and manner prescribed by the
7 Department of State Police.

8 (Source: P.A. 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 95-229,
9 eff. 8-16-07; 95-331, eff. 8-21-07.)

10 (Text of Section after amendment by P.A. 95-640)

11 Sec. 6. Duty to report; change of address, school, or
12 employment; duty to inform. A person who has been adjudicated
13 to be sexually dangerous or is a sexually violent person and is
14 later released, or found to be no longer sexually dangerous or
15 no longer a sexually violent person and discharged, or
16 convicted of a violation of this Act after July 1, 2005, shall
17 report in person to the law enforcement agency with whom he or
18 she last registered no later than 90 days after the date of his
19 or her last registration and every 90 days thereafter and at
20 such other times at the request of the law enforcement agency
21 not to exceed 4 times a year. Such sexually dangerous or
22 sexually violent person must report all new or changed e-mail
23 addresses, all new or changed instant messaging identities, all
24 new or changed chat room identities, and all other new or
25 changed Internet communications identities that the sexually

1 dangerous or sexually violent person uses or plans to use, all
2 new or changed Uniform Resource Locators (URLs) registered or
3 used by the sexually dangerous or sexually violent person, and
4 all new or changed blogs and other Internet sites maintained by
5 the sexually dangerous or sexually violent person or to which
6 the sexually dangerous or sexually violent person has uploaded
7 any content or posted any messages or information. Any person
8 who lacks a fixed residence must report weekly, in person, to
9 the appropriate law enforcement agency where the sex offender
10 is located. Any other person who is required to register under
11 this Article shall report in person to the appropriate law
12 enforcement agency with whom he or she last registered within
13 one year from the date of last registration and every year
14 thereafter and at such other times at the request of the law
15 enforcement agency not to exceed 4 times a year. If any person
16 required to register under this Article lacks a fixed residence
17 or temporary domicile, he or she must notify, in person, the
18 agency of jurisdiction of his or her last known address within
19 3 days after ceasing to have a fixed residence and if the
20 offender leaves the last jurisdiction of residence, he or she,
21 must within 3 days after leaving register in person with the
22 new agency of jurisdiction. If any other person required to
23 register under this Article changes his or her residence
24 address, place of employment, or school, he or she shall report
25 in person to the law enforcement agency with whom he or she
26 last registered of his or her new address, change in

1 employment, or school, all new or changed e-mail addresses, all
2 new or changed instant messaging identities, all new or changed
3 chat room identities, and all other new or changed Internet
4 communications identities that the sex offender uses or plans
5 to use, all new or changed Uniform Resource Locators (URLs)
6 registered or used by the sex offender, and all new or changed
7 blogs and other Internet sites maintained by the sex offender
8 or to which the sex offender has uploaded any content or posted
9 any messages or information, and register, in person, with the
10 appropriate law enforcement agency within the time period
11 specified in Section 3. The law enforcement agency shall,
12 within 3 days of the reporting in person by the person required
13 to register under this Article, notify the Department of State
14 Police of the new place of residence, change in employment, or
15 school.

16 If any person required to register under this Article
17 intends to establish a residence or employment outside of the
18 State of Illinois, at least 10 days before establishing that
19 residence or employment, he or she shall report in person to
20 the law enforcement agency with which he or she last registered
21 of his or her out-of-state intended residence or employment.
22 The law enforcement agency with which such person last
23 registered shall, within 3 days after the reporting in person
24 of the person required to register under this Article of an
25 address or employment change, notify the Department of State
26 Police. The Department of State Police shall forward such

1 information to the out-of-state law enforcement agency having
2 jurisdiction in the form and manner prescribed by the
3 Department of State Police.

4 (Source: P.A. 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 95-229,
5 eff. 8-16-07; 95-331, eff. 8-21-07; 95-640, eff. 6-1-08;
6 revised 11-19-07.)

7 (730 ILCS 150/7) (from Ch. 38, par. 227)

8 (Text of Section before amendment by P.A. 95-513 and
9 95-640)

10 Sec. 7. Duration of registration. A person who has been
11 adjudicated to be sexually dangerous and is later released or
12 found to be no longer sexually dangerous and discharged, shall
13 register for the period of his or her natural life. A sexually
14 violent person or sexual predator shall register for the period
15 of his or her natural life after conviction or adjudication if
16 not confined to a penal institution, hospital, or other
17 institution or facility, and if confined, for the period of his
18 or her natural life after parole, discharge, or release from
19 any such facility. A person who becomes subject to registration
20 under this Article who has previously been subject to
21 registration under this Article or under the Child Murderer and
22 Violent Offender Against Youth Registration Act or similar
23 registration requirements of other jurisdictions shall
24 register for the period of his or her natural life if not
25 confined to a penal institution, hospital, or other institution

1 or facility, and if confined, for the period of his or her
2 natural life after parole, discharge, or release from any such
3 facility. Any other person who is required to register under
4 this Article shall be required to register for a period of 10
5 years after conviction or adjudication if not confined to a
6 penal institution, hospital or any other institution or
7 facility, and if confined, for a period of 10 years after
8 parole, discharge or release from any such facility. A sex
9 offender who is allowed to leave a county, State, or federal
10 facility for the purposes of work release, education, or
11 overnight visitations shall be required to register within 5
12 days of beginning such a program. Liability for registration
13 terminates at the expiration of 10 years from the date of
14 conviction or adjudication if not confined to a penal
15 institution, hospital or any other institution or facility and
16 if confined, at the expiration of 10 years from the date of
17 parole, discharge or release from any such facility, providing
18 such person does not, during that period, again become liable
19 to register under the provisions of this Article. Reconfinement
20 due to a violation of parole or other circumstances that
21 relates to the original conviction or adjudication shall extend
22 the period of registration to 10 years after final parole,
23 discharge, or release. The Director of State Police, consistent
24 with administrative rules, shall extend for 10 years the
25 registration period of any sex offender, as defined in Section
26 2 of this Act, who fails to comply with the provisions of this

1 Article. The registration period for any sex offender who fails
2 to comply with any provision of the Act shall extend the period
3 of registration by 10 years beginning from the first date of
4 registration after the violation. If the registration period is
5 extended, the Department of State Police shall send a
6 registered letter to the law enforcement agency where the sex
7 offender resides within 3 days after the extension of the
8 registration period. The sex offender shall report to that law
9 enforcement agency and sign for that letter. One copy of that
10 letter shall be kept on file with the law enforcement agency of
11 the jurisdiction where the sex offender resides and one copy
12 shall be returned to the Department of State Police.

13 (Source: P.A. 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 95-169,
14 eff. 8-14-07; 95-331, eff. 8-21-07.)

15 (Text of Section after amendment by P.A. 95-513 and 95-640)

16 Sec. 7. Duration of registration. A person who has been
17 adjudicated to be sexually dangerous and is later released or
18 found to be no longer sexually dangerous and discharged, shall
19 register for the period of his or her natural life. A sexually
20 violent person or sexual predator shall register for the period
21 of his or her natural life after conviction or adjudication if
22 not confined to a penal institution, hospital, or other
23 institution or facility, and if confined, for the period of his
24 or her natural life after parole, discharge, or release from
25 any such facility. A person who becomes subject to registration

1 under this Article who has previously been subject to
2 registration under this Article or under the Child Murderer and
3 Violent Offender Against Youth Registration Act or similar
4 registration requirements of other jurisdictions shall
5 register for the period of his or her natural life if not
6 confined to a penal institution, hospital, or other institution
7 or facility, and if confined, for the period of his or her
8 natural life after parole, discharge, or release from any such
9 facility. Any other person who is required to register under
10 this Article shall be required to register for a period of 10
11 years after conviction or adjudication if not confined to a
12 penal institution, hospital or any other institution or
13 facility, and if confined, for a period of 10 years after
14 parole, discharge or release from any such facility. A sex
15 offender who is allowed to leave a county, State, or federal
16 facility for the purposes of work release, education, or
17 overnight visitations shall be required to register within 3
18 days of beginning such a program. Liability for registration
19 terminates at the expiration of 10 years from the date of
20 conviction or adjudication if not confined to a penal
21 institution, hospital or any other institution or facility and
22 if confined, at the expiration of 10 years from the date of
23 parole, discharge or release from any such facility, providing
24 such person does not, during that period, again become liable
25 to register under the provisions of this Article. Reconfinement
26 due to a violation of parole or other circumstances that

1 relates to the original conviction or adjudication shall extend
2 the period of registration to 10 years after final parole,
3 discharge, or release. Reconfinement due to a violation of
4 parole or other circumstances that do not relate to the
5 original conviction or adjudication shall toll the running of
6 the balance of the 10-year period of registration, which shall
7 not commence running until after final parole, discharge, or
8 release. The Director of State Police, consistent with
9 administrative rules, shall extend for 10 years the
10 registration period of any sex offender, as defined in Section
11 2 of this Act, who fails to comply with the provisions of this
12 Article. The registration period for any sex offender who fails
13 to comply with any provision of the Act shall extend the period
14 of registration by 10 years beginning from the first date of
15 registration after the violation. If the registration period is
16 extended, the Department of State Police shall send a
17 registered letter to the law enforcement agency where the sex
18 offender resides within 3 days after the extension of the
19 registration period. The sex offender shall report to that law
20 enforcement agency and sign for that letter. One copy of that
21 letter shall be kept on file with the law enforcement agency of
22 the jurisdiction where the sex offender resides and one copy
23 shall be returned to the Department of State Police.

24 (Source: P.A. 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 95-169,
25 eff. 8-14-07; 95-331, eff. 8-21-07; 95-513, eff. 6-1-08;
26 95-640, eff. 6-1-08; revised 11-19-07.)

1 Section 365. The Sex Offender Community Notification Law is
2 amended by changing Section 120 as follows:

3 (730 ILCS 152/120)

4 (Text of Section before amendment by P.A. 95-640)

5 Sec. 120. Community notification of sex offenders.

6 (a) The sheriff of the county, except Cook County, shall
7 disclose to the following the name, address, date of birth,
8 place of employment, school attended, e-mail addresses,
9 instant messaging identities, chat room identities, other
10 Internet communications identities, all Uniform Resource
11 Locators (URLs) registered or used by the sex offender, all
12 blogs and other Internet sites maintained by the sex offender
13 or to which the sex offender has uploaded any content or posted
14 any messages or information, and offense or adjudication of all
15 sex offenders required to register under Section 3 of the Sex
16 Offender Registration Act:

17 (1) The boards of institutions of higher education or
18 other appropriate administrative offices of each
19 non-public institution of higher education located in the
20 county where the sex offender is required to register,
21 resides, is employed, or is attending an institution of
22 higher education; and

23 (2) School boards of public school districts and the
24 principal or other appropriate administrative officer of

1 each nonpublic school located in the county where the sex
2 offender is required to register or is employed; and

3 (3) Child care facilities located in the county where
4 the sex offender is required to register or is employed;
5 and

6 (4) Libraries located in the county where the sex
7 offender is required to register or is employed.

8 (a-2) The sheriff of Cook County shall disclose to the
9 following the name, address, date of birth, place of
10 employment, school attended, e-mail addresses, instant
11 messaging identities, chat room identities, other Internet
12 communications identities, all Uniform Resource Locators
13 (URLs) registered or used by the sex offender, all blogs and
14 other Internet sites maintained by the sex offender or to which
15 the sex offender has uploaded any content or posted any
16 messages or information, and offense or adjudication of all sex
17 offenders required to register under Section 3 of the Sex
18 Offender Registration Act:

19 (1) School boards of public school districts and the
20 principal or other appropriate administrative officer of
21 each nonpublic school located within the region of Cook
22 County, as those public school districts and nonpublic
23 schools are identified in LEADS, other than the City of
24 Chicago, where the sex offender is required to register or
25 is employed; and

26 (2) Child care facilities located within the region of

1 Cook County, as those child care facilities are identified
2 in LEADS, other than the City of Chicago, where the sex
3 offender is required to register or is employed; and

4 (3) The boards of institutions of higher education or
5 other appropriate administrative offices of each
6 non-public institution of higher education located in the
7 county, other than the City of Chicago, where the sex
8 offender is required to register, resides, is employed, or
9 attending an institution of higher education; and

10 (4) Libraries located in the county, other than the
11 City of Chicago, where the sex offender is required to
12 register, resides, is employed, or is attending an
13 institution of higher education.

14 (a-3) The Chicago Police Department shall disclose to the
15 following the name, address, date of birth, place of
16 employment, school attended, e-mail addresses, instant
17 messaging identities, chat room identities, other Internet
18 communications identities, all Uniform Resource Locators
19 (URLs) registered or used by the sex offender, all blogs and
20 other Internet sites maintained by the sex offender or to which
21 the sex offender has uploaded any content or posted any
22 messages or information, and offense or adjudication of all sex
23 offenders required to register under Section 3 of the Sex
24 Offender Registration Act:

25 (1) School boards of public school districts and the
26 principal or other appropriate administrative officer of

1 each nonpublic school located in the police district where
2 the sex offender is required to register or is employed if
3 the offender is required to register or is employed in the
4 City of Chicago; and

5 (2) Child care facilities located in the police
6 district where the sex offender is required to register or
7 is employed if the offender is required to register or is
8 employed in the City of Chicago; and

9 (3) The boards of institutions of higher education or
10 other appropriate administrative offices of each
11 non-public institution of higher education located in the
12 police district where the sex offender is required to
13 register, resides, is employed, or attending an
14 institution of higher education in the City of Chicago; and

15 (4) Libraries located in the police district where the
16 sex offender is required to register or is employed if the
17 offender is required to register or is employed in the City
18 of Chicago.

19 (a-4) The Department of State Police shall provide a list
20 of sex offenders required to register to the Illinois
21 Department of Children and Family Services.

22 (b) The Department of State Police and any law enforcement
23 agency may disclose, in the Department's or agency's
24 discretion, the following information to any person likely to
25 encounter a sex offender, or sexual predator:

26 (1) The offender's name, address, date of birth, e-mail

1 addresses, instant messaging identities, chat room
2 identities, and other Internet communications identities,
3 all Uniform Resource Locators (URLs) registered or used by
4 the sex offender, and all blogs and other Internet sites
5 maintained by the sex offender or to which the sex offender
6 has uploaded any content or posted any messages or
7 information.

8 (2) The offense for which the offender was convicted.

9 (3) Adjudication as a sexually dangerous person.

10 (4) The offender's photograph or other such
11 information that will help identify the sex offender.

12 (5) Offender employment information, to protect public
13 safety.

14 (c) The name, address, date of birth, e-mail addresses,
15 instant messaging identities, chat room identities, other
16 Internet communications identities, all Uniform Resource
17 Locators (URLs) registered or used by the sex offender, all
18 blogs and other Internet sites maintained by the sex offender
19 or to which the sex offender has uploaded any content or posted
20 any messages or information, offense or adjudication, the
21 county of conviction, license plate numbers for every vehicle
22 registered in the name of the sex offender, the age of the sex
23 offender at the time of the commission of the offense, the age
24 of the victim at the time of the commission of the offense, and
25 any distinguishing marks located on the body of the sex
26 offender for sex offenders required to register under Section 3

1 of the Sex Offender Registration Act shall be open to
2 inspection by the public as provided in this Section. Every
3 municipal police department shall make available at its
4 headquarters the information on all sex offenders who are
5 required to register in the municipality under the Sex Offender
6 Registration Act. The sheriff shall also make available at his
7 or her headquarters the information on all sex offenders who
8 are required to register under that Act and who live in
9 unincorporated areas of the county. Sex offender information
10 must be made available for public inspection to any person, no
11 later than 72 hours or 3 business days from the date of the
12 request. The request must be made in person, in writing, or by
13 telephone. Availability must include giving the inquirer
14 access to a facility where the information may be copied. A
15 department or sheriff may charge a fee, but the fee may not
16 exceed the actual costs of copying the information. An inquirer
17 must be allowed to copy this information in his or her own
18 handwriting. A department or sheriff must allow access to the
19 information during normal public working hours. The sheriff or
20 a municipal police department may publish the photographs of
21 sex offenders where any victim was 13 years of age or younger
22 and who are required to register in the municipality or county
23 under the Sex Offender Registration Act in a newspaper or
24 magazine of general circulation in the municipality or county
25 or may disseminate the photographs of those sex offenders on
26 the Internet or on television. The law enforcement agency may

1 make available the information on all sex offenders residing
2 within any county.

3 (d) The Department of State Police and any law enforcement
4 agency having jurisdiction may, in the Department's or agency's
5 discretion, place the information specified in subsection (b)
6 on the Internet or in other media.

7 (e) (Blank).

8 (f) The administrator of a transitional housing facility
9 for sex offenders shall comply with the notification procedures
10 established in paragraph (4) of subsection (b) of Section
11 3-17-5 of the Unified Code of Corrections.

12 (g) A principal or teacher of a public or private
13 elementary or secondary school shall notify the parents of
14 children attending the school during school registration or
15 during parent-teacher conferences that information about sex
16 offenders is available to the public as provided in this Act.

17 (Source: P.A. 94-161, eff. 7-11-05; 94-168, eff. 1-1-06;
18 94-994, eff. 1-1-07; 95-229, eff. 8-16-07; 95-278, eff.
19 8-17-07; revised 11-19-07.)

20 (Text of Section after amendment by P.A. 95-640)

21 Sec. 120. Community notification of sex offenders.

22 (a) The sheriff of the county, except Cook County, shall
23 disclose to the following the name, address, date of birth,
24 place of employment, school attended, e-mail addresses,
25 instant messaging identities, chat room identities, other

1 Internet communications identities, all Uniform Resource
2 Locators (URLs) registered or used by the sex offender, all
3 blogs and other Internet sites maintained by the sex offender
4 or to which the sex offender has uploaded any content or posted
5 any messages or information, and offense or adjudication of all
6 sex offenders required to register under Section 3 of the Sex
7 Offender Registration Act:

8 (1) The boards of institutions of higher education or
9 other appropriate administrative offices of each
10 non-public institution of higher education located in the
11 county where the sex offender is required to register,
12 resides, is employed, or is attending an institution of
13 higher education;

14 (2) School boards of public school districts and the
15 principal or other appropriate administrative officer of
16 each nonpublic school located in the county where the sex
17 offender is required to register or is employed;

18 (3) Child care facilities located in the county where
19 the sex offender is required to register or is employed;

20 ~~and~~

21 (4) Libraries located in the county where the sex
22 offender is required to register or is employed; ~~-~~

23 (5) ~~(4)~~ Public libraries located in the county where
24 the sex offender is required to register or is employed;

25 (6) ~~(5)~~ Public housing agencies located in the county
26 where the sex offender is required to register or is

1 employed;

2 (7) ~~(6)~~ The Illinois Department of Children and Family
3 Services;

4 (8) ~~(7)~~ Social service agencies providing services to
5 minors located in the county where the sex offender is
6 required to register or is employed; and

7 (9) ~~(8)~~ Volunteer organizations providing services to
8 minors located in the county where the sex offender is
9 required to register or is employed.

10 (a-2) The sheriff of Cook County shall disclose to the
11 following the name, address, date of birth, place of
12 employment, school attended, e-mail addresses, instant
13 messaging identities, chat room identities, other Internet
14 communications identities, all Uniform Resource Locators
15 (URLs) registered or used by the sex offender, all blogs and
16 other Internet sites maintained by the sex offender or to which
17 the sex offender has uploaded any content or posted any
18 messages or information, and offense or adjudication of all sex
19 offenders required to register under Section 3 of the Sex
20 Offender Registration Act:

21 (1) School boards of public school districts and the
22 principal or other appropriate administrative officer of
23 each nonpublic school located within the region of Cook
24 County, as those public school districts and nonpublic
25 schools are identified in LEADS, other than the City of
26 Chicago, where the sex offender is required to register or

1 is employed;

2 (2) Child care facilities located within the region of
3 Cook County, as those child care facilities are identified
4 in LEADS, other than the City of Chicago, where the sex
5 offender is required to register or is employed;

6 (3) The boards of institutions of higher education or
7 other appropriate administrative offices of each
8 non-public institution of higher education located in the
9 county, other than the City of Chicago, where the sex
10 offender is required to register, resides, is employed, or
11 attending an institution of higher education; ~~and~~

12 (4) Libraries located in the county, other than the
13 City of Chicago, where the sex offender is required to
14 register, resides, is employed, or is attending an
15 institution of higher education; ~~and~~

16 (5) ~~(4)~~ Public libraries located in the county, other
17 than the City of Chicago, where the sex offender is
18 required to register, resides, is employed, or attending an
19 institution of higher education;

20 (6) ~~(5)~~ Public housing agencies located in the county,
21 other than the City of Chicago, where the sex offender is
22 required to register, resides, is employed, or attending an
23 institution of higher education;

24 (7) ~~(6)~~ The Illinois Department of Children and Family
25 Services;

26 (8) ~~(7)~~ Social service agencies providing services to

1 minors located in the county, other than the City of
2 Chicago, where the sex offender is required to register,
3 resides, is employed, or attending an institution of higher
4 education; and

5 (9) ~~(8)~~ Volunteer organizations providing services to
6 minors located in the county, other than the City of
7 Chicago, where the sex offender is required to register,
8 resides, is employed, or attending an institution of higher
9 education.

10 (a-3) The Chicago Police Department shall disclose to the
11 following the name, address, date of birth, place of
12 employment, school attended, e-mail addresses, instant
13 messaging identities, chat room identities, other Internet
14 communications identities, all Uniform Resource Locators
15 (URLs) registered or used by the sex offender, all blogs and
16 other Internet sites maintained by the sex offender or to which
17 the sex offender has uploaded any content or posted any
18 messages or information, and offense or adjudication of all sex
19 offenders required to register under Section 3 of the Sex
20 Offender Registration Act:

21 (1) School boards of public school districts and the
22 principal or other appropriate administrative officer of
23 each nonpublic school located in the police district where
24 the sex offender is required to register or is employed if
25 the offender is required to register or is employed in the
26 City of Chicago;

1 (2) Child care facilities located in the police
2 district where the sex offender is required to register or
3 is employed if the offender is required to register or is
4 employed in the City of Chicago;

5 (3) The boards of institutions of higher education or
6 other appropriate administrative offices of each
7 non-public institution of higher education located in the
8 police district where the sex offender is required to
9 register, resides, is employed, or attending an
10 institution of higher education in the City of Chicago; ~~and~~

11 (4) Libraries located in the police district where the
12 sex offender is required to register or is employed if the
13 offender is required to register or is employed in the City
14 of Chicago;~~;~~

15 (5) ~~(4)~~ Public libraries located in the police district
16 where the sex offender is required to register, resides, is
17 employed, or attending an institution of higher education
18 in the City of Chicago;

19 (6) ~~(5)~~ Public housing agencies located in the police
20 district where the sex offender is required to register,
21 resides, is employed, or attending an institution of higher
22 education in the City of Chicago;

23 (7) ~~(6)~~ The Illinois Department of Children and Family
24 Services;

25 (8) ~~(7)~~ Social service agencies providing services to
26 minors located in the police district where the sex

1 offender is required to register, resides, is employed, or
2 attending an institution of higher education in the City of
3 Chicago; and

4 (9) ~~(8)~~ Volunteer organizations providing services to
5 minors located in the police district where the sex
6 offender is required to register, resides, is employed, or
7 attending an institution of higher education in the City of
8 Chicago.

9 (a-4) The Department of State Police shall provide a list
10 of sex offenders required to register to the Illinois
11 Department of Children and Family Services.

12 (b) The Department of State Police and any law enforcement
13 agency may disclose, in the Department's or agency's
14 discretion, the following information to any person likely to
15 encounter a sex offender, or sexual predator:

16 (1) The offender's name, address, date of birth, e-mail
17 addresses, instant messaging identities, chat room
18 identities, and other Internet communications identities,
19 all Uniform Resource Locators (URLs) registered or used by
20 the sex offender, and all blogs and other Internet sites
21 maintained by the sex offender or to which the sex offender
22 has uploaded any content or posted any messages or
23 information.

24 (2) The offense for which the offender was convicted.

25 (3) Adjudication as a sexually dangerous person.

26 (4) The offender's photograph or other such

1 information that will help identify the sex offender.

2 (5) Offender employment information, to protect public
3 safety.

4 (c) The name, address, date of birth, e-mail addresses,
5 instant messaging identities, chat room identities, other
6 Internet communications identities, all Uniform Resource
7 Locators (URLs) registered or used by the sex offender, all
8 blogs and other Internet sites maintained by the sex offender
9 or to which the sex offender has uploaded any content or posted
10 any messages or information, offense or adjudication, the
11 county of conviction, license plate numbers for every vehicle
12 registered in the name of the sex offender, the age of the sex
13 offender at the time of the commission of the offense, the age
14 of the victim at the time of the commission of the offense, and
15 any distinguishing marks located on the body of the sex
16 offender for sex offenders required to register under Section 3
17 of the Sex Offender Registration Act shall be open to
18 inspection by the public as provided in this Section. Every
19 municipal police department shall make available at its
20 headquarters the information on all sex offenders who are
21 required to register in the municipality under the Sex Offender
22 Registration Act. The sheriff shall also make available at his
23 or her headquarters the information on all sex offenders who
24 are required to register under that Act and who live in
25 unincorporated areas of the county. Sex offender information
26 must be made available for public inspection to any person, no

1 later than 72 hours or 3 business days from the date of the
2 request. The request must be made in person, in writing, or by
3 telephone. Availability must include giving the inquirer
4 access to a facility where the information may be copied. A
5 department or sheriff may charge a fee, but the fee may not
6 exceed the actual costs of copying the information. An inquirer
7 must be allowed to copy this information in his or her own
8 handwriting. A department or sheriff must allow access to the
9 information during normal public working hours. The sheriff or
10 a municipal police department may publish the photographs of
11 sex offenders where any victim was 13 years of age or younger
12 and who are required to register in the municipality or county
13 under the Sex Offender Registration Act in a newspaper or
14 magazine of general circulation in the municipality or county
15 or may disseminate the photographs of those sex offenders on
16 the Internet or on television. The law enforcement agency may
17 make available the information on all sex offenders residing
18 within any county.

19 (d) The Department of State Police and any law enforcement
20 agency having jurisdiction may, in the Department's or agency's
21 discretion, place the information specified in subsection (b)
22 on the Internet or in other media.

23 (e) (Blank).

24 (f) The administrator of a transitional housing facility
25 for sex offenders shall comply with the notification procedures
26 established in paragraph (4) of subsection (b) of Section

1 3-17-5 of the Unified Code of Corrections.

2 (g) A principal or teacher of a public or private
3 elementary or secondary school shall notify the parents of
4 children attending the school during school registration or
5 during parent-teacher conferences that information about sex
6 offenders is available to the public as provided in this Act.

7 (Source: P.A. 94-161, eff. 7-11-05; 94-168, eff. 1-1-06;
8 94-994, eff. 1-1-07; 95-229, eff. 8-16-07; 95-278, eff.
9 8-17-07; 95-640, eff. 6-1-08; revised 11-19-07.)

10 Section 370. The Eminent Domain Act is amended by
11 renumbering Section 25-7-103.150 as follows:

12 (735 ILCS 30/25-5-10)

13 Sec. 25-5-10 ~~25-7-103.150~~. Quick-take; City of Champaign,
14 Village of Savoy and County of Champaign. Quick-take
15 proceedings under Article 20 may be used for a period of no
16 more than one year after the effective date of this amendatory
17 Act of the 95th General Assembly by the City of Champaign, the
18 Village of Savoy, and the County of Champaign, for the
19 acquisition of the following described properties for the
20 purpose of road construction right-of-way, permanent
21 easements, and temporary easements:

22 Alexander C. Lo, as Trustee - Parcel 040

1 Right-of-Way:

2 A part of the South Half of Section 26, and the North Half of
3 Section 35, Township 19 North, Range 8 East of the Third
4 Principal Meridian, Champaign County, Illinois with bearing
5 datum based on Illinois State Plane Coordinate System, East
6 Zone;

7 Beginning at the southwest corner of Section 26, Township 19
8 North, Range 8 East of the Third Principal Meridian; thence
9 along the west line of said Section 26, North 00 degrees 50
10 minutes 27 seconds West 887.52 feet; thence North 89 degrees 09
11 minutes 33 seconds East 45.00 feet; thence South 00 degrees 50
12 minutes 27 seconds East 50.00 feet; thence South 03 degrees 42
13 minutes 12 seconds East 300.37 feet; thence along a line
14 parallel to and 60.00 feet offset easterly from said west line
15 of Section 26, South 00 degrees 50 minutes 27 seconds East
16 200.00 feet; thence South 06 degrees 25 minutes 24 seconds East
17 185.04 feet; thence along a line parallel to and 155.00 feet
18 offset northerly from the south line of said Section 26, South
19 89 degrees 36 minutes 45 seconds East 349.35 feet; thence South
20 86 degrees 45 minutes 01 seconds East 100.12 feet; thence along
21 a line parallel to and 150.00 feet offset northerly from said
22 south line of Section 26, South 89 degrees 36 minutes 45
23 seconds East 850.00 feet; thence South 85 degrees 56 minutes 46
24 seconds East 703.70 feet; thence along a line parallel to and
25 105.00 feet offset northerly from said south line of Section

1 26, South 89 degrees 36 minutes 45 seconds East 322.03 feet;
2 thence South 00 degrees 23 minutes 15 seconds West 22.00 feet;
3 thence along a line parallel to and 83.00 feet offset northerly
4 from said south line of Section 26, South 89 degrees 36 minutes
5 45 seconds East 237.29 feet; thence North 00 degrees 38 minutes
6 43 seconds West 30.00 feet; thence along a line parallel to and
7 113.00 feet offset northerly from said south line of Section
8 26, South 89 degrees 36 minutes 56 seconds East 88.24 feet;
9 thence South 87 degrees 19 minutes 30 seconds East 300.24 feet;
10 thence along a line parallel to and 101.00 feet offset
11 northerly from said south line of Section 26, South 89 degrees
12 36 minutes 56 seconds East 700.00 feet; thence South 87 degrees
13 54 minutes 06 seconds East 228.20 feet, to the east line of the
14 west half of the southeast Quarter of aforesaid Section 26;
15 thence along said east line, South 00 degrees 39 minutes 19
16 seconds East 94.19 feet, to the south line of said Section 26;
17 thence along said south line of Section 26, South 89 degrees 36
18 minutes 56 seconds East 1316.02 feet, to a point being the
19 southeast corner of said Section 26, said point also being the
20 northeast corner of Section 35, Township 19 North, Range 8 East
21 of the Third Principal Meridian; thence along the east line of
22 said Section 35, South 00 degrees 27 minutes 33 seconds East
23 920.45 feet; thence South 89 degrees 32 minutes 27 seconds West
24 275.00 feet; thence North 00 degrees 27 minutes 33 seconds West
25 600.00 feet; thence North 89 degrees 32 minutes 27 seconds East
26 235.00 feet; thence along a line parallel to and 40.00 feet

1 offset westerly from aforesaid east line of Section 35, North
2 00 degrees 27 minutes 33 seconds West 218.02 feet; thence along
3 a line parallel to and 103.00 feet offset southerly from the
4 north line of said Section 35, North 89 degrees 36 minutes 56
5 seconds West 158.05 feet; thence North 87 degrees 19 minutes 30
6 seconds West 150.12 feet; thence along a line parallel to and
7 97.00 feet offset southerly from said north line of Section 35,
8 North 89 degrees 36 minutes 56 seconds West 401.25 feet; thence
9 North 85 degrees 58 minutes 01 seconds West 502.84 feet; thence
10 North 88 degrees 27 minutes 19 seconds West 296.29 feet; thence
11 along a line parallel to and 59.00 feet offset southerly from
12 said north line of Section 35, North 89 degrees 36 minutes 56
13 seconds West 700.00 feet; thence South 88 degrees 28 minutes 31
14 seconds West 300.17 feet; thence along a line parallel to and
15 69.00 feet offset southerly from said north line of Section 35,
16 North 89 degrees 36 minutes 56 seconds West 85.23 feet, to the
17 west line of the northeast Quarter of said Section 35; thence
18 along a line parallel to and 69.00 feet offset southerly from
19 said north line of Section 35, North 89 degrees 36 minutes 45
20 seconds West 114.77 feet; thence North 87 degrees 54 minutes 07
21 seconds West 804.04 feet; thence along a line parallel to and
22 45.00 feet offset southerly from said north line of Section 35,
23 North 89 degrees 36 minutes 45 seconds West 397.76 feet; thence
24 North 00 degrees 20 minutes 35 seconds West 45.00 feet, to the
25 northerly line of said Section 35; thence along said northerly
26 line of Section 35, North 89 degrees 36 minutes 45 seconds West

1 1315.81 feet, to the Point of Beginning, situated in Champaign
2 County, Illinois and containing 22.351 acres, more or less
3 (Part of PIN #03-20-26-300-020; Part of PIN #03-20-26-300-021;
4 Part of PIN #03-20-26-400-001; Part of PIN #03-20-35-100-002
5 and Part of PIN #03-20-35-200-001)

6 Permanent Easement #1:

7 A part of the southeast quarter of the southwest quarter of
8 Section 26, Township 19 North, Range 8 East of the Third
9 Principal Meridian, Champaign County, Illinois with bearing
10 datum based on Illinois State Plane Coordinate System, East
11 Zone;

12 Commencing at the southeast corner or the southwest quarter of
13 Section 16, Township 19 North, Range 8 East of the Third
14 Principal Meridian; thence along the easterly line of said
15 southwest quarter of Section 26, North 00 degrees 38 minutes 43
16 seconds West 83.01 feet, to the Point of Beginning; thence
17 North 89 degrees 36 minutes 45 seconds West 237.29 feet; thence
18 North 00 degrees 23 minutes 15 seconds East 15.00 feet; thence
19 South 89 degrees 36 minutes 45 seconds East 237.02 feet; thence
20 South 00 degrees 38 minutes 43 seconds East 15.00 feet, to the
21 Point of Beginning, situated in Champaign County, Illinois and
22 containing 0.082 of an acre, more or less (Part of PIN
23 #03-20-26-300-021)

1 Permanent Easement #2:

2 A part of the west half of the southwest quarter of Section 26,
3 and a part of the west half of the northwest quarter of Section
4 26, Township 19 North, Range 8 East of the Third Principal
5 Meridian, Champaign County, Illinois with bearing datum based
6 on Illinois State Plane Coordinate System, East Zone;

7 Commencing at the southwest corner of Section 26, Township 19
8 North, Range 8 East of the Third Principal Meridian; thence
9 along the southerly line of said Section 26, South 89 degrees
10 36 minutes 45 seconds East 1166.28 feet; thence North 00
11 degrees 23 minutes 15 seconds East 150.00 feet, to the Point of
12 Beginning; thence along a curve to the left having a radius of
13 300.00 feet, an arc length of 49.50 feet, a chord bearing of
14 North 11 degrees 23 minutes 05 seconds West and a chord length
15 of 49.45 feet; thence North 16 degrees 06 minutes 44 seconds
16 West 1098.24 feet; thence along a curve to the right having a
17 radius of 840.00 feet, an arc length of 285.88 feet, a chord
18 bearing of North 06 degrees 21 minutes 44 seconds West and a
19 chord length of 284.51 feet; thence North 03 degrees 23 minutes
20 16 seconds East 1031.54 feet; thence along a curve to the left
21 having a radius of 760.00 feet, an arc length of 134.77 feet, a
22 chord bearing of North 01 degrees 41 minutes 32 seconds West
23 and a chord length of 134.59 feet; thence South 89 degrees 42
24 minutes 45 seconds East 80.55 feet; thence along a curve to the
25 right having a radius of 840.00 feet, an arc length of 139.06

1 feet, a chord bearing of South 01 degrees 21 minutes 17 seconds
2 East and a chord length of 138.90 feet; thence South 03 degrees
3 23 minutes 16 seconds West 1031.54 feet; thence along a curve
4 to the left having a radius of 760.00 feet, an arc length of
5 258.66 feet, a chord bearing of South 06 degrees 21 minutes 44
6 seconds East and a chord length of 257.41 feet; thence South 16
7 degrees 06 minutes 44 seconds East 1098.24 feet; thence along a
8 curve to the right having a radius of 380.00 feet, an arc
9 length of 72.58 feet, a chord bearing of South 10 degrees 38
10 minutes 26 seconds East and a chord length of 72.47 feet;
11 thence North 89 degrees 36 minutes 45 seconds West 80.48 feet,
12 to the Point of Beginning, situated in Champaign County,
13 Illinois and containing 4.775 acres or 208,000 square feet,
14 more or less. (Part of PIN #03-20-26-300-019 and
15 #03-20-26-300-020)

16 Temporary Easement #1:

17 A part of Section 26, Township 19 North, Range 8 East of the
18 Third Principal Meridian, Champaign County, Illinois with
19 bearing datum based on Illinois State Plane Coordinate System,
20 East Zone;

21 Beginning at a point being 91.50 feet normally offset northerly
22 from FAP Route 807 (Curtis Road) centerline station 112+31.76;
23 thence North 89 degrees 36 minutes 56 seconds West 20.00 feet;
24 thence South 00 degrees 38 minutes 43 seconds East 15.00 feet;

1 thence North 89 degrees 36 minutes 45 seconds West 137.02 feet;
2 thence North 00 degrees 31 minutes 33 seconds West 113.51 feet;
3 thence North 89 degrees 36 minutes 45 seconds West 80.00 feet;
4 thence South 00 degrees 23 minutes 15 seconds West 10.00 feet;
5 thence North 89 degrees 36 minutes 45 seconds West 50.00 feet;
6 thence North 00 degrees 23 minutes 15 seconds East 60.00 feet;
7 thence South 89 degrees 36 minutes 45 seconds East 50.00 feet;
8 thence South 00 degrees 23 minutes 15 seconds West 10.00 feet;
9 thence South 89 degrees 36 minutes 45 seconds East 236.07 feet;
10 thence South 00 degrees 38 minutes 43 seconds East 138.52 feet,
11 to the Point of Beginning, situated in Champaign County,
12 Illinois and containing 0.688 of an acre or 29,966 square feet,
13 more or less. (Part of PIN #03-20-26-300-021)

14 Temporary Easement #2:

15 A part of Section 26, Township 19 North, Range 8 East of the
16 Third Principal Meridian, Champaign County, Illinois with
17 bearing datum based on Illinois State Plane Coordinate System,
18 East Zone;

19 Beginning at a point being 102.49 feet normally offset
20 northerly from FAP Route 807 (Curtis Road) centerline station
21 87+50.00; thence North 00 degrees 23 minutes 16 seconds East
22 46.18 feet; thence South 89 degrees 09 minutes 33 seconds West
23 99.13 feet; thence North 06 degrees 25 minutes 24 seconds West
24 90.43 feet; thence North 89 degrees 09 minutes 33 seconds East

1 210.11 feet; thence South 00 degrees 34 minutes 28 seconds West
2 70.84 feet; thence South 89 degrees 36 minutes 44 seconds East
3 100.00 feet; thence South 00 degrees 23 minutes 16 seconds West
4 67.51 feet; thence North 89 degrees 36 minutes 45 seconds West
5 200.00 feet, to the Point of Beginning, situated in Champaign
6 County, Illinois and containing 0.686 of an acre or 29,891
7 square feet more or less. (Part of PIN #03-20-26-300-020)

8 Temporary Easement #3:

9 A part of Section 26, Township 19 North, Range 8 East of the
10 Third Principal Meridian, Champaign County, Illinois with
11 bearing datum based on Illinois State Plane Coordinate System,
12 East Zone;

13 Beginning at a point being 97.50 feet normally offset northerly
14 from FAP Route 807 (Curtis Road) centerline station 97+00.00;
15 thence North 35 degrees 20 minutes 49 seconds East 57.33 feet;
16 thence North 16 degrees 06 minutes 44 seconds West 1098.24
17 feet; thence along a curve to the right having a radius of
18 845.00 feet, an arc length of 287.59 feet, a chord bearing of
19 North 06 degrees 21 minutes 44 seconds West and a chord length
20 of 286.20 feet; thence North 03 degrees 23 minutes 16 seconds
21 East 1031.54 feet; thence along a curve to the left having a
22 radius of 755.00 feet, an arc length of 134.50 feet, a chord
23 bearing of North 01 degrees 42 minutes 57 seconds West and a
24 chord length of 134.33 feet; thence South 89 degrees 42 minutes

1 45 seconds East 5.04 feet; thence along a curve to the right
2 having a radius of 760.00 feet, an arc length of 134.77 feet, a
3 chord bearing of South 01 degrees 41 minutes 32 seconds East
4 and a chord length of 134.59 feet; thence South 03 degrees 23
5 minutes 16 seconds West 1031.54 feet; thence along a curve to
6 the left having a radius of 840.00 feet, an arc length of
7 285.88 feet, a chord bearing of South 06 degrees 21 minutes 44
8 seconds East and a chord length of 284.51 feet; thence South 16
9 degrees 06 minutes 44 seconds East 1098.24 feet; thence along a
10 curve to the right having a radius of 300.00 feet, an arc
11 length of 49.50 feet, a chord bearing of South 11 degrees 23
12 minutes 05 seconds East and a chord length of 49.45 feet;
13 thence North 89 degrees 36 minutes 45 seconds West 47.73 feet,
14 to the Point of Beginning, situated in Champaign County,
15 Illinois and containing 0.322 acres or 14,034 square feet, more
16 or less. (Part of PIN 03-20-26-300-019 & 03-20-26-300-020)

17 Temporary Easement #4:

18 A part of Sections 26 and 35, Township 19 North, Range 8 East
19 of the Third Principal Meridian, Champaign County, Illinois
20 with bearing datum based on Illinois State Plane Coordinate
21 System, East Zone

22 Beginning at a point being 97.50 feet normally offset northerly
23 from FAP Route 807 (Curtis Road) centerline station 98+75.00;
24 thence North 89 degrees 36 minutes 45 seconds West 46.79 feet;

1 thence along a curve to the left having a radius of 380.00
2 feet, an arc length of 72.58 feet, a chord bearing of North 10
3 degrees 38 minutes 26 seconds West and a chord length of 72.47
4 feet; thence North 16 degrees 06 minutes 44 seconds West
5 1098.24 feet; thence along a curve to the right having a radius
6 of 760.00 feet, an arc length of 258.66 feet, a chord bearing
7 of North 06 degrees 21 minutes 44 seconds West and a chord
8 length of 257.41 feet; thence North 03 degrees 23 minutes 16
9 seconds East 1031.54 feet; thence along a curve to the left
10 having a radius of 840.00 feet, an arc length of 139.06 feet, a
11 chord bearing of North 01 degrees 21 minutes 17 seconds West
12 and a chord length of 138.90 feet; thence South 89 degrees 42
13 minutes 45 seconds East 5.03 feet; thence along a curve to the
14 right having a radius of 845.00 feet, an arc length of 139.33
15 feet, a chord bearing of South 01 degrees 20 minutes 08 seconds
16 East and a chord length of 139.17 feet; thence South 03 degrees
17 23 minutes 16 seconds West 1031.54 feet; thence along a curve
18 to the left having a radius of 755.00 feet, an arc length of
19 256.96 feet, a chord bearing of South 06 degrees 21 minutes 44
20 seconds East and a chord length of 255.72 feet; thence South 16
21 degrees 06 minutes 44 seconds East 1098.24 feet; thence South
22 37 degrees 12 minutes 15 seconds East 91.56 feet, to the Point
23 of Beginning, situated in Champaign County, Illinois and
24 containing 0.331 acres or 14,428 square feet, more or less.
25 (Part of PIN 03-20-26-300-019 & 03-20-26-300-020)

1 Temporary Easement #5:

2 A part of Sections 26 and 35, Township 19 North, Range 8 East
3 of the Third Principal Meridian, Champaign County, Illinois
4 with bearing datum based on Illinois State Plane Coordinate
5 System, East Zone;

6 Beginning at a point being 94.00 feet normally offset southerly
7 from FAP Route 807 (Curtis Road) centerline station 137+93.04:
8 thence South 00 degrees 27 minutes 33 seconds East 218.80 feet;
9 thence North 89 degrees 32 minutes 27 seconds East 15.00 feet;
10 thence North 00 degrees 27 minutes 33 seconds West 208.58 feet;
11 thence North 45 degrees 02 minutes 15 seconds West 14.25 feet;
12 thence North 89 degrees 36 minutes 56 seconds West 5.00 feet,
13 to the Point of Beginning, situated in Champaign County,
14 Illinois and containing 0.074 of an acre or 3230 square feet,
15 more or less. (Part of PIN #03-20-35-200-001)

16 Adolf M. Lo - Parcel 041

17 Permanent Easement:

18 A part of Sections 26 and 35, Township 19 North, Range 8 East
19 of the Third Principal Meridian, Champaign County, Illinois
20 with bearing datum based on Illinois State Plane Coordinate
21 System, East Zone;

22 Beginning at a point being 94.00 feet normally offset southerly

1 from FAP Route 807 (Curtis Road) centerline station 137+93.04:
2 thence South 00 degrees 27 minutes 33 seconds East 218.80 feet;
3 thence North 89 degrees 32 minutes 27 seconds East 15.00 feet;
4 thence North 00 degrees 27 minutes 33 seconds West 208.58 feet;
5 thence North 45 degrees 02 minutes 15 seconds West 14.25 feet;
6 thence North 89 degrees 36 minutes 56 seconds West 5.00 feet,
7 to the Point of Beginning, situated in Champaign County,
8 Illinois and containing 0.074 of an acre or 3230 square feet,
9 more or less. (Part of PIN #03-20-35-200-001)

10 Temporary Easement #1:

11 A part of Section 26, Township 19 North, Range 8 East of the
12 Third Principal Meridian, Champaign County, Illinois with
13 bearing datum based on Illinois State Plane Coordinate System,
14 East Zone;

15 Commencing at the southwest corner of the northwest quarter of
16 Section 26, Township 19 North, Range 8 East of the Third
17 Principal Meridian; thence along the west line of said
18 northwest quarter, North 00 degrees 32 minutes 29 seconds West
19 60.01 feet; thence along the north line of the south 60 feet of
20 the south half of the southwest quarter of the northwest
21 quarter of said Section 26, South 89 degrees 42 minutes 45
22 seconds East 917.47 feet, to the Point of Beginning; thence
23 along a curve to the left having a radius of 760.00 feet, an
24 arc length of 57.56 feet, a chord bearing of North 08 degrees

1 56 minutes 32 seconds West and a chord length of 57.55 feet;
2 thence North 11 degrees 06 minutes 44 seconds West 466.55 feet;
3 thence along a curve to the left having a radius of 760.00
4 feet, an arc length of 93.84 feet, a chord bearing of North 14
5 degrees 38 minutes 58 seconds West and a chord length of 93.78
6 feet, to the north line of the south half of the southwest
7 quarter of the northwest quarter of aforesaid Section 26;
8 thence along said north line, North 89 degrees 49 minutes 23
9 seconds West 5.27 feet; thence along a curve to the right
10 having a radius of 755.00 feet, an arc length of 94.89 feet, a
11 chord bearing of South 14 degrees 42 minutes 45 seconds East
12 and a chord length of 94.83 feet; thence South 11 degrees 06
13 minutes 44 seconds East 466.55 feet; thence along a curve to
14 the right having a radius of 755.00 feet, an arc length of
15 56.57 feet, a chord bearing of South 08 degrees 57 minutes 57
16 seconds East and a chord length of 56.55 feet; thence South 89
17 degrees 42 minutes 45 seconds East 5.04 feet, to the Point of
18 Beginning, situated in Champaign County, Illinois and
19 containing 0.071 of an acre or 3090 square feet, more or less.
20 (Part of PIN 03-20-26-100-005)

21 Temporary Easement #2:

22 A part of Section 26, Township 19 North, Range 8 East of the
23 Third Principal Meridian, Champaign County, Illinois with
24 bearing datum based on Illinois State Plane Coordinate System,
25 East Zone;

1 Commencing at the southwest corner of the northwest quarter of
2 Section 26, Township 19 North, Range 8 East of the Third
3 Principal Meridian; thence along the west line of said
4 northwest quarter, North 00 degrees 32 minutes 29 seconds West
5 60.01 feet; thence along the north line of the south 60 feet of
6 the south half of the southwest quarter of the northwest
7 quarter of said Section 26, South 89 degrees 42 minutes 45
8 seconds East 917.47 feet; thence South 89 degrees 42 minutes 45
9 seconds East 80.55 feet, to the Point of Beginning; thence
10 South 89 degrees 42 minutes 45 seconds East 5.03 feet; thence
11 along a curve to the left having a radius of 845.00 feet, an
12 arc length of 74.52 feet, a chord bearing of North 08 degrees
13 35 minutes 08 seconds West and a chord length of 74.50 feet;
14 thence North 11 degrees 06 minutes 44 seconds West 466.55 feet;
15 thence along a curve to the left having a radius of 845.00
16 feet, an arc length of 76.27 feet, a chord bearing of North 13
17 degrees 41 minutes 53 seconds West and a chord length of 76.25
18 feet, to the north line of the south half of the southwest
19 quarter of the northwest quarter of aforesaid Section 26;
20 thence along said north line, North 89 degrees 49 minutes 23
21 seconds West 5.22 feet; thence along a curve to the right
22 having a radius of 840.00 feet, an arc length of 77.30 feet, a
23 chord bearing of South 13 degrees 44 minutes 54 seconds East
24 and a chord length of 77.27 feet; thence South 11 degrees 06
25 minutes 44 seconds East 466.55 feet; thence along a curve to

1 the right having a radius of 840.00 feet, an arc length of
2 73.52 feet, a chord bearing of South 08 degrees 36 minutes 17
3 seconds East and a chord length of 73.50 feet, to the Point of
4 Beginning, situated in Champaign County, Illinois and
5 containing 0.071 acres or 3087 square feet more or less. (Part
6 of PIN 03-20-26-100-005)

7 Adolf M. & Renee C. Lo - Parcel 044

8 Right-of-Way:

9 A part of the southeast quarter of the southeast quarter of
10 Section 26, Township 19 North, Range 8 East of the Third
11 Principal Meridian, Champaign County, Illinois with bearing
12 datum based on Illinois State Plane Coordinate System, East
13 Zone;

14 Beginning at the southwest corner of W. W. Young's Fourth
15 Subdivision as per plat recorded in Book "O" at Page 55,
16 Champaign County, Illinois; thence along the south line of
17 Section 26, Township 19 North, Range 8 East of the Third
18 Principal Meridian, North 89 degrees 36 minutes 56 seconds West
19 1127.29 feet; thence North 00 degrees 39 minutes 19 seconds
20 West 94.19 feet; thence South 87 degrees 54 minutes 06 seconds
21 East 473.99 feet; thence along a line parallel to and offset
22 80.00 feet northerly from aforesaid southerly line of Section
23 26, South 89 degrees 36 minutes 56 seconds East 187.22 feet;

1 thence South 00 degrees 33 minutes 07 seconds East 40.51 feet;
2 thence along a line parallel to and 39.50 feet northerly offset
3 from said south line of Section 26, South 89 degrees 36 minutes
4 56 seconds East 466.69 feet, to the westerly line of aforesaid
5 W.W. Young's Fourth Subdivision; thence along said westerly
6 line, South 00 degrees 33 minutes 07 seconds East 39.51 feet,
7 to the Point of Beginning, situated in Champaign County,
8 Illinois and containing 1.714 acres, more or less. (Part of PIN
9 #03-20-26-476-002 and Part of PIN #03-20-26-476-003)

10 Temporary Easement:

11 A part of the southeast quarter of the southeast quarter of
12 Section 26, Township 19 North, Range 8 East of the Third
13 Principal Meridian, Champaign County, Illinois with bearing
14 datum based on Illinois State Plane Coordinate System, East
15 Zone;

16 Beginning at the southwest corner of Lot 16 of W. W. Young's
17 Fourth Subdivision as per plat recorded in Book "O" at Page 55,
18 Champaign County, Illinois; thence along the westerly line of
19 said Lot 16, North 00 degrees 33 minutes 07 seconds West 6.50
20 feet, to the Point of Beginning; thence North 89 degrees 36
21 minutes 56 seconds West 466.69 feet; thence North 00 degrees 33
22 minutes 07 seconds West 2.00 feet; thence South 89 degrees 55
23 minutes 43 seconds East 274.58 feet; thence North 00 degrees 23
24 minutes 04 seconds East 18.00 feet; thence South 89 degrees 36

1 minutes 56 seconds East 50.00 feet; thence South 00 degrees 23
2 minutes 04 seconds West 17.50 feet; thence South 89 degrees 49
3 minutes 02 seconds East 142.08 feet, to aforesaid westerly line
4 of Lot 16; thence along said westerly line of Lot 16, South 00
5 degrees 33 minutes 07 seconds East 4.50 feet, to the Point of
6 Beginning, situated in Champaign County, Illinois and
7 containing 0.056 of an acre, more or less. (Part of PIN
8 #03-20-26-476-002 and Part of PIN #03-20-26-476-003)

9 John R. Thompson - Parcel 034

10 Right of Way:

11 A part of the Northeast Quarter of Section 34, Township 19
12 North, Range 8 East of the Third Principal Meridian, Champaign
13 County, Illinois with bearing datum based on Illinois State
14 Plane Coordinate System, East Zone;

15 Beginning at the northeast corner of Section 34, Township 19
16 North, Range 8 East of the Third Principal Meridian; thence
17 along the east line of said Section 34, South 00 degrees 18
18 minutes 04 seconds East 1812.48 feet; thence South 89 degrees
19 41 minutes 56 seconds West 45.00 feet; thence North 03 degrees
20 32 minutes 40 seconds West 300.48 feet; thence along a line
21 being parallel to and 62.00 feet offset westerly from the
22 aforesaid east line of Section 34, North 00 degrees 18 minutes
23 04 seconds West 200.00 feet, thence South 89 degrees 41 minutes

1 56 seconds West 8.00 feet; thence along a line parallel to and
2 70.00 feet offset westerly from said east line of Section 34,
3 North 00 degrees 18 minutes 04 seconds West 300.00 feet; thence
4 North 89 degrees 41 minutes 56 seconds East 8.00 feet; thence
5 along a line being parallel to and offset 62.00 feet westerly
6 from said east line of Section 34, North 00 degrees 18 minutes
7 04 seconds West 600.00 feet; thence North 01 degrees 49 minutes
8 43 seconds West 300.11 feet; thence North 14 degrees 05 minutes
9 31 seconds West 62.93 feet; thence North 89 degrees 11 minutes
10 38 seconds West 47.85 feet; thence North 86 degrees 08 minutes
11 27 seconds West 150.21 feet; thence along a line being parallel
12 to and offset 45.00 feet southerly from the north line of
13 aforesaid Section 34, North 89 degrees 11 minutes 38 seconds
14 West 750.00 feet; thence North 82 degrees 21 minutes 04 seconds
15 West 100.72 feet, to a point on the existing southerly Curtis
16 Road right-of-way line; thence along said southerly
17 right-of-way line, North 89 degrees 11 minutes 38 seconds West
18 647.89 feet; thence South 88 degrees 01 minutes 07 seconds West
19 246.74 feet; thence along a line parallel to and offset 45.00
20 feet southerly from aforesaid north line of Section 34, North
21 89 degrees 11 minutes 38 seconds West 412.04 feet; thence North
22 00 degrees 48 minutes 22 seconds East 45.00 feet, to said north
23 line of Section 34; thence along said north line of Section 34,
24 South 89 degrees 11 minutes 38 seconds East 2438.21 feet, to
25 the Point of Beginning, situated in Champaign County, Illinois
26 and containing 4.882 acres or 212,664 square feet, more or

1 less. (Part of PIN #03-20-34-200-001 and part of PIN
2 #03-20-34-200-002).

3 Temporary Easement:

4 A part of the Northeast Quarter of Section 34, Township 19
5 North, Range 8 East of the Third Principal Meridian, Champaign
6 County, Illinois with bearing datum based on Illinois State
7 Plane Coordinate System, East Zone;

8 Beginning at a point being 47.00 feet normally distant
9 southerly from centerline Station 61+40.88 of FAP Route 807
10 (Curtis Road); thence South 00 degrees 48 minutes 22 seconds
11 West 12.00 feet; thence North 89 degrees 33 minutes 09 seconds
12 West 91.29 feet; thence North 00 degrees 24 minutes 07 seconds
13 West 10.00 feet, to a point on the southerly existing Curtis
14 Road right-of-way line; thence along said southerly
15 right-of-way line, being a curve to the left having a radius of
16 6507.00 feet, an arc length of 91.54 feet, a chord bearing of
17 North 89 degrees 11 minutes 42 seconds East and a chord length
18 of 91.54 feet, to the Point of Beginning, situated in Champaign
19 County, Illinois and containing 0.023 acres or 996 square feet,
20 more or less. (Part of PIN 03-20-34-200-001)

21 JOHN E. CROSS - PARCEL 52

22 Right of Way

1 Part of Lot 8 in Arbours Subdivision No. 10, as per plat
2 recorded in book "Y" at page 253 in Champaign County, Illinois,
3 with bearing datum based on Illinois State Plane Coordinate
4 System, East Zone;

5 Beginning at the southeast corner of the above described Lot 8;
6 thence along the southerly line of said Lot 8, North 89 degrees
7 27 minutes 54 seconds West 10.59 feet; thence North 24 degrees
8 20 minutes 36 seconds East 25.14 feet, to the easterly line of
9 said Lot 8; thence along said easterly line, South 00 degrees
10 34 minutes 33 seconds East 23.00 feet, to the Point of
11 Beginning, containing 0.003 acres or 122 square feet, more or
12 less.

13 PROSPECT POINT PARTNERS - PARCEL 53

14 Right of Way

15 A part of Lot 401 of the Arbour Subdivision No. 4, as per plat
16 recorded as Document Number 92R37248, Champaign County,
17 Illinois, with bearing datum based on Illinois State Plane
18 Coordinate System, East Zone;

19 Beginning at the northwest corner of the above described Lot
20 401 of Arbour Subdivision No. 4, thence along the northerly
21 line of said Lot 401, South 89 degrees 27 minutes 54 seconds
22 East 310.00 feet; thence North 00 degrees 32 minutes 06 seconds

1 East 10.00 feet; thence continuing along the northerly line of
2 aforesaid Lot 401, South 89 degrees 27 minutes 54 seconds East
3 60.00 feet, to the northeast corner of said Lot 401; thence
4 along the easterly line of said Lot 401, South 00 degrees 35
5 minutes 41 seconds West 11.00 feet; thence North 89 degrees 27
6 minutes 54 seconds West 282.46 feet; thence South 89 degrees 53
7 minutes 41 seconds West 89.50 feet, to the northwesterly line
8 of aforesaid Lot 401; thence along said northwesterly line,
9 North 45 degrees 02 minutes 16 seconds East 2.80 feet, to the
10 Point of Beginning, containing 0.023 of an acre, more or less.

11 Temporary Easement

12 A part of Lot 401 of the Arbour Subdivision No. 4, as per plat
13 recorded as Document Number 92R37248, Champaign County,
14 Illinois, with bearing datum based on Illinois State Plane
15 Coordinate System, East Zone;

16 Commencing at the northeast corner of the above described Lot
17 401 of Arbour Subdivision No. 4, thence along the easterly line
18 of said Lot 401, South 00 degrees 35 minutes 41 seconds West
19 11.00 feet, to the Point of Beginning; thence North 89 degrees
20 27 minutes 54 seconds West 282.46 feet; thence South 89 degrees
21 53 minutes 41 seconds West 89.50 feet, to the westerly line of
22 said Lot 401; thence along said westerly line, South 45 degrees
23 02 minutes 16 seconds West 11.22 feet; thence South 89 degrees
24 27 minutes 54 seconds East 277.36 feet; thence South 00 degrees

1 32 minutes 06 seconds West 10.00 feet; thence South 89 degrees
2 27 minutes 54 seconds East 102.44 feet, to aforesaid easterly
3 line of Lot 401; thence along said easterly line, North 00
4 degrees 35 minutes 41 seconds East 19.00 feet, to the Point of
5 Beginning, containing 0.100 acres or 4359 square feet, more or
6 less.

7 PROSPECT POINT LLC - PARCEL 54

8 Right of Way

9 A part of Lot 402 of the Arbour Subdivision No. 4, as per plat
10 recorded as Document Number 92R37248, Champaign County,
11 Illinois, with bearing datum based on Illinois State Plane
12 Coordinate System, East Zone;

13 Beginning at the northeast corner of the above described Lot
14 402 of Arbour Subdivision No. 4, thence along the easterly line
15 of said Lot 402, South 00 degrees 31 minutes 44 seconds West
16 40.00 feet; thence North 23 degrees 44 minutes 15 seconds West
17 28.52 feet; thence North 83 degrees 07 minutes 30 seconds West
18 27.17 feet; thence along a line being parallel to and 11.00
19 feet offset southerly from the northerly line of said Lot 402,
20 North 89 degrees 27 minutes 54 seconds West 242.54 feet, to the
21 westerly line of said Lot 402; thence along said westerly line,
22 North 00 degrees 35 minutes 41 seconds East 11.00 feet, to the
23 northwest corner of said Lot 402; thence along the northerly

1 line of said Lot 402, South 89 degrees 27 minutes 54 seconds
2 East 281.25 feet, to the Point of Beginning, containing 0.076
3 of an acre or 3322 square feet, more or less.

4 Temporary Easement

5 A part of Lot 402 of the Arbour Meadows Subdivision No. 4, as
6 per plat recorded as Document Number 92R37248, Champaign
7 County, Illinois, with bearing datum based on Illinois State
8 Plane Coordinate System, East Zone:

9 TE-1

10 Beginning at the northeast corner of the above described Lot
11 402; thence along the easterly line of said Lot 402, South 00
12 degrees 35 minutes 44 seconds West 40.00 feet, to the Point of
13 Beginning; thence North 23 degrees 44 minutes 15 seconds West
14 28.52 feet; thence North 83 degrees 07 minutes 30 seconds West
15 27.17 feet; thence North 89 degrees 27 minutes 54 seconds West
16 242.54 feet, to the westerly line of aforesaid Lot 402; thence
17 along said westerly line, South 00 degrees 35 minutes 41
18 seconds West 19.00 feet; thence South 89 degrees 27 minutes 54
19 seconds East 17.56 feet; thence North 00 degrees 32 minutes 06
20 seconds East 10.00 feet; thence South 89 degrees 27 minutes 54
21 seconds East 250.00 feet; thence South 00 degrees 32 minutes 06
22 seconds West 24.00 feet; thence South 89 degrees 27 minutes 54
23 seconds East 13.72 feet, to the aforesaid easterly line of Lot
24 402; thence along said easterly line, North 00 degrees 31

1 minutes 44 seconds East 4.00 feet, to the Point of Beginning,
2 containing 0.064 of an acre or 2808 square feet, more or less.

3 TE-2

4 Beginning at a point on the easterly line of the above
5 described Lot 402, said point being offset 196.00 feet normally
6 distant southerly from FAP Route 807 (Curtis Road) centerline;
7 thence along said easterly line of Lot 402, South 00 degrees 31
8 minutes 44 seconds West 40.00 feet; thence North 89 degrees 28
9 minutes 16 seconds West 60.00 feet; thence North 00 degrees 31
10 minutes 44 seconds East 40.00 feet; thence South 89 degrees 28
11 minutes 16 seconds East 60.00 feet, to the Point of Beginning,
12 containing 0.055 of an acre or 2400 square feet, more or less.

13 Tracts TE-1 and TE-2 totaling 0.119 of an acre or 5208 square
14 feet, more or less.

15 MAIN STREET BANK, TRUSTEE - PARCEL 55

16 Right of Way

17 All of the Commons area of the Arbour Meadows Subdivision No.
18 4, as per plat recorded December 24, 1992 in Book "BB" at Page
19 213 as Document 92R 37248, in the Village of Savoy, Champaign
20 County, Illinois, containing 0.529 of an acre, more or less.

21 PROSPECT POINT EAST, LLC - PARCEL 56

1 Temporary Easement

2 A part of Lot 201 of the Arbour Meadows Subdivision No. 2, as
3 per plat recorded in Plat Book "AA" at Page 251, Champaign
4 County, Illinois, with bearing datum based on Illinois State
5 Plane Coordinate System, East Zone:

6 Beginning at the northwest corner of the above described Lot
7 201 of the Arbour Meadows Subdivision No. 2; thence along the
8 northerly line of said Lot 201, South 89 degrees 27 minutes 54
9 seconds East 15.11 feet; thence South 45 degrees 44 minutes 50
10 seconds West 21.29 feet, to the westerly line of said Lot 201;
11 thence along said westerly line, North 00 degrees 31 minutes 44
12 seconds East 15.00 feet, to the Point of Beginning, containing
13 0.003 of an acre or 113 square feet, more or less.

14 (Source: P.A. 95-611, eff. 9-11-07; revised 12-10-07.)

15 Section 375. The State Lawsuit Immunity Act is amended by
16 changing Section 1 as follows:

17 (745 ILCS 5/1) (from Ch. 127, par. 801)

18 Sec. 1. Except as provided in the Illinois Public Labor
19 Relations Act, the Court of Claims Act, the State Officials and
20 Employees Ethics Act, ~~and~~ Section 1.5 of this Act, and, except
21 as provided in and to the extent provided in the Clean Coal
22 FutureGen for Illinois Act, the State of Illinois shall not be

1 made a defendant or party in any court.

2 (Source: P.A. 95-18, eff. 7-30-07; 95-331, eff. 8-21-07;
3 revised 11-30-07.)

4 Section 380. The Condominium Property Act is amended by
5 changing Section 30 as follows:

6 (765 ILCS 605/30) (from Ch. 30, par. 330)

7 Sec. 30. Conversion condominiums; notice; recording.

8 (a) (1) No real estate may be submitted to the provisions of
9 the Act as a conversion condominium unless (i) a notice of
10 intent to submit the real estate to this Act (notice of intent)
11 has been given to all persons who were tenants of the building
12 located on the real estate on the date the notice is given.
13 Such notice shall be given at least 30 days, and not more than
14 1 year prior to the recording of the declaration which submits
15 the real estate to this Act; and (ii) the developer executes
16 and acknowledges a certificate which shall be attached to and
17 made a part of the declaration and which provides that the
18 developer, prior to the execution by him or his agent of any
19 agreement for the sale of a unit, has given a copy of the
20 notice of intent to all persons who were tenants of the
21 building located on the real estate on the date the notice of
22 intent was given.

23 (2) ~~(a) (2)~~ If the owner fails to provide a tenant with
24 notice of the intent to convert as defined in this Section,

1 the tenant permanently vacates the premises as a direct
2 result of non-renewal of his or her lease by the owner, and
3 the tenant's unit is converted to a condominium by the
4 filing of a declaration submitting a property to this Act
5 without having provided the required notice, then the owner
6 is liable to the tenant for the following:

7 (A) the tenant's actual moving expenses incurred
8 when moving from the subject property, not to exceed
9 \$1,500;

10 (B) three month's rent at the subject property; and

11 (C) reasonable attorney's fees and court costs.

12 (b) Any developer of a conversion condominium must, upon
13 issuing the notice of intent, publish and deliver along with
14 such notice of intent, a schedule of selling prices for all
15 units subject to the condominium instruments and offer to sell
16 such unit to the current tenants, except for units to be
17 vacated for rehabilitation subsequent to such notice of intent.
18 Such offer shall not expire earlier than 30 days after receipt
19 of the offer by the current tenant, unless the tenant notifies
20 the developer in writing of his election not to purchase the
21 condominium unit.

22 (c) Any tenant who was a tenant as of the date of the
23 notice of intent and whose tenancy expires (other than for
24 cause) prior to the expiration of 120 days from the date on
25 which a copy of the notice of intent was given to the tenant
26 shall have the right to extend his tenancy on the same terms

1 and conditions and for the same rental until the expiration of
2 such 120 day period by the giving of written notice thereof to
3 the developer within 30 days of the date upon which a copy of
4 the notice of intent was given to the tenant by the developer.

5 (d) Each lessee in a conversion condominium shall be
6 informed by the developer at the time the notice of intent is
7 given whether his tenancy will be renewed or terminated upon
8 its expiration. If the tenancy is to be renewed, the tenant
9 shall be informed of all charges, rental or otherwise, in
10 connection with the new tenancy and the length of the term of
11 occupancy proposed in conjunction therewith.

12 (e) For a period of 120 days following his receipt of the
13 notice of intent, any tenant who was a tenant on the date the
14 notice of intent was given shall be given the right to purchase
15 his unit on substantially the same terms and conditions as set
16 forth in a duly executed contract to purchase the unit, which
17 contract shall conspicuously disclose the existence of, and
18 shall be subject to, the right of first refusal. The tenant may
19 exercise the right of first refusal by giving notice thereof to
20 the developer prior to the expiration of 30 days from the
21 giving of notice by the developer to the tenant of the
22 execution of the contract to purchase the unit. The tenant may
23 exercise such right of first refusal within 30 days from the
24 giving of notice by the developer of the execution of a
25 contract to purchase the unit, notwithstanding the expiration
26 of the 120 day period following the tenant's receipt of the

1 notice of intent, if such contract was executed prior to the
2 expiration of the 120 day period. The recording of the deed
3 conveying the unit to the purchaser which contains a statement
4 to the effect that the tenant of the unit either waived or
5 failed to exercise the right of first refusal or option or had
6 no right of first refusal or option with respect to the unit
7 shall extinguish any legal or equitable right or interest to
8 the possession or acquisition of the unit which the tenant may
9 have or claim with respect to the unit arising out of the right
10 of first refusal or option provided for in this Section. The
11 foregoing provision shall not affect any claim which the tenant
12 may have against the landlord for damages arising out of the
13 right of first refusal provided for in this Section.

14 (f) During the 30 day period after the giving of notice of
15 an executed contract in which the tenant may exercise the right
16 of first refusal, the developer shall grant to such tenant
17 access to any portion of the building to inspect any of its
18 features or systems and access to any reports, warranties, or
19 other documents in the possession of the developer which
20 reasonably pertain to the condition of the building. Such
21 access shall be subject to reasonable limitations, including as
22 to hours. The refusal of the developer to grant such access is
23 a business offense punishable by a fine of \$500. Each refusal
24 to an individual lessee who is a potential purchaser is a
25 separate violation.

26 (g) Any notice provided for in this Section shall be deemed

1 given when a written notice is delivered in person or mailed,
2 certified or registered mail, return receipt requested to the
3 party who is being given the notice.

4 (h) Prior to their initial sale, units offered for sale in
5 a conversion condominium and occupied by a tenant at the time
6 of the offer shall be shown to prospective purchasers only a
7 reasonable number of times and at appropriate hours. Units may
8 only be shown to prospective purchasers during the last 90 days
9 of any expiring tenancy.

10 (i) Any provision in any lease or other rental agreement,
11 or any termination of occupancy on account of condominium
12 conversion, not authorized herein, or contrary to or waiving
13 the foregoing provisions, shall be deemed to be void as against
14 public policy.

15 (j) A tenant is entitled to injunctive relief to enforce
16 the provisions of subsections (a) and (c) of this Section.

17 (k) A non-profit housing organization, suing on behalf of
18 an aggrieved tenant under this Section, may also recover
19 compensation for reasonable attorney's fees and court costs
20 necessary for filing such action.

21 (l) Nothing in this Section shall affect any provision in
22 any lease or rental agreement in effect before this Act becomes
23 law.

24 (m) Nothing in this amendatory Act of 1978 shall be
25 construed to imply that there was previously a requirement to
26 record the notice provided for in this Section.

1 (Source: P.A. 95-221, eff. 1-1-08; revised 11-16-07.)

2 Section 385. The Illinois Human Rights Act is amended by
3 changing Sections 1-103 and 2-102 as follows:

4 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

5 Sec. 1-103. General Definitions. When used in this Act,
6 unless the context requires otherwise, the term:

7 (A) Age. "Age" means the chronological age of a person who
8 is at least 40 years old, except with regard to any practice
9 described in Section 2-102, insofar as that practice concerns
10 training or apprenticeship programs. In the case of training or
11 apprenticeship programs, for the purposes of Section 2-102,
12 "age" means the chronological age of a person who is 18 but not
13 yet 40 years old.

14 (B) Aggrieved Party. "Aggrieved party" means a person who
15 is alleged or proved to have been injured by a civil rights
16 violation or believes he or she will be injured by a civil
17 rights violation under Article 3 that is about to occur.

18 (C) Charge. "Charge" means an allegation filed with the
19 Department by an aggrieved party or initiated by the Department
20 under its authority.

21 (D) Civil Rights Violation. "Civil rights violation"
22 includes and shall be limited to only those specific acts set
23 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-103, 3-104,
24 3-104.1, 3-105, 4-102, 4-103, 5-102, 5A-102, 6-101, and 6-102

1 of this Act.

2 (E) Commission. "Commission" means the Human Rights
3 Commission created by this Act.

4 (F) Complaint. "Complaint" means the formal pleading filed
5 by the Department with the Commission following an
6 investigation and finding of substantial evidence of a civil
7 rights violation.

8 (G) Complainant. "Complainant" means a person including
9 the Department who files a charge of civil rights violation
10 with the Department or the Commission.

11 (H) Department. "Department" means the Department of Human
12 Rights created by this Act.

13 (I) Disability. "Disability" means a determinable physical
14 or mental characteristic of a person, including, but not
15 limited to, a determinable physical characteristic which
16 necessitates the person's use of a guide, hearing or support
17 dog, the history of such characteristic, or the perception of
18 such characteristic by the person complained against, which may
19 result from disease, injury, congenital condition of birth or
20 functional disorder and which characteristic:

21 (1) For purposes of Article 2 is unrelated to the
22 person's ability to perform the duties of a particular job
23 or position and, pursuant to Section 2-104 of this Act, a
24 person's illegal use of drugs or alcohol is not a
25 disability;

26 (2) For purposes of Article 3, is unrelated to the

1 person's ability to acquire, rent or maintain a housing
2 accommodation;

3 (3) For purposes of Article 4, is unrelated to a
4 person's ability to repay;

5 (4) For purposes of Article 5, is unrelated to a
6 person's ability to utilize and benefit from a place of
7 public accommodation.

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 (L) Person. "Person" includes one or more individuals,
22 partnerships, associations or organizations, labor
23 organizations, labor unions, joint apprenticeship committees,
24 or union labor associations, corporations, the State of
25 Illinois and its instrumentalities, political subdivisions,
26 units of local government, legal representatives, trustees in

1 bankruptcy or receivers.

2 (M) Public Contract. "Public contract" includes every
3 contract to which the State, any of its political subdivisions
4 or any municipal corporation is a party.

5 (N) Religion. "Religion" includes all aspects of religious
6 observance and practice, as well as belief, except that with
7 respect to employers, for the purposes of Article 2, "religion"
8 has the meaning ascribed to it in paragraph (F) of Section
9 2-101.

10 (O) Sex. "Sex" means the status of being male or female.

11 (O-1) Sexual orientation. "Sexual orientation" means
12 actual or perceived heterosexuality, homosexuality,
13 bisexuality, or gender-related identity, whether or not
14 traditionally associated with the person's designated sex at
15 birth. "Sexual orientation" does not include a physical or
16 sexual attraction to a minor by an adult.

17 (P) Unfavorable Military Discharge. "Unfavorable military
18 discharge" includes discharges from the Armed Forces of the
19 United States, their Reserve components or any National Guard
20 or Naval Militia which are classified as RE-3 or the equivalent
21 thereof, but does not include those characterized as RE-4 or
22 "Dishonorable".

23 (Q) Unlawful Discrimination. "Unlawful discrimination"
24 means discrimination against a person because of his or her
25 race, color, religion, national origin, ancestry, age, sex,
26 marital status, disability, military status, sexual

1 orientation, or unfavorable discharge from military service as
2 those terms are defined in this Section.

3 (Source: P.A. 94-803, eff. 5-26-06; 95-392, eff. 8-23-07;
4 95-668, eff. 10-10-07; revised 11-19-07.)

5 (775 ILCS 5/2-102) (from Ch. 68, par. 2-102)

6 Sec. 2-102. Civil Rights Violations - Employment. It is a
7 civil rights violation:

8 (A) Employers. For any employer to refuse to hire, to
9 segregate, or to act with respect to recruitment, hiring,
10 promotion, renewal of employment, selection for training or
11 apprenticeship, discharge, discipline, tenure or terms,
12 privileges or conditions of employment on the basis of unlawful
13 discrimination or citizenship status.

14 (A-5) Language. For an employer to impose a restriction
15 that has the effect of prohibiting a language from being spoken
16 by an employee in communications that are unrelated to the
17 employee's duties.

18 For the purposes of this subdivision (A-5), "language"
19 means a person's native tongue, such as Polish, Spanish, or
20 Chinese. "Language" does not include such things as slang,
21 jargon, profanity, or vulgarity.

22 (B) Employment Agency. For any employment agency to fail or
23 refuse to classify properly, accept applications and register
24 for employment referral or apprenticeship referral, refer for
25 employment, or refer for apprenticeship on the basis of

1 unlawful discrimination or citizenship status or to accept from
2 any person any job order, requisition or request for referral
3 of applicants for employment or apprenticeship which makes or
4 has the effect of making unlawful discrimination or
5 discrimination on the basis of citizenship status a condition
6 of referral.

7 (C) Labor Organization. For any labor organization to
8 limit, segregate or classify its membership, or to limit
9 employment opportunities, selection and training for
10 apprenticeship in any trade or craft, or otherwise to take, or
11 fail to take, any action which affects adversely any person's
12 status as an employee or as an applicant for employment or as
13 an apprentice, or as an applicant for apprenticeships, or
14 wages, tenure, hours of employment or apprenticeship
15 conditions on the basis of unlawful discrimination or
16 citizenship status.

17 (D) Sexual Harassment. For any employer, employee, agent of
18 any employer, employment agency or labor organization to engage
19 in sexual harassment; provided, that an employer shall be
20 responsible for sexual harassment of the employer's employees
21 by nonemployees or nonmanagerial and nonsupervisory employees
22 only if the employer becomes aware of the conduct and fails to
23 take reasonable corrective measures.

24 (E) Public Employers. For any public employer to refuse to
25 permit a public employee under its jurisdiction who takes time
26 off from work in order to practice his or her religious beliefs

1 to engage in work, during hours other than such employee's
2 regular working hours, consistent with the operational needs of
3 the employer and in order to compensate for work time lost for
4 such religious reasons. Any employee who elects such deferred
5 work shall be compensated at the wage rate which he or she
6 would have earned during the originally scheduled work period.
7 The employer may require that an employee who plans to take
8 time off from work in order to practice his or her religious
9 beliefs provide the employer with a notice of his or her
10 intention to be absent from work not exceeding 5 days prior to
11 the date of absence.

12 (F) Training and Apprenticeship Programs. For any
13 employer, employment agency or labor organization to
14 discriminate against a person on the basis of age in the
15 selection, referral for or conduct of apprenticeship or
16 training programs.

17 (G) Immigration-Related Practices.

18 (1) for an employer to request for purposes of
19 satisfying the requirements of Section 1324a(b) of Title 8
20 of the United States Code, as now or hereafter amended,
21 more or different documents than are required under such
22 Section or to refuse to honor documents tendered that on
23 their face reasonably appear to be genuine; or

24 (2) for an employer participating in the Basic Pilot
25 Program, as authorized by 8 U.S.C. 1324a, Notes, Pilot
26 Programs for Employment Eligibility Confirmation (enacted

1 by PL 104-208, div. C title IV, subtitle A) to refuse to
2 hire, to segregate, or to act with respect to recruitment,
3 hiring, promotion, renewal of employment, selection for
4 training or apprenticeship, discharge, discipline, tenure
5 or terms, privileges or conditions of employment without
6 following the procedures under the Basic Pilot Program.

7 (H) Pregnancy; peace officers and fire fighters. For a
8 public employer to refuse to temporarily transfer a pregnant
9 female peace officer or pregnant female fire fighter to a less
10 strenuous or hazardous position for the duration of her
11 pregnancy if she so requests, with the advice of her physician,
12 where that transfer can be reasonably accommodated. For the
13 purposes of this subdivision (H), "peace officer" and "fire
14 fighter" have the meanings ascribed to those terms in Section 3
15 of the Illinois Public Labor Relations Act.

16 It is not a civil rights violation for an employer to take
17 any action that is required by Section 1324a of Title 8 of the
18 United States Code, as now or hereafter amended.

19 (Source: P.A. 95-25, eff. 1-1-08; 95-137, eff. 1-1-08; revised
20 11-19-07.)

21 Section 390. The Franchise Tax and License Fee Amnesty Act
22 of 2007 is amended by renumbering Section 99 as follows:

23 (805 ILCS 8/99-99)

24 Sec. 99-99 ~~99~~. Effective date. This Act takes effect upon

1 becoming law.

2 (Source: P.A. 95-233, eff. 8-16-07; revised 12-10-07.)

3 Section 395. The Motor Fuel Sales Act is amended by
4 changing Section 2 as follows:

5 (815 ILCS 365/2) (from Ch. 121 1/2, par. 1502)

6 Sec. 2. Assistance at stations with self-service and
7 full-service islands.

8 (a) Any attendant on duty at a gasoline station or service
9 station offering to the public retail sales of motor fuel at
10 both self-service and full-service islands shall, upon
11 request, dispense motor fuel for the driver of a car which is
12 parked at a self-service island and displays: (1) registration
13 plates issued to a physically disabled person pursuant to
14 Section 3-616 of the Illinois Vehicle Code; ~~or~~ (2) registration
15 plates issued to a disabled veteran pursuant to Section 3-609
16 or 3-609.01 of such Code; or (3) a special decal or device
17 issued pursuant to Section 11-1301.2 of such Code; and shall
18 only charge such driver prices as offered to the general public
19 for motor fuel dispensed at the self-service island. However,
20 such attendant shall not be required to perform other services
21 which are offered at the full-service island.

22 (b) Gasoline stations and service stations in this State
23 are subject to the federal Americans with Disabilities Act and
24 must:

1 (1) provide refueling assistance upon the request of an
2 individual with a disability~~+~~ (A gasoline station or
3 service station is not required to provide such service at
4 any time that it is operating on a remote control basis
5 with a single employee, but is encouraged to do so, if
6 feasible.);

7 (2) let patrons know, through appropriate signs, that
8 customers with disabilities can obtain refueling
9 assistance by either honking or otherwise signaling an
10 employee; and

11 (3) provide the refueling assistance without any
12 charge beyond the self-serve price.

13 (c) The signage required under paragraph (2) of subsection
14 (b) shall be designated by the station owner and shall be
15 posted in a prominently visible place. The sign shall be
16 clearly visible to customers.

17 (d) The Secretary of State shall provide to persons with
18 disabilities information regarding the availability of
19 refueling assistance under this Section by the following
20 methods:

21 (1) by posting information about that availability on
22 the Secretary of State's Internet website, along with a
23 link to the Department of Human Services website; and

24 (2) by publishing a brochure containing information
25 about that availability, which shall be made available at
26 all Secretary of State offices throughout the State.

1 (e) The Department of Human Services shall post on its
2 Internet website information regarding the availability of
3 refueling assistance for persons with disabilities and the
4 addresses and telephone numbers of all gasoline and service
5 stations in Illinois.

6 (f) A person commits a Class C misdemeanor if he or she
7 telephones a gasoline station or service station to request
8 refueling assistance and he or she:

9 (1) is not actually physically present at the gasoline
10 or service station; or

11 (2) is physically present at the gasoline or service
12 station but does not actually require refueling
13 assistance.

14 (g) The Department of Transportation shall work in
15 cooperation with appropriate representatives of gasoline and
16 service station trade associations and the petroleum industry
17 to increase the signage at gasoline and service stations on
18 interstate highways in this State with regard to the
19 availability of refueling assistance for persons with
20 disabilities.

21 (Source: P.A. 95-167, eff. 1-1-08; 95-193, eff. 1-1-08; revised
22 11-19-07.)

23 Section 400. The Consumer Fraud and Deceptive Business
24 Practices Act is amended by changing Section 2Z and by setting
25 forth and renumbering multiple versions of Section 2ZZ as

1 follows:

2 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

3 (Text of Section before amendment by P.A. 95-562)

4 Sec. 2Z. Violations of other Acts. Any person who knowingly
5 violates the Automotive Repair Act, the Automotive Collision
6 Repair Act, the Home Repair and Remodeling Act, the Dance
7 Studio Act, the Physical Fitness Services Act, the Hearing
8 Instrument Consumer Protection Act, the Illinois Union Label
9 Act, the Job Referral and Job Listing Services Consumer
10 Protection Act, the Travel Promotion Consumer Protection Act,
11 the Credit Services Organizations Act, the Automatic Telephone
12 Dialers Act, the Pay-Per-Call Services Consumer Protection
13 Act, the Telephone Solicitations Act, the Illinois Funeral or
14 Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic
15 Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home
16 Loan Act, the Payday Loan Reform Act, the Mortgage Rescue Fraud
17 Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax
18 Act, the Payday Loan Reform Act, subsection (a) or (b) of
19 Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail
20 Act, the Internet Caller Identification Act, paragraph (6) of
21 subsection (k) of Section 6-305 of the Illinois Vehicle Code,
22 Article 3 of the Residential Real Property Disclosure Act, the
23 Automatic Contract Renewal Act, or the Personal Information
24 Protection Act commits an unlawful practice within the meaning
25 of this Act.

1 (Source: P.A. 94-13, eff. 12-6-05; 94-36, eff. 1-1-06; 94-280,
2 eff. 1-1-06; 94-292, eff. 1-1-06; 94-822, eff. 1-1-07; 95-413,
3 eff. 1-1-08.)

4 (Text of Section after amendment by P.A. 95-562)

5 Sec. 2Z. Violations of other Acts. Any person who knowingly
6 violates the Automotive Repair Act, the Automotive Collision
7 Repair Act, the Home Repair and Remodeling Act, the Dance
8 Studio Act, the Physical Fitness Services Act, the Hearing
9 Instrument Consumer Protection Act, the Illinois Union Label
10 Act, the Job Referral and Job Listing Services Consumer
11 Protection Act, the Travel Promotion Consumer Protection Act,
12 the Credit Services Organizations Act, the Automatic Telephone
13 Dialers Act, the Pay-Per-Call Services Consumer Protection
14 Act, the Telephone Solicitations Act, the Illinois Funeral or
15 Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic
16 Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home
17 Loan Act, the Payday Loan Reform Act, the Mortgage Rescue Fraud
18 Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax
19 Act, the Payday Loan Reform Act, subsection (a) or (b) of
20 Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail
21 Act, the Internet Caller Identification Act, paragraph (6) of
22 subsection (k) of Section 6-305 of the Illinois Vehicle Code,
23 Section 18d-115, 18d-120, 18d-125, 18d-135, or 18d-150 of the
24 Illinois Vehicle Code, Article 3 of the Residential Real
25 Property Disclosure Act, the Automatic Contract Renewal Act, or

1 the Personal Information Protection Act commits an unlawful
2 practice within the meaning of this Act.

3 (Source: P.A. 94-13, eff. 12-6-05; 94-36, eff. 1-1-06; 94-280,
4 eff. 1-1-06; 94-292, eff. 1-1-06; 94-822, eff. 1-1-07; 95-413,
5 eff. 1-1-08; 95-562, eff. 7-1-08; revised 10-17-07.)

6 (815 ILCS 505/2ZZ)

7 Sec. 2ZZ. Payoff of liens on motor vehicles traded in to
8 dealer.

9 (a) When a motor vehicle dealer, as defined by Sections
10 5-101 or 5-102 of the Illinois Vehicle Code, enters into a
11 retail transaction where a consumer trades in or sells a
12 vehicle that is subject to a lien, the dealer shall:

13 (1) within 21 calendar days of the date of sale remit
14 payment to the lien holder to pay off the lien on the
15 traded-in or sold motor vehicle, unless the underlying
16 contract has been rescinded before expiration of 21
17 calendar days; and

18 (2) fully comply with Section 2C of this Act.

19 (b) A motor vehicle dealer who violates this Section
20 commits an unlawful practice within the meaning of this Act.

21 (c) For the purposes of this Section, the term "date of
22 sale" shall be the date the parties entered into the
23 transaction as evidenced by the date written in the contract
24 executed by the parties, or the date the motor vehicle
25 dealership took possession of the traded-in or sold vehicle. In

1 the event the date of the contract differs from the date the
2 motor vehicle dealership took possession of the traded-in
3 vehicle, the "date of sale" shall be the date the motor vehicle
4 dealership took possession of the traded-in vehicle.

5 (Source: P.A. 95-393, eff. 1-1-08.)

6 (815 ILCS 505/2AAA)

7 Sec. 2AAA ~~277~~. Mortgage marketing materials.

8 (a) No person may send marketing materials to a consumer
9 indicating that the person is connected to the consumer's
10 mortgage company, indicating that there is a problem with the
11 consumer's mortgage, or stating that the marketing materials
12 contain information concerning the consumer's mortgage, unless
13 that person sending the marketing materials is actually
14 employed by the consumer's mortgage company or an affiliate of
15 the consumer's mortgage company.

16 (b) Any person who violates this Section commits an
17 unlawful practice within the meaning of this Act.

18 (Source: P.A. 95-508, eff. 1-1-08; revised 12-10-07.)

19 Section 995. No acceleration or delay. Where this Act makes
20 changes in a statute that is represented in this Act by text
21 that is not yet or no longer in effect (for example, a Section
22 represented by multiple versions), the use of that text does
23 not accelerate or delay the taking effect of (i) the changes
24 made by this Act or (ii) provisions derived from any other

1 Public Act.

2 Section 996. No revival or extension. This Act does not
3 revive or extend any Section or Act otherwise repealed.

4 Section 999. Effective date. This Act takes effect upon
5 becoming law.

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